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UNIVERSITY OF NORTHERN COLORADO

Greeley, Colorado

The Graduate School

SEXUAL ASSAULT ADJUDICATION ON CAMPUS:  
EXAMINING THE UNDERLYING  
DISCOURSES OF TITLE IX

A Dissertation Submitted in Partial Fulfillment  
of the Requirements for the Degree of  
Doctor of Philosophy

Colleen Sonnentag

College of Education and Behavioral Sciences  
Leadership, Policy and Development: Higher Education and P-12 Education  
Higher Education and Student Affairs Leadership

August 2019

This dissertation by: Colleen Sonnentag

Entitled: *Sexual Assault Adjudication on Campus: Examining the Underlying Discourses of Title IX*

has been approved as meeting the requirement for the Degree of Doctor of Philosophy in College of Education and Behavioral Sciences in School of Leadership, Policy and Development: Higher Education and P-12 Education, Program of Higher Education and Student Affairs Leadership

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## ABSTRACT

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It is estimated that 20% of college women have been victims of sexual assault (Krebs, Lindquist, Warner, Fisher, & Martin, 2009), an alarming rate that drew the attention of the Obama-Biden Administration. During their time in office (January 20, 2009-January 20, 2017), the Administration bolstered institutional requirements to address sexual assault in higher education under Title IX (U.S. Department of Education, Office for Civil Rights, 2011). Even though addressing campus sexual assault was a stated priority of the (seemingly progressive) Obama-Biden Administration, there was a lack of representation among students with marginalized identities reflected in the national media conversation at the time.

The purpose of this Critical Discourse Study was to examine the ideologies underlying sexual assault and its adjudication in higher education. To uncover and examine these ideological discourses, I conducted this study through a poststructural feminist paradigm (Peters & Burbules, 2004; St. Pierre & Pillow, 2000), and applied intersectionality as a theoretical framework (Crenshaw, 1991, 2014). I chose to analyze the ideologies conveyed through print news media because of its ubiquity and relationship to the formation of public opinion.

I analyzed 340 print news articles from *The New York Times*, *The Washington Post*, *The Wall Street Journal*, *USA Today* and *The Chronicle of Higher Education* that

were published during the Obama-Biden Administration (January 20, 2009-January 20, 2017) and identified four ideological findings: (1) violence as the problem and solution, (2) money motivates action, (3) preventing sexual assault is up to everyone, except perpetrators, and (4) the University is its football program. Each of these four underpinning ideologies support social stratification through dynamics of affluent, white, cisheteropatriarchal values and norms being dominant over others.

Ultimately, dynamics of power and oppression supported by the rhetoric rely on the same attitudes and beliefs that uphold sexual violence as a social issue. This study is significant to the field of higher education because it provides a critical examination of ideological assumptions surrounding sexual assault adjudication in a contemporary legal and political environment and contributes to the growing body of literature in higher education applying intersectionality as a theoretical framework. Intersectionality can help us understand the complexities of sexual assault and the reproduction of dominance perpetuated through white, cisheteropatriarchal systems such as higher education.

Key Words: Title IX; sexual assault; sexual violence; critical discourse; intersectionality; higher education; media

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## CHAPTER I

### INTRODUCTION

Sexual assault in institutions of higher education has frequently been described as an “epidemic” among scholars (Banyard, Moynihan, Walsh, Cohn, & Ward, 2010; Cantalupo, 2012; Ridolfi-Starr, 2016), conveying an alarming level of severity and pervasiveness for today’s college students. The 2013 Reauthorization of the Violence Against Women Act (VAWA) defined sexual assault as, “sexual activity such as forced sexual intercourse, sodomy, molestation, incest, fondling, and attempted rape. It includes sexual acts against people who are unable to consent either due to age or lack of capacity” (U.S. Department of Justice, Office on Violence Against Women, 2016, p. 2). In their often cited 2009 study, Krebs, Lindquist, Warner, Fisher, & Martin estimated that approximately 20% of women have been the victim of sexual assault while in college. Cantalupo (2012) estimated that “between twenty and twenty-five percent of college and university women are victims of attempted or completed nonconsensual sex during their time at college or university” (p. 484), and most commonly, these incidents are perpetrated by someone the victim knows (Cantalupo, 2012; Jozkowski, Peterson, Sanders, Dennis, & Reece, 2013; Karjane, Fisher, & Cullen, 2002; Smith & Gomez, 2013).

Research also suggests that the prevalence of sexual assault is likely greater than data shows because of victims’ unwillingness to disclose incidents (Krebs et al., 2011). Unwillingness to report sexual violence on campus is often attributed to victims not

naming their experience as “rape” or “sexual assault,” even though the behavior they experienced may meet the legal definition; because the vast majority of sexual assaults are perpetrated by an acquaintance of the victim (Karjane et al., 2002). Victims also choose not to report out of fear they will not be believed by others, including administrators at their university (Cantalupo, 2014b; Fisher, Cullen, Turner, & Leary, 2000).

The prevalence of sexual assault on campus and institutions’ lack of support for survivors quickly drew the attention of and became a top priority for the Obama-Biden Administration (Eilperin, 2016a; Gerstein, 2014; Stratford, 2014; The White House, Office of the Vice President, 2010, 2011). This led to the issuance of the 2011 Dear Colleague Letter (DCL) on Sexual Violence, the Reauthorization of the Violence Against Women Act (VAWA) (American Council on Education, 2014), and the launch of the It’s On Us campaign (Collins, 2016; Eilperin, 2016a). On April 4, 2011, on the day the DCL was issued, Vice President Joe Biden said, “We are the first administration to make it clear that sexual assault is not just a crime, it can be a violation of a woman's civil rights” (Larkin, 2016, n.p.). Throughout the Obama-Biden Administration, few issues in higher education garnered as much media attention as campus sexual assault (Flaherty, 2015; Murphy, 2015; New, 2016; Stratford, 2014; The White House Task Force to Protect Students from Sexual Assault, 2014; U.S. Department of Justice, Civil Rights Division & U.S. Department of Education, Office for Civil Rights, 2016).

The 2011 Dear Colleague Letter (DCL) on Sexual Violence (U.S. Department of Education, Office for Civil Rights, 2011) brought national attention to sexual assault on campuses and institutional compliance with Title IX (Smith & Gomez, 2013). Prior to

the 2011 guidance, Title IX was primarily known in the United States (U.S.) for its application to equity in women and girls' athletic teams at the high school and collegiate levels (Flaherty, 2014; Hoffman, Iverson, Allan, & Ropers-Huilman, 2010; Katuna & Holzer, 2016; Pickett, Dawkins, & Braddock, 2012). However, at its signing, Title IX of the Education Amendments of 1972 specifically prohibited sex discrimination in any educational program or activity at any institution receiving federal funding (U.S. Department of Education, Office for Civil Rights, 2015b). The 2011 DCL on Sexual Violence explicitly stated that sexual harassment and sexual violence are types of sex discrimination that would deny equitable access to educational opportunities, as prohibited by Title IX.

The national discussion of sexual assault on campus following the issuance of the 2011 DCL on Sexual Violence prompted a swell of legislation, guidance, and regulatory changes to bolster requirements for greater institutional accountability for failure to address issues under Title IX (Smith & Gomez, 2013). Generally, when compliance with "Title IX" is discussed in the media and throughout the field of higher education, it encompasses a broader body of regulations and guidance stemming from multiple sources: Title IX as written in 1972, multiple Dear Colleague Letters, the Clery Act, the Campus Sexual Violence Elimination Act (Campus SaVE Act), the 2013 Reauthorization of the Violence Against Women Act (VAWA), and resolutions generated through case law (American Council on Education, 2014; Cantalupo, 2014b; Smith & Gomez, 2013). Throughout this analysis, "Title IX" is used in this broader sense to reflect the greater body of legal requirements on institutions to address sexual assault during the Obama-Biden Administration.

Smith and Gomez (2013) articulated a cultural shift in the U.S. toward individual and institutional accountability for instances of sexual violence, characterized by the issuance of the 2011 DCL and the Jerry Sandusky child molestation scandal at Penn State University, which surfaced publicly in fall 2011. The Sandusky incident was critical because it moved conversations about the responsibility that institutions and administrators have to address issues into public discussion (Smith & Gomez, 2013). Smith and Gomez (2013) stated, “The public discourse about predatory child sexual abuse and institutional failures opened the floodgates of conversation to chip away at the culture of silence shrouding other forms of sexual misconduct in the campus setting” (p. 2). The public discussion following the Sandusky case encouraged many individuals to share their personal experiences of sexual violence online. A large-scale discussion of higher education administrators’ responsibilities to report and address issues emerged, largely due to the ubiquity of social media (Smith & Gomez, 2013).

The U.S. Department of Education’s Office for Civil Rights (OCR), the body responsible for Title IX enforcement in higher education during the Obama-Biden Administration, “initiated an aggressive effort” to support students filing suit against their campuses for noncompliance with Title IX (Peterson & Ortiz, 2016, p. 2137). OCR released a list of higher education institutions under investigation for Title IX violations in May 2014. At the time, that list included 55 schools (Peterson & Ortiz, 2016). As of 2018, the total number of institutions under investigation by OCR for violations of Title IX related to sexual violence adjudication has increased to 458—“119 cases have been resolved and 339 remain open” (“Title IX: Tracking Sexual Assault Investigations,” 2016). Under the guidance from the 2011 DCL on Sexual Violence, if institutions failed

to comply with federal laws and guidance to stop discrimination, remedy its effects, and prevent its recurrence on campus, they could face “adverse findings, consent decrees, legal action, and potentially, fines or loss of federal funding” (The National Center for Higher Education Risk Management [NCHERM], 2011, n.p.), although loss of federal funding has never actually been utilized in response to non-compliance, thus far (Edwards, 2015).

Under Title IX, institutions are expected to stop sex discrimination, remedy its effects, and prevent its recurrence (U.S. Department of Education, Office for Civil Rights, 2011). In the 2011 DCL on Sexual Violence, these expectations were connected to creating a “safe and respectful school climate” for all students (U.S. Department of Education, Office for Civil Rights, 2011, p. 19). Creating a positive campus climate aligns with work of higher education scholars and practitioners who have found that university environments free from discrimination and harassment promote diversity in higher education (Lundy-Wagner & Winkle-Wagner, 2013). The 2011 DCL and related guidance largely informed institutional policies and procedures regarding sexual assault adjudication, primarily in the areas of due process, access to resources, prevention education, and mandatory reporting (U.S. Department of Education, Office for Civil Rights, 2011, 2014, 2015b). Students involved in a sexual assault complaint were equitably entitled to grievance procedures, notice of allegations and outcomes, and the opportunity to provide relevant information as part of an investigation. Under Title IX, the 2011 DCL on Sexual Violence placed significant emphasis on protections and confidential resources for victims (U.S. Department of Education, Office for Civil Rights, 2011).

However, there were also substantial concerns with institutional processes mandated by the 2011 DCL. Specifically, that the procedural requirements employed during sexual assault investigations may infringe on the rights of the accused, (Henrick, 2013; New, 2016; Triplett, 2012; Winters, 2015), mandatory reporting requirements may discourage victims coming forward and diminish their sense of agency (Harris & Linder, 2017), and students from marginalized groups may have inequitable access to recourse through their institutions (Lundy-Wagner & Winkle-Wagner, 2013; Murphy, 2015; Pickett et al., 2012). News media in the Obama-Biden era reflected both the excitement and the tensions created by the seemingly-rigid expectations in the 2011 DCL.

Commonly, news articles of the period conveyed a sense of promise to activists and justice for survivors of sexual assault. Headlines such as, “Activists Heartened by Obama's Move against Campus Assaults” (Tam, 2014) and “Leadership of University Vows to Act against Rape” (Steinhauer, 2014) signal to the public that the federal government and universities were committing to better support survivors. Also, many headlines centered the experiences of sexual assault survivors in pressing social institutions to make change. For example, “Stepping Up to Stop Sexual Assault” (Winerip, 2014), “Victims Need Care, Options” (Cantalupo, 2014a), and “Stanford Assault Victim Seeks Tougher Sanctions” (Murphy, 2014) reflect turning attention toward what improvements could be made to address sexual assault on campus and as a broader social issue.

Alongside this sense of promise and commitment, the news media also presented a great deal of skepticism and social tension surrounding campus sexual assault adjudication. Many of these articles focused on concerns with due process for male-

identified students who had been accused, like “Men Accused of Sexual Crimes at Colleges Lash out at Process” (Anderson, 2014c) and “College Rape Accusations and the Presumption of Male Guilt” (Berkowitz, 2011), even though statistically in the U.S., men commit the majority of sexual assaults (Smith et al., 2017). Journalists also commonly portrayed the tensions of sexual assault adjudication under the 2011 DCL as being unfair, inappropriate, and/or damaging for all parties involved in an allegation. Articles such as, “Colleges Face Conflicting Pressures in Dealing with Cases of Sexual Assault” (Lipka, 2011), “Mishandling Rape” (Rubinfeld, 2014), and “Seeking to Strengthen Sex-Assault Policies, Colleges Draw Fire from All Sides” (Mangan, 2015) characterize the struggles introduced from the murky policy environment and a mistrust in colleges to address student cases of sexual violence appropriately, regardless of students’ roles as alleged perpetrators or victims.

News media has an immense influence on society through the shaping of public attitudes and laws/policies (McCombs, Holbert, Kioussis, & Wanta, 2011; Uscinski, 2014). As such, I found it to be a rich source of information on public opinions related to sexual violence, higher education, and the saturated legal landscape of Title IX during the Obama-Biden Administration. Thoroughly considering the different slants and presentations of campus sexual assault in the news media created an opportunity for me to examine deeply-rooted beliefs on sexual violence and its intersections with sex and gender in the U.S. higher education environment.

I employed a critical approach in this study to understand ideologies surrounding campus sexual violence and its adjudication under the guidance from the Obama-Biden Administration, as conveyed through news media. Although celebrated for their

progressive dedication to addressing campus sexual violence, many of the expectations outlined by the Obama-Biden Administration to address campus sexual assault reinforce social dynamics of power and oppression within the structural context of higher education. Not only do oppressive structures perpetuate the reproduction of power for those who identify within dominant identities, but they uphold sexual violence as a social issue.

### **Statement of the Problem**

While there is no question of the Obama-Biden Administration's emphasis on campus sexual assault and institutional compliance with Title IX and accountability in the national media (Flaherty, 2015; Murphy, 2015; New, 2016; Stratford, 2014; The White House Task Force to Protect Students from Sexual Assault, 2014; U.S. Department of Justice, Civil Rights Division & U.S. Department of Education, Office for Civil Rights, 2016), there remains a lack of critical reflection on the underlying assumptions of Title IX and sexual assault in the academy. Since the issuance of the 2011 DCL, institutions have been charged with making changes to support equitable processes for addressing sexual assault (American Council on Education, 2014; Carroll et al., 2013; Smith & Gomez, 2013; U.S. Department of Education, Office for Civil Rights, 2015b). However, higher education in the U.S. is historically patriarchal, as is the legal/policy context in this environment (Bensimon & Marshall, 1997).

Throughout higher education, white men continue to hold the bulk of institutional leadership positions (Eddy, Khwaja, & Ward, 2017), which can be attributed to deeply rooted histories and structures that promote male success. While white men remain in positions of power, systems that benefit privileged social identities and support archaic

expectations of gender, class, and race will be upheld (Acker, 2006). Overall, Eddy and Ward (2017) stated, “there is a lack of a feminist influence on organizational norms” in higher education (p. 31). Even after the issuance of the DCL, there were questions about whether or not the support and recourse offered to students from marginalized groups (specifically, non-white students) was viable, given their lack of representation in the national conversation surrounding Title IX (Murphy, 2015). Even though Title IX’s application to sexual assault adjudication is framed as socially progressive to level the playing field for college women, many individuals are still left out of the narrative, and there remains a question of who these requirements actually benefit, when steeped in underlying forces of power. Considering shifting political landscapes and federal priorities (New, 2016), institutional policies to address sexual assault need to be examined critically and redesigned to create equitable access to higher education free from discrimination, independent of political whims. While the 2011 DCL may have signaled a broad cultural shift in U.S. higher education (Smith & Gomez, 2013), it would be remiss to assume that it is a reflection of more progressive social attitudes related to gender-based issues like sexual violence will be shown through the rhetoric.

### **Purpose**

The purpose of this study was to examine the discourses underlying Title IX and sexual assault on campus, as conveyed in the print news media during the Obama-Biden Administration. This study intended to draw attention to the latent social attitudes and beliefs about sexual assault and its adjudication in higher education, ultimately to prompt individual reflection and inform institutional and social change. Without critical

consideration, universities may be reinforcing ideologies that support sexual violence as a systemic issue.

This analysis considered articles in major news publications throughout the Obama-Biden Administration, specifically, *The New York Times*, *The Wall Street Journal*, *The Washington Post*, *USA Today*, and *The Chronicle of Higher Education* from January 20, 2009 through January 20, 2017. While Title IX encompasses a wide variety of discriminatory behaviors, this analysis concentrated on Title IX's application in student sexual assault cases because of prominence in the national media (Flaherty, 2015; Murphy, 2015; New, 2016; Stratford, 2014; The White House Task Force to Protect Students from Sexual Assault, 2014; U.S. Department of Justice, Civil Rights Division & U.S. Department of Education, Office for Civil Rights, 2016), the procedural requirements outlined in the 2011 DCL (U.S. Department of Education, Office for Civil Rights, 2011), and the foundational scholarship showing the alarming rate of sexual assault on campus (Banyard et al., 2010; Cantalupo, 2012; Krebs, Lindquist, Warner, Fisher, & Martin, 2007, 2009; Ridolfi-Starr, 2016). This timeframe and medium were selected because the Obama-Biden Administration was recognized for its progressive, unprecedented attention to campus sexual assault and women's rights. Also, because the U.S. President is "arguably, one of the most important external influences on the news" in terms of their effect on public opinion (McCombs et al., 2011, p. 29).

Since the end of the Obama-Biden era, there has been a major shift in the legal and political landscape of the U.S., yet women's rights and sexual violence still dominate the news cycle, through examples like Tarana Burke's #MeToo movement (Brockes, 2018) and the sentencing of Michigan State University doctor Larry Nassar for abusing

over 150 women and girls (Wamsley, 2018). Despite changing rhetoric and federal priorities regarding sexual assault adjudication in higher education, the national discussion has continued—this time without the seemingly progressive action by the current presidential administration. This study intended to critically examine the discourses underlying news media’s discussion of Title IX and sexual assault adjudication to prompt individual reflection about how we understand these issues socially and how to move forward.

### **Research Questions**

I used a critical discourse study (van Dijk, 2016; Wodak & Meyer, 2009) with poststructural feminism (Peters & Burbules, 2004; St. Pierre & Pillow, 2000; Weedon, 1997) and intersectionality (Crenshaw, 1991, 2014) as theoretical foundations to address the following research questions:

- Q1     What ideologies underscore the national news media’s discussion of Title IX and sexual assault adjudication in higher education throughout the Obama-Biden Administration?
  
- Q2     How do ideologies underpinning Title IX and sexual assault adjudication presented vary among periodicals in and outside higher education?

### **Study Significance**

This study is significant to the field of higher education because it provides a critical examination of ideological assumptions surrounding sexual assault adjudication in a contemporary legal and political environment. In particular, there is a lack of representation among students with marginalized identities in the national discussion on Title IX and sexual assault (Murphy, 2015), even though institutional accountability for sexual violence was a stated priority and a point of pride of the (seemingly progressive) Obama-Biden Administration (Eilperin, 2016a; Gerstein, 2014; Stratford, 2014; The

White House, Office of the Vice President, 2010, 2011). As institutions of higher learning, what does it mean to prioritize the safety and rights of some students over others: Is it even noticed when it happens?

Assumptions about sexual assault and its adjudication should be uncovered and analyzed to push institutional decision makers beyond the status quo. It is essential for administrators in higher education to evaluate what social structures are being upheld by their institutional policies and procedures and to identify whose experiences are valued. Consistent with social justice systems literature, such as the Privileged Identity Exploration Model (Watt, 2007), individuals developing self-awareness surrounding their points of social privilege is a necessary first step to creating systemic change. Specifically related to sexual assault, critique pushes institutions and stakeholders within them beyond stereotypes, and prompts reflection about who society allows to be a victim, who society allows to be a perpetrator, and why. This is significant for students, faculty, and staff in higher education who all have a vested interest in campus safety and are entitled to educational and work environments free from discrimination.

This analysis fills a niche in the research surrounding Title IX because of the social and historical context in the U.S. during this time period. Thus far, research related to Title IX has primarily been prior to the adoption of the 2011 DCL on Sexual Violence, a major catalyst for institutional changes to address sexual assault. Additionally, this research was conducted shortly after the conclusion of the Obama-Biden Administration to encompass the discourses conveyed in print news media coverage throughout their time in office because of their recognition as champions of victims' rights (Larkin, 2016, n.p.). Although there was a perceivable cultural shift in the

U.S. toward individual and institutional responsibility to address sexual assault during this timeframe (Smith & Gomez, 2013), there is insufficient information to suggest an increased understanding of sexual assault as a social problem.

To facilitate an interrogation of discourses surrounding campus sexual assault, I conducted this study through a poststructural feminist paradigm (Peters & Burbules, 2004; St. Pierre & Pillow, 2000), and applied intersectionality as a theoretical framework (Crenshaw, 1991, 2014). Understanding interactions among power, language, and discourse was central to this analysis, specifically, how these interactions were conveyed through print news media coverage of sexual assault adjudication in higher education. Considering the gendered and hierarchical dynamic of higher education as a social institution and the history and influence of Title IX was essential to contextualize the dynamics of power and oppression at play that surrounded the pragmatic procedural requirements emphasized from 2009-2017.

This study contributes to the body of literature in higher education that applies intersectionality as a theoretical framework (Mitchell Jr., Simmons, & Greyerbiehl, 2014), which focuses on the layered interactions of social oppression that individuals with multiple marginalized identities experience (Crenshaw, 1991, 2014).

Intersectionality can be applied to help understand the impacts of campus sexual assault and its adjudication on individuals who identify within non-dominant groups, and the issues perpetuated through white, cisheteropatriarchal systems. For example, existing research suggests that college women who identify as lesbians are sexually assaulted at a higher rate than college women who identify as heterosexual (Martin, Fisher, Warner, Krebs, & Lindquist, 2011) and African American, Alaskan Native, and American Indian

women experience rape at a higher rate than white women (Murphy, 2015). In addition, the media largely reinforces a narrative of women as victims and men as perpetrators of sexual violence, which may contribute to erasure of the experiences of queer, and/or trans/gender non-conforming individuals, as well as male-identified victims of sexual assault. In the U.S., dynamics of power and dominance upheld through white, cisheteropatriarchal systems, such as higher education, support conditions that foster perpetration of sexual and impact students' ability to seek support because of the complex interactions among multiple dimensions of identity, including the identity of survivor/victim.

Not only are students with intersecting, marginalized identities more likely to be victims of sexual violence, they are also less likely to seek assistance from their institutions (Lundy-Wagner & Winkle-Wagner, 2013; Murphy, 2015; Pickett et al., 2012). By drawing attention to the rhetoric and discourses perpetuated through print news media about Title IX and sexual assault on campus, campus decision makers may be prompted to unpack their own assumptions and initiate policy changes at their institutions to promote equitable access to opportunities. Because of the influence of media on public perception, print news media is a robust source of information to examine how assumptions are conveyed and informed through shared language. Without individual examination of power as conveyed through language, institutions will remain complicit in the perpetuation of the dynamics of power and oppression that uphold sexual violence, rather than advancing the status of higher education as a catalyst to eliminate social injustices.

## Definitions

The following terms are used throughout the course of this study. Definitions are provided below for clarity and consistency of understanding.

- *Campus SaVE Act*: VAWA Section 304 is also known as the Campus Sexual Violence Act, or “Campus SaVE Act” (American Council on Education, 2014).
- *Complainant*: the survivor/victim involved in an institutional Title IX report (U.S. Department of Education, Office for Civil Rights, 2011).
- *Discourse*: “an institutionalized way of talking” and non-linguistic actions “that regulates and reinforces action and thereby exerts power” (Jäger & Maier, 2016, p. 111).
- *Ideology*: “a coherent and relatively stable set of beliefs or values” (Wodak & Meyer, 2016, p. 8).
- *Intersectionality*: “a conceptualization of the problem that attempts to capture both the structural and dynamic consequences of the interaction between two or more axes of subordination” (Crenshaw, 2014, p. 17).
- *Public opinion*: is “the collective consensus about political and civic matters reached by groups within larger communities” (McCombs et al., 2011, p. 2).
- *Respondent*: the alleged perpetrator involved in an institutional Title IX report (U.S. Department of Education, Office for Civil Rights, 2011).
- *Sexual Assault*: “sexual activity such as forced sexual intercourse, sodomy, molestation, incest, fondling, and attempted rape. It includes sexual acts

against people who are unable to consent either due to age or lack of capacity” (U.S. Department of Justice, Office on Violence Against Women, 2016, p. 2).

- *Sexual Violence*: sexual behaviors including rape, sexual assault, sexual battery, and sexual coercion (U.S. Department of Education, Office for Civil Rights, 2011).
- *Signification*: is meaning created “through visual features and elements such as images, colour, the layout of pages, even through material objects and architecture” (Machin, 2013, p. 347).

### **Organization of Study**

Chapter One has included an introduction to the topic, statement of the problem, purpose, research questions, study significance, and definitions of key terms. Chapter Two includes the conceptual and theoretical frameworks employed in this study, as well as a review of relevant literature on gendered organizations and inequality regimes, Title IX, and news media. Chapter Three outlines the methodology, including research design and methods, strategies to enhance trustworthiness and rigor, researcher subjectivities, and possible limitations. Chapter Four presents key research findings and Chapter Five provides analysis and recommendations.

## CHAPTER II

### REVIEW OF LITERATURE

Through this study, I examined discourses underlying Title IX's application to sexual assault adjudication in higher education as propagated through print news media. To analyze discourses conveyed through the shared language of news media, this research was approached through a critical discourse study, situated in a poststructural feminist paradigm, and intersectionality was applied as a theoretical framework. An introduction to critical discourse methodology follows, along with a discussion of the examination of power through language, consistent with poststructural feminist thought. Theoretically, intersectionality supports a critical examination of who is represented and how individuals may experience multiple marginalizations in the social sphere. After establishing the relevant theoretical foundations, I discuss news media and its relationship to public perception, the history and influence of Title IX since its establishment in 1972, and the nature of higher education as an inequality regime to provide context.

#### **Theoretical and Conceptual Frameworks**

I examined ideologies underscoring the national news media's discussion of Title IX and sexual assault adjudication in higher education through a critical discourse study (CDS), which is a methodology that is fundamentally problem-oriented. CDS focuses on critiquing ideologies and power systems (van Dijk, 2016; Wodak & Meyer, 2009), and "analyzing opaque and transparent structural relationships" (van Dijk, 2016; Wodak & Meyer, 2009, p. 10). CDS is an appropriate methodology for uncovering power dynamics

and conveyed ideologies by uncovering latent and tacit beliefs, hidden through the signification and language we use (Wodak & Meyer, 2016).

Fairclough (2013) broke down CDS into three parts: describing the language used, interpreting the relationship between text and how it was produced with its connections to power, and explaining how ideologies uncovered connect to social issues. CDS is connected to intersectionality and understanding dimensions of power and oppression because of its potential to uncover latent dominance that appears “neutral” at first glance because of “assumptions that remain largely unchallenged” (Wodak & Meyer, 2016, p. 9). If left unchallenged, discourses contribute to the perpetuation of a social status quo, which centers dominant experiences and continues to oppress certain groups.

Through CDS, researchers can also identify how groups can resist the ongoing abuse of power through discourse (Wodak & Meyer, 2016). An example of multiple discourse genres commonly used in written communication is:

For instance, in order to emphasize Our good things and Their bad things, we may use headlines, foregrounding, topical word or paragraph order, active sentences, repetitions, hyperboles, metaphors, and many more.

Conversely, to mitigate Our bad things, we may use euphemisms, passive sentences, backgrounding, small letter type, implicit information and so on. (van Dijk (2016) p. 74)

Individuals can resist the abuse of power perpetuated through written communication by identifying the dichotomous “us versus them”-type relationships that van Dijk (2016) presents. Uncovering latent dichotomies that signal values assumptions is key to

individuals beginning to dismantle oppressive ideologies and social structures. When readers notice the harmful ways “others” are presented, they can critically question what stereotypes and assumptions are being emphasized through written structures, and political motivations in doing so that benefit existing power.

A contextual, interdisciplinary, understanding of language and signification (meaning created through visuals (Machin, 2013)) is necessary to conduct a thorough examination through CDS (Wodak & Meyer, 2016). Meanings conveyed by language and signification vary historically and geographically, and in certain fields. Uncovering latent ideologies in the discussion of campus sexual assault in the news media requires some understanding of the culture and lexicon of U.S. higher education and the history of Title IX. By approaching discourse studies through a poststructural perspective, connections among signification, language, and society that largely remain invisible to producers and consumers of media can be brought to the forefront, on macro- and micro-levels (Fairclough, 2013).

Through this poststructural feminist CDS, I examined ideologies by identifying and analyzing which socially-constructed dichotomies were relied upon to produce journalism related to campus sexual assault and its adjudication throughout the Obama-Biden Administration. Poststructural feminist paradigms allow for expansive social critique that can prompt social change at the individual level by challenging assumptions about oppressive binaries and critiquing institutions and procedures within them that uphold the status quo. As I will discuss more in the next chapter, however I utilized intersectionality as a theoretical framework for analysis to decenter dominant narratives and focus on the multiple layers of oppression that many college students experience.

## **Paradigm**

I situated this study in a poststructural feminist paradigm, intended to uncover underlying beliefs about sexual assault and its adjudication under Title IX in U.S. higher education by examining the language used to present these topics through print news media. St. Pierre and Pillow (2000) used the term “poststructural” to “refer to the academic theorizing and critiques of discourse, knowledge, truth, reality, rationality, and the subject” (p. 16-17). Centrally, poststructuralism is concerned with the exposure of the relationship between power and knowledge, and it is demonstrated throughout our groupings, culture, and social institutions, such as higher education (Peters & Burbules, 2004).

**Poststructuralism.** Poststructuralism was popularized in the twentieth century by Western philosophers (Peters & Burbules, 2004; St. Pierre & Pillow, 2000). Michel Foucault’s work focusing on the interactions among language, power, and discourse is central to the principles of poststructuralism (Weedon, 1997). In particular, Foucault critiqued the nature of power in institutions, and developed the perspective that “power is productive; it is dispersed throughout the social system, and it is intimately related to knowledge” (Peters & Burbules, 2004, p. 28). Social institutions and people motivated by power dangerously assume they can represent others without hearing their voices and make decisions on their behalf without input (Brown, 2000).

Within the Foucauldian tradition, Brown (2000) described a “seemingly unified aim...of coming to understand oneself through a relentless juxtaposition of bodies of knowledge with experience” (p. 21). This juxtaposition of competing ideas can lead to “an enhanced understanding of the competing discourses busy at constructing fields of

power which, if left to their own devices, would define and control us” (Brown, 2000, p. 21). Rather than the acceptance of an absolute, unattainable truth, individuals come to know ways in which they relate to power through their group memberships and experiences, negotiated through signification and language (Brown, 2000). Centrally, humans come to understand the world through the contrast and comparison of categorical group identifications, which is inherently limiting because those categories were constructed through social reproduction of dominance and oppression.

A poststructural approach aligns well with an examination related to sexual violence occurring on college campuses. Poststructural inquiry is a way to examine ideologies underlying discussions of sexual violence because of its nature as a social issue predicated by power. Understanding discourses underlying the discussion of sexual violence on campus, in particular, merits a poststructural analysis because of the context of higher education as a social institution, in itself. Foucault used the term “discursive field” to describe the language and context of a particular social institution, such as law, politics, or education (Weedon, 1997). Weedon (1997) acknowledged that, “Not all discourses carry equal weight or power” (p. 34) and some perpetuate the status quo, while others challenge foundational assumptions and institutions.

The poststructural movement promoted the deconstruction of socially ingrained dichotomous categories, commonly assumed to be mutually exclusive and accepted as truth (Peters & Burbules, 2004). Poststructuralism acknowledges conventional subject/object social binaries, such as “male/female,” “white/black,” and “rich/poor,” (St. Pierre & Pillow, 2000, p. 5), but challenges the thought that these dichotomies are “foundational” or “exclusive” categories (Peters & Burbules, 2004, p. 24). Additionally,

poststructuralism identifies that within these socially constructed binary categories, one term has historically specific power assigned over the other (Peters & Burbules, 2004; Weedon, 1997). Although arbitrarily established, it is clear these often-subconscious social structures largely control human behavior and interactions (Peters & Burbules, 2004). In the context of this study, the binary of perpetrator/victim is especially prevalent in the discourse, and influences the beliefs that consumers of print news have regarding sexual assault on campus.

The deconstruction of these categories and their influence is of central importance because of the impact on individuals with marginalized identities and the creation of knowledge as a whole. St. Pierre and Pillow (2000) articulated, “Those oppressed by humanism’s structures have struggled to reclaim and rewrite untold histories, to subvert what counts as knowledge and truth, and to challenge those who claim the authority to speak for them” (p. 5). Simply, the reliance on structural binaries not only impacts individual’s social access, but those in power have the ability to decide what “counts” as knowledge and truth. Poststructuralism abandons the notion that truth is connected to a singular reality, and rather, provides space for “many sided perspectivism” (Peters & Burbules, 2004, p. 5). Discourses reflected in rhetoric establish reality by “human beings assigning meanings” to them (Jäger & Maier, 2016, p. 111). For example, the dichotomy of perpetrator/victim is frequently upheld throughout the discourses in news by reporting on cases featuring Black male student athletes as perpetrators and white women as victims of sexual assault. This scenario being portrayed more than others may contribute to social beliefs that white men do not perpetrate, people of color cannot be victims, and that there are only two, mutually exclusive genders. Reinforcing only one “true”

narrative of who perpetrators and victims of sexual assault are can contribute to the public dismissing victims' experiences by labeling them as false, and failing to hold perpetrators accountable for the violence they committed.

Grounding this study in poststructural feminism and applying intersectionality as a theoretical framework within CDS allowed for nuanced discussion of the discourses reflected in the U.S. print news media and how they are connected to social identities. Poststructuralism's connection to multiple *realities* supports robust critique of social dichotomies of power and oppression, determined by the confines of language and signification perpetuated by social institutions, like higher education. While we are inherently limited by existing knowledge and structures, identifying these limitations through poststructural thought advances our collective understanding of social forces at play in shaping our realities.

**Feminism.** Sexual violence is often framed as exclusively a women's issue, and its eradication has been widely discussed as a priority of many feminists (Cochrane, 2013). While the eradication of sexual violence is a practical application of feminist ideologies, feminist paradigms can broadly interrogate systems of power and oppression that normalize the ongoing perpetration of sexual violence. Poststructuralism, intersectionality, and feminist inquiry are connected inherently through the interrogation of power and privilege. According to Lather (1992), through questioning and "the absences it locates, feminism argues the centrality of gender in the shaping of our consciousness, skills, and institutions as well as in the distribution of power and privilege" (p. 91). Feminist researchers have worked to end the erasure of women's narratives from scholarship in social sciences (Lather, 1992). Overall, much feminist

inquiry is not only concerned with sex and gender (Cochrane, 2013; Lather, 1992; Moore, 2007), but other social forces including race, class, and sexual orientation, among others and “the interaction of such social forces in the construction of our lives” (Lather, 1992, p. 91). Feminist research aligns with poststructural thought in the consideration of language as both a social construction and a constructor of understanding throughout inquiry of all kinds (Lather, 1992).

Cochrane (2013) suggested many recent feminisms are “more active than academic” and are focused on “liberation not just for women, but for those oppressed by class, race, sexuality, age, [and] ability” (n.p.). Not only does feminism acknowledge these social oppressions, but also their intersections and the interconnectedness of social movements, under the belief that no one is free if we are not all free (Cochrane, 2013; Crenshaw, 1991; Lotz, 2007; Moore, 2007). Specifically, Cochrane (2013) provided examples of intersectional feminist concerns, including women experiencing mental health issues and violence against transwomen, and highlighted the work of Crenshaw (1991) regarding Black women’s invisibility in issues of sex discrimination in the workplace. Consideration of these issues can help frame the inquiry surrounding sexual assault adjudication under Title IX because of their gendered-natures within the context of institutions. Poststructural feminism provides a paradigmatic context to examine the ideologies and power dynamics that uphold sexual violence while centering the experiences of women and individuals with systemically marginalized identities.

**Poststructural feminism.** Poststructural feminism represents the joining of poststructural thought with feminism and the relationship between the movements (St. Pierre & Pillow, 2000). In poststructural feminism, the “post-” does not suggest that

patriarchy has been dismantled and/or overturned, nor that the work of feminism is completed (Moore, 2007). Historically, feminism has struggled with the interrogation of intersectional marginalizations and integrating the knowledges of women of color, disabled women, individuals in the LGBTQIA+ community, and those from lower socioeconomic backgrounds, among others (Cochrane, 2013; Crenshaw, 1991). While poststructural feminism intends to dismantle structures of power and oppression based on sex and gender, it is not limited to one area of oppression in this regard (Cochrane, 2013; Crenshaw, 1991; Lotz, 2007; Moore, 2007). Overall, poststructural feminism integrates intersectional feminist principles with the critique of determined social dichotomies based in power and oppression (Peters & Burbules, 2004).

Peters and Burbules (2004) argued that poststructuralism is hugely influential and relevant for feminist research, including topics focused on multiculturalism because of its interrogation of power dynamics and social stratification. Considering poststructural and feminist paradigms together allows us to interrogate and disrupt hegemonic power structures that uphold oppressive practices and beliefs (St. Pierre & Pillow, 2000) and address “subjectivity, discourse and power in an attempt to show that we need not take established meanings, values and power relations for granted” (Weedon, 1997, p. 169). To engage in this depth of social critique, poststructural feminism assumes that language and signification are central to knowledge creation (Peters & Burbules, 2004; Weedon, 1997).

The intrinsic connection between knowledge, signification, and language can be daunting for individuals to negotiate, because of limitations in human consciousness. Weedon (1997) stated, “Meaning and consciousness do not exist outside language” and

emphasized that individuals are not capable of understanding their own experiences except through “language in the form of conflicting discourses which constitutes us as conscious thinking subjects and enables us to give meaning to the world and to act to transform it” (p. 31). Through language, individuals can make meaning of their own experiences and social structures to examine relationships of power and oppression and identify ways to create social change in institutions (Peters & Burbules, 2004; Weedon, 1997).

While identifying opportunities to create change may be an outcome of poststructural feminist critique, it is important to emphasize that the intended outcome should not be to replace one existing binary of power and oppression with another (Weedon, 1997). St. Pierre and Pillow (2000) articulated the interests of poststructural feminists in working “toward the not-yet thought” by considering how knowledge and the political and social sphere may be different from what we are accustomed (p. 4). While change through dismantling social structures is a potential of poststructural feminist research, there is no emphasis on creating any particular “right” outcome because paradigmatically there would be no such thing—new dominant structures would just replace the former ones (St. Pierre & Pillow, 2000); however, feminism calls on individuals to disrupt the status quo of power relations, even if only temporarily (Weedon, 1997).

The poststructural feminist paradigm is appropriate to approach a critical discourse study of Title IX’s application to sexual assault adjudication because of the inherent connection to gender-based issues and interactions between power and discourse in politics and the institution of higher education. Weedon (1997) called out the

possibility of “liberal discourses of equality to work against women’s interests,” and challenges us to consider discourse within its social and historical period so we can “see whose interests it serves at a particular moment” (p. 108). For example, Weedon argued that women’s equal access to education and work opportunities outside the home did very little to shift the power dynamic away from patriarchy. It is possible that Title IX’s application to sexual assault adjudication during the Obama-Biden Administration parallels examples of what Weedon (1997) cautioned against, in terms of an equality discourse ultimately working against women’s interests. For example, women who identify as survivors/victims of sexual assault may disclose information related to that incident to a mandatory reporter on campus. The mandatory reporter would have to share that information, even if against the student’s wishes, to another campus authority. Although at face value, mandatory reporting policies may seem in the interest of survivors. They may also contribute individual loss of agency and power in determining how a victim/survivor’s own story is treated and may leave individuals feeling re-traumatized by the system itself. Many of the requirements set forth by the Obama-Biden Administration related to sexual assault adjudication rely on the assumption that those in power, like university administrators and law enforcement, know what is better for victims than they do themselves.

When researching through a poststructural feminist paradigm, it is necessary to “work against feminism’s tendency to generalize from the experiences of white, Western, middle-class women” and avoid silencing individuals who may not identify within dominant groups (St. Pierre & Pillow, 2000, p. 7). To avoid decentering the experiences of individuals with multiple marginalized identities, intersectionality was applied as a

theoretical framework through which to collect and analyze data in this poststructural feminist discourse study. Intersectionality provides a lens through which to consider compounded impacts on individuals who hold multiple marginalized identities (Crenshaw, 1991), as well as ensure the experiences of “white, Western, middle-class women” (St. Pierre & Pillow, 2000, p. 7) are not the only narratives shared.

**Intersectionality.** Intersectionality, as a theoretical framework, can be described as a “way of understanding and analyzing the complexity in the world, in people, and in individual experience” (Collins & Bilge, 2016, p. 25). Through application of intersectionality, researchers can consider individual- and macro-level experiences connected to social power (Wijeyesinghe & Jones, 2014). Kimberlé Crenshaw is credited as the principle author of intersectionality (Cochrane, 2013; Crenshaw, 1991, 2014), in addition to being a founder of Critical Race Theory (Crenshaw, 2014). Crenshaw (2014) described intersectionality as a theoretical foundation as, “a conceptualization of the problem that attempts to capture both the structural and dynamic consequences of the interaction between two or more axes of subordination” (p. 17). The two levels of intersectionality can be termed as “structural intersectionality” and “political intersectionality” (Crenshaw, 2014, p. 16). Structural intersectionality is focused on the “compounded burden” for individuals with marginalized identities, particularly in terms of their race, gender, and class, while political intersectionality reflects women’s organized resistance to racial, cultural, and economic oppression (Crenshaw, 2014). Intersectionality centers women’s experiences of racialized and gendered oppression, while traditionally anti-racist movements have centered the experiences of men of color.

As a noted legal scholar, Crenshaw (2014) applied intersectionality to address the burdens created by policies that actively or passively contribute to marginalization.

Fundamentally, research applying intersectionality is critical and used to promote social change addressing inequalities through a problem-solving orientation (Collins & Bilge, 2016; Crenshaw, 1991). Wijeyesinghe and Jones (2014), stated,

An intersectional perspective also forms a foundation for understanding the interconnections between systems of power and privilege in which personal narratives related to identity develop, evolve, and are understood. Therefore, not only are the experiences of social groups complex and mutually constituted, so are the systems of power and privilege, such as classism, ageism, Christian hegemony, and racism, that so strongly shape personal and group experience. (p. 11)

When inequality is problematized, an intersectional understanding of identities can contribute to social change through the awareness of complex interactions among individuals and social structures, and the acknowledgement of privilege. Without acknowledgment and critical reflection of the interacting, compounding marginalizations that people face, individuals with privilege will remain in power because privilege affords the opportunity to avoid self-examination. Beyond the examples of class, age, race, and religious identities provided above, Wijeyesinghe and Jones (2014) noted understanding intersectionality is contingent upon the existing historical and social context. Research also supports that intersectionality is both theoretical and practical, as it supports community action and accountability (Collins & Bilge, 2016; Wijeyesinghe & Jones, 2014).

Intersectionality integrates dynamics of social group oppression/privilege with the structural legal/policy context of an institution through praxis (Collins & Bilge, 2016), supporting my examination of Title IX's application to sexual assault in higher education. Wijeyesinghe and Jones (2014) underscored the emergence of intersectionality in higher education research and practice because "it acknowledges an individual's multiple social identities, thus creating a more complete portrayal of the whole person" (p. 10). Collins and Bilge (2016) identified intersectionality and critical praxis as being of interest in higher education because of its applications in institutional policy development, critical pedagogy, and daily work with marginalization and complex social issues, including sexual violence.

Crenshaw (2014) provided several key examples of intersectional issues that arise related to sexual assault. For example, there may be substantial negative impacts on African American men because of their stereotypical representation as perpetrators of sexual assault against white women. Also, there may be a disparate impact on women of color who participate in political activism related to reproductive rights because their participation may reinforce the social stigma that poor women of color are promiscuous. Additionally, African American women who report sexual harassment perpetrated by African American men may be seen as being disloyal within the community (Crenshaw, 2014).

To apply intersectionality appropriately as a theoretical framework, it is essential to center the experiences of those with multiple marginalized identities, "especially in the analysis of inequality and efforts to remedy specific social problems" (Wijeyesinghe & Jones, 2014, p. 16). While many individuals hold both privileged and oppressed

identities, it is inappropriate to discuss intersectionality in a way that reinforces dominance and co-opts its application theoretically and practically (Wijeyesinghe & Jones, 2014). One way I reflected principles of intersectional research in this study was to mirror Crenshaw's (1991) recommendations in the preparation of this manuscript. Throughout, when discussing race I capitalize *Black* as a proper noun for a "specific cultural group," but not *white* because of the lack of a shared culture (Crenshaw, 1991, p. 1244). Considering the discourses surrounding Title IX in the U.S. news media through an intersectional framework can uncover key assumptions about who the law is intended to protect, who it benefits, and who is left out of the conversation, entirely.

Intersectional studies acknowledge "multiple epistemologies [emphasis original] across time, space, and cultures" (Grzanka, 2014, p. 31). Grzanka (2014) noted the recognition of multiple epistemologies and knowledges to "illuminate how knowledge is socially constructed and historically contingent" (Grzanka, 2014, p. 31). Intersectionality reflects that all knowledge is inherently political and the Foucauldian idea of the inseparable relationship between knowledge and power, in that those with power determine what "counts" as knowledge and gate keep who has access to it (Foucault, 1972; Grzanka, 2014). Grzanka (2014) summarized intersectional epistemologies, "how we come to know what we know, what we believe to be true, and which forms of knowledge are legitimated is a socially, historically, and culturally mediated practice" (p. 31).

As reflected in literature and print news media discussions, sexual assault adjudication in higher education remains an issue to be examined intersectionally because of concerns related to differential treatment based on identity, for what is discussed as

being an equitable process. Students with intersecting oppressed identities, specifically women of color and those who identify within the LGBTQIA+ community, are more likely to be victims of sexual assault and less likely to seek assistance from their institutions than their straight, white, counterparts (Lundy-Wagner & Winkle-Wagner, 2013; Martin et al., 2011; Murphy, 2015; Pickett et al., 2012). An intersectional examination of sexual assault adjudication procedures should be a priority of higher education if there is truly an interest in campus safety and addressing sexual violence as a social issue.

Centrally, examining the discourses underpinning Title IX's application to sexual assault is reliant upon the idea of knowledge mediated through language and signification. This study applied a critical, intersectional lens to address questions of who is included and excluded in the rhetoric surrounding campus sexual assault adjudication. Questioning in this way is necessary to expand social understanding of what counts as knowledges and truths, beyond the socially constructed and arbitrarily determined dominant/subordinated identities. Theoretically, intersectionality aligns with poststructural feminism because of the shared acknowledgement of multiple realities and knowledges that individuals hold, based on their social positions. One way to intersectionally study which knowledges are socially reaffirmed (Grzanka, 2014) is through an examination of the discourses reflected in print news media, because of its relationship to public opinion, politics (McCombs et al., 2011; Uscinski, 2014), and its broad reach (Mautner, 2008).

## News Media

News media has a number of documented effects on society, related to public opinion and the construction of policy (McCombs et al., 2011; Uscinski, 2014). In the context of this study, “public opinion” is defined as “the collective consensus about political and civic matters reached by groups within larger communities” (McCombs et al., 2011, p. 2). Uscinski (2014) stated, “it is widely acknowledged that the news media exert significant influence over citizens” (p. 22). This gives the news media immense power to influence social views on issues (McCombs et al., 2011; Uscinski, 2014), “facilitate the expression of public opinion,” (McCombs et al., 2011, p. 146) and an ability to “set the issue agenda (or priorities) for both the public and the government” (Uscinski, 2014, p. 22).

As related to discourse studies, news production in itself is a multilayered, mediated process, rather than “an (incomplete) description of the facts” or a “direct representation (biased or not) of events” (van Dijk, 1983, p. 28). News media contributes to social perceptions of reality—realities formed through information sources, the influence of journalists, and the routines of news organizations (van Dijk, 1983). Therefore, the process of generating news represents, ultimately, a “reconstruction of available discourses” (van Dijk, 1983, p. 28) perpetuated in the social sphere, influencing public opinion, and either reinforcing or challenging existing assumptions.

News media can have direct/indirect, and intended/unintended effects on public opinion (McCombs et al., 2011). For example, the information a newspaper reader takes from an article would have a direct effect on how that individual perceives a public concern. Indirect effects could come from the conversations that individuals have in

person or on social media, following a news item that influences the consumers' understanding. News media has clear intended effects like, "the diffusion of political knowledge among the electorate" (McCombs et al., 2011, p. 7). Conversely, unintended effects of news may be stratifying perceptions or social inequities, like "widening the knowledge gap between persons with high and low socioeconomic status" or the "polarization of attitudes resulting from selective exposure that reinforces and strengthens previously held opinions" (McCombs et al., 2011, p. 7). Consequentially, news media's intended and unintended effects lead to opinion formation, opinion reinforcement, and opinion change at the individual and group levels.

McCombs et al. stated the "impact of news media on citizen attitudes can be profound, but several determinants come into play when considering the precise extent and scope of that influence" (2011, p. 108). Mainly, individuals' exposure to news media dictates its effect on them (McCombs et al., 2011). A consumer's demographic information, like level of education, gender, location, age, and income, among others, influences their exposure to a variety of news media. In particular, formal and informal political affiliation influences the sources and types of news media that an individual encounters. For example, consumers who identify as being more "consistently conservative" politically are more likely to get their news "tightly clustered around a single news source", while "consistently liberal" consumers "rely on a greater range of news outlets" (Pew Research Center, 2014). The connection between patterns of news coverage and public opinions about issues or political candidates is clear (McCombs et al., 2011).

News media's effect on policy making is a two-way street. Not only does news media influence public opinion on policy, but also policy makers increasingly view the media as a representation of citizens' views on issues (McCombs et al., 2011). According to McCombs et al. (2011), "Politicians and public officials have long regarded news accounts as a measure of public opinion, which means that an expanded representation of the public in the news exerts an indirect but significant influence on the shaping of policy" (p. 175). Individually, the President of the United States significantly impacts the news cycle, and by extension, public perception. As an intermediary, news media becomes both a reflection of public perception to politicians and the interpreter of law and policy to the general population, a potentially hazardous role.

The cyclical influence of media on politicians and politicians on the media is particularly important for this study because of direct effects the Obama-Biden Administration had on sexual assault adjudication in higher education, and how the media reflected perceptions of campus processes at the time. Based on existing studies (Malamuth & Briere, 1986; Meyer, 2010; O'Hara, 2012), it is clear that this media interaction is likely to influence social understanding of sexual assault in higher education through discourses. Due to the immense power that news media can have on public opinion, shaping public policy, and in creating social understanding, there is a clear need to examine the influence that journalists and media organizations have on how news is disseminated. The influence of news media becomes alarming as a purveyor of discourses.

## **Media as “Gatekeepers”**

Because of the central role of news media on influencing public opinion and policies, it is critical that consumers of news media question assumptions about what counts as news and who gets to decide. Journalists as individuals and news organizations on a macro-level have the power to determine the narratives (and therefore, discourses) shared with the public, while also being shaped by discursive regimes, themselves. Consequently, the process of “gatekeeping” becomes multilayered and necessary to explore in more depth, as it is instrumental to how the public understands issues, although reliant on a relatively small, homogenous group of people.

**Journalists.** Journalists serve as the first level “gatekeepers” of information to the public, choosing how and if to report issues brought to their attention. Often, journalists see themselves as “active interpreters of what is news” (McCombs et al., 2011, p. 27). Because journalists serve as gatekeepers of news media and determine what the public is exposed to, the positionality of those reporting the news should be considered. In the U.S., journalists are typically “male, Protestant, liberal, college-educated and middle class” (McCombs et al., 2011, p. 27). The interpretation and reporting of social issues, such as sexual violence, through a lens of dominant social identities shared by most journalists may contribute to the media reinforcing oppressive social structures. However, research has shown that the routinized processes of disseminating news, such as socialization from veteran journalist colleagues, the use of “official sources,” and using other renowned publications for story ideas, have a more significant effect on journalists as gatekeepers, than do personal characteristics such as age, race, and gender (Cassidy, 2006, p. 8). In Appendix D, I have included a list of the journalists who most

frequently authored the articles I analyzed as part of this study. While this table does not convey nuances of individuals' marginalized and dominant social identities, it provides readers with some context of the primary contributors to the dataset.

Another way that journalists may gate keep information to the public is through the routinized process of reporting. It is common for journalists to select stories to cover based on what larger, national newspapers have run, or pieces that come over the wire. Because of the routinized process of reporting, many stories receiving national attention have come from one singular source (McCombs et al., 2011). In addition, the news reporting process can be problematic because "news routines tend to influence reporters to cover events rather than issues," (McCombs et al., 2011, p. 27), so underlying causes of events may remain unidentified and unexamined. For example, a news story might cover a protest as an event, rather than provide an analysis of what issues led to people protesting. Moreover, journalists may fall in line covering the same stories in the same way as each other, which leads to less diversity in reporting (McCombs et al., 2011). Homogenous sources and events-based reporting can affect the language used in news pieces, and as an extension, dominant discourses.

**Media organizations.** News media is also gate kept by media organizations and their owners, who have expectations and standards about what is produced, and have an interest in financially profiting from the news (McCombs et al., 2011). Media organizations employ journalists, and ultimately determine what of their work is published. Research suggests that media organizations have abandoned their responsibility of reporting issues, and have rather opted to cater to audience wants, which increases profits and shifts conversations (Uscinski, 2014). McCombs et al. (2011)

explicitly tied media organizations as gatekeepers to the perpetuation of systemic oppression. They stated,

Moreover, hegemony theorists believe media organizations have a vested interest in maintaining the status quo in society. Media organizations seek to maximize profit and therefore provide only content that they think is deemed acceptable and appropriate based on societal norms. (p. 29)

When media organizations decide what is “acceptable and appropriate” to publish based on estimated sales, news coverage focused on the experiences of individuals with non-dominant opinions and/or marginalized identities, these narratives remain excluded from national conversations and discourses.

Media has a predominant role as gatekeepers of news and the influence they have over public opinion, policy, and ultimately, understanding of reality is immense. News interest in profits over interrogation of established norms and complex issues comes at the expense of the public. As a result, aligning critical discourse studies of print news media within poststructural feminist critique provides a lucrative opportunity to examine discourses underlying news coverage. Because of the prevalence of campus sexual assault adjudication in the national media during the Obama-Biden Administration, newspapers provide a rich source of discourses to uncover in this study.

### **Print Media**

Print media generally includes books, newspapers, and magazines, available both online and in hardcopy (Mautner, 2008). The evolution of electronic media via the internet has increased the accessibility of news content to the public (Mautner, 2008). Some online newspapers may be exclusively static content as a digital reproduction of a

paper copy, while others may involve “substantial recontextualization (essentially, new intertextual relationship with surrounding material), dynamization (through clickable hypertextual links) and upgraded interactivity, for instance through email links and discussion fora” (Mautner, 2008, p. 31). Using digitally available, static print media provides a number of advantages for social scholarship, while still bounding a study (Mautner, 2008).

The examination of digital newspapers is advantageous because of their “ubiquity, coupled with intensity of usage, public attention and political influence” (Mautner, 2008, p. 32), similar to other types of media. Specifically, digital newspapers are appropriate as data sources in social inquiry because of their relative ease of collection and permanence; as well as the source itself being free from influence of the researcher, unlike studies with human subjects. For the purpose of examining dominance perpetuated through discursive structures, digital newspapers are a robust data source.

High-circulation print media is useful, particularly in discourse studies, because it mirrors the “social mainstream” (Mautner, 2008, p. 32). Regular publications, like newspaper dailies, inherently are tied to dominant discourses in society. Overall, scholars have emphasized the power of print media to influence social structures and truths (Mautner, 2008; van Dijk, 1983).

### **Sexual Violence in Media**

The news media presents few sexual assaults among those reported (Pennington & Birthisel, 2016). This suggests that the incidents reported carry significant weight in the formation of public opinion. One way media influences public opinion, is by reporting cases of rape with fewer details than other types of crimes. This ambiguity can

lead to the reinforcement of stereotypes surrounding sexual violence, like “rapes occur only in dangerous parts of town and not at home” (Meyers, 1997, p. 28). Portrayal of sexual violence incidents in the media separates individual events from the systemic social issues at the root (Meyers, 1997), similar to the concerns that McCombs et al. (2011) addressed regarding journalists role as gatekeepers of public opinion.

According to Meyers (1997), “violence against women is framed by the news so as to support, sustain, and reproduce male supremacy” (p. 9), reflected in the discourse used, the separation of individual events from embedded social issues, and gender stereotypes. In sexual violence cases receiving media attention, it is common for the media to portray women who adhere to socially accepted gender roles (i.e., straight, white, middle-class, married) as “good girls” or “virgins” and innocent victims. On the other hand, the media typically vilifies those who deviate from socially accepted gender roles (i.e., queer, person of color, low income) as “whores” or “bad girls,” even if they are the victim (Meyers, 1997, p. 9). By relying on stereotypes rooted in male supremacy to report news, “the news ultimately encourages violence against women” (Meyers, 1997, p. 9) and “reinforces dominant preconceptions” regarding gender and sexual violence (Meyers, 1997, p. 28).

Meyers (1997) took the news media to task for their culpability in social perceptions and the perpetuation of sexual violence. She stated,

When the news portrays female victims of male violence as responsible for their own abuse, when it asks what a woman has done to provoke or cause the violence, when it excuses the perpetrator because he was “obsessed” or “in love” or otherwise “could not help himself,” when it

portrays him as a monster or a psychopath while ignoring the systemic nature of violence against women, the news is part of the problem. (p. 117)

When considering the depiction of victims and perpetrators in the media, a number of intersectional issues are introduced, such as differential portrayals of victims based on race or socioeconomic status, or perpetrators being portrayed as non-threatening if they are affluent and/or white. Discussing incidents of sexual violence as isolated events, rather than as part of a broader social problem does not do enough to address the issue, deepen understanding, or change cultures.

The language used in newspapers to report sexual violence serves as a vehicle for the perpetuation of power and oppression, through media connections to public opinion and policy development (Meyers, 1997). Because of the substantial attention to campus sexual assault and Title IX in national newspapers during the Obama-Biden Administration (Flaherty, 2015; Murphy, 2015; New, 2016; Stratford, 2014; The White House Task Force to Protect Students from Sexual Assault, 2014; U.S. Department of Justice, Civil Rights Division & U.S. Department of Education, Office for Civil Rights, 2016), it is reasonable to believe that the amount and tone of coverage itself has influenced social understanding of sexual violence. Without critical consideration of the ideologies conveyed through discourses in the news, the public is susceptible to formulating their opinions regarding campus sexual assault and sexual violence through an echo chamber, which is then used by those in power to justify laws and policies. To contextualize the discursive structures underlying news reporting of Title IX's application

to campus sexual assault, the historical context of Title IX and its influence in higher education will be discussed in more detail.

### **Title IX's History and Influence**

Before Title IX's inception in 1972, higher education looked more gendered and considerably different in the United States. Near the turn of the 20<sup>th</sup> century, "coeducation" at colleges and universities was typified by women and men attending the same school, but being prepared for vastly different roles connected to rigid gender expectations (Hoffman et al., 2010). At the time, there were concerns about higher education becoming "feminized," because of increasing numbers of women being admitted. Administrators feared that the number of women enrolling would deter men from entering. As such, policies were created to limit women's admissions, and single-sex classes being offered as "separate but parallel" (Hoffman et al., 2010, p. 134).

Prior to the late 1950s, families in need had limited access to financial aid for their children to attend higher education. Commonly, parents sent sons to college over daughters because people believed it was better investment of resources to prepare a son to provide for his family in the long-term. In many instances, it was assumed that even if a daughter attended college, the investment in her education would be a waste when she inevitably got married, had children, and would leave the workforce (Rose, 2015).

Although affordability became less of a concern for women entering higher education because of the National Defense Education Act of 1958, the Higher Education Act of 1965 and continuing legislation, women's access to higher education was still limited due to discriminatory admissions practices (Rose, 2015). Rose (2015) emphasized, "the emergence of political efforts to end sex discrimination emanated not

from a large and organized women's movement but from a small cadre of elites who had firsthand experiences with sex discrimination" (p. 161). This small group of political elites championing sex discrimination in the academy, alongside other changes in higher education led to a shift away from the separatist policies that had been the norm (Hoffman et al., 2010).

The adoption of Title IX in 1972 marked a transition, and noted the change from "separate coeducational opportunities adhering to rigid gender roles" to a philosophy of "civil and legal equality" between women and men (Hoffman et al., 2010, p. 136). Title IX amended the Civil Rights Act of 1964, which was known for providing the "most comprehensive antidiscrimination protections to U.S. citizens at the time" (Pickett et al., 2012, p. 1582). Title IX expanded protections for individuals participating in "federally funded education programs," so that they may not be discriminated against on the basis of sex (Pickett et al., 2012, p. 1582). Signed by President Richard Nixon, Title IX of the Education Amendments of 1972 simply stated,

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance. (Title IX of the Education Amendments of 1972, 2015, n.p.)

Because of the emphasis on educational programs receiving Federal financial assistance, this included both public and private schools at the K-12 and post-secondary levels.

Katuna and Holzer (2016) stated, "the statute itself [Title IX] is open-ended and ambiguous, and its early regulations laid out a relatively narrow set of individual rights to

equal access in education and incorporated several conservative principles” (p. 80).

Although ambiguous and conservative-leaning as initially stated, Title IX began transforming the landscape for women and girls participating in athletic programs within a reasonably short time.

### **Title IX in Athletics**

In 1975, because of federal guidelines issued to administrators of primary, secondary, and post-secondary education insisting Title IX compliance in athletics, its application at the high school and collegiate levels was sweeping, although met with resistance (Hoffman et al., 2010; Katuna & Holzer, 2016). During this time period, enforcement of Title IX was the responsibility of the Department of Health, Education, and Welfare (HEW). Primary schools were given one year to be in Title IX compliance, while high schools and colleges had a three year deadline (Equal Rights Advocates, n.d.; Katuna & Holzer, 2016). Being in compliance with Title IX at the time meant having a designated Title IX coordinator, establishing antidiscrimination policies, and correct known issues of bias in specific programs and activities, including athletics (Katuna & Holzer, 2016).

Immediately following, The National Collegiate Athletic Association (NCAA), which oversaw only men’s collegiate athletics at the time, challenged Title IX’s application in college sports (Equal Rights Advocates, n.d.; Hoffman et al., 2010; Katuna & Holzer, 2016). Initially, the NCAA argued that Title IX should not apply to athletics because sports teams did not directly receive federal funds. In response, additional clarification was issued by the HEW, stating that sports, in fact, would be covered by Title IX (Hoffman et al., 2010). In 1976, the NCAA refuted compliance saying that they

were able to ensure “freedom from discrimination” without government oversight (Katuna & Holzer, 2016, p. 84). However, these attempts to avoid compliance were unsuccessful, and by 1978, higher education was expected to remedy inequities in athletics, based on sex.

### **Title IX and Sexual Harassment**

In 1977, five students at Yale University were the first to file suit against an institution, arguing that sexual harassment constituted sex discrimination prohibited by Title IX (Buttrick, 2010; Equal Rights Advocates, n.d.). Rather than seeking personal damages, which is now customary in cases against institutions, the plaintiffs simply requested that Yale set up a centralized grievance procedure to address sexual harassment complaints (Buttrick, 2010). Courts confirmed that it was reasonable to accept that what is now known as “quid pro quo sexual harassment” qualifies as sex discrimination prohibited by Title IX, and that institutions should adopt centralized grievance procedures (Buttrick, 2010; Equal Rights Advocates, n.d.).

Institutional response protocols for Title IX and campus safety as a whole began to garner more national attention and politicians introduced key legislation was introduced that began to frame the grievance procedures later emphasized by the 2011 DCL. In 1980, shortly after the initial application of Title IX to sexual harassment, oversight of Title IX became the responsibility of the newly-founded Department of Education’s Office for Civil Rights (OCR). However, it was not until 1987 when OCR released a guidance document affirming that institutions needed an established procedure to handle Title IX complaints, as reflected in the *Alexander v. Yale* decision, and designate an institutional Title IX coordinator (Equal Rights Advocates, n.d.).

Revised Sexual Harassment Guidance issued by OCR in 1997 and 2001 delivered specific standards for institutions' sexual harassment policies and procedures (Carroll et al., 2013; U.S. Department of Education, Office for Civil Rights, 2015b). The 1997 and 2001 guidance articulated institutional liability for failing to take appropriate action to address peer-to-peer harassment among students (Carroll et al., 2013; U.S. Department of Education, Office for Civil Rights, 2015b). The Revised Sexual Harassment Guidance in 2001 clearly established the institutional obligation to stop sex discrimination, remedy its effects, and prevent its recurrence under Title IX, and explicitly stated that if an institution is aware that sexual harassment has occurred, taking no action is an absolutely incorrect response (U.S. Department of Education, Office for Civil Rights, 2015b).

### **Title IX and Sexual Assault**

President George H. W. Bush signed the Clery Act into law in 1990, requiring campuses to publicly report annual crime statistics of all kinds. When the Clery Act was amended in 1992, it included the Campus Sexual Assault Victims' Bill of Rights (American Council on Education, 2014; DeMatteo, Galloway, Arnold, & Patel, 2015). Specifically, the Campus Sexual Assault Victims' Bill of Rights required campuses to provide sexual violence prevention education, state procedures for reporting sexual violence to the institution and law enforcement, and offer institutional support and counseling for victims (Cantalupo, 2014b; Lundy-Wagner & Winkle-Wagner, 2013).

To understand the influence that Title IX has had on campuses throughout the Obama-Biden Administration, it is necessary to consider social, legal, and regulatory contexts in the U.S. Even though there has been a recent surge of attention (Flaherty, 2014; Wilson, 2016b) placed on Title IX and sexual assault on campuses, many of the

requirements reflected patriarchal origins of higher education in the U.S. Historically, these expectations placed on institutions reflect a one-size-fits-all narrative for women in the academy.

### **2011 Dear Colleague Letter on Sexual Violence**

Russlynn Ali, the Assistant Secretary for Civil Rights in the U.S. Department of Education, issued the DCL on Sexual Violence on April 4, 2011. The DCL brought to the forefront that sexual violence, including sexual assault, constitutes sexual harassment and is prohibited behavior under Title IX. Sexual violence is defined in the DCL as “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,” and continued that sexual violence includes “rape, sexual assault, sexual battery, and sexual coercion” (U.S. Department of Education, Office for Civil Rights, 2011, p. 1–2).

The DCL established unprecedented procedural requirements for institutions to address student sexual assault on campuses. While sexual assault and Title IX compliance may seem like a new challenge for campuses since the issuance of the 2011 DCL, this is hardly the case. NCHERM (2011) reiterated that the 2011 DCL “did not expand protections under Title IX,” rather it clarified expectations of Title IX enforcement, and described that previously, campuses were expected to “read tea leaves to discern OCR’s expectations” (n.p.) in regard to addressing sexual assault.

**Due process under the 2011 Dear Colleague Letter.** Whereas the Revised Sexual Harassment Guidance in 2001 made it clear that institutions needed to take action to address allegations of sexual harassment, the 2011 DCL took a giant step in articulating what OCR expected that response to be. Institutions were explicitly required

by the 2011 DCL to stop discrimination, remedy its effects, and prevent its recurrence by:

- (1) disseminating a notice of nondiscrimination to the campus community, informing individuals that issues can be reported to the institution's Title IX coordinator or to OCR;
- (2) designating a Title IX coordinator who is responsible for compliance and training for the institution (including education for campus law enforcement); and
- (3) implementing grievance procedures to support "prompt and equitable resolution" of complaints (U.S. Department of Education, Office for Civil Rights, 2011, p. 5–6). As stated in the 2011 DCL on Sexual Violence, when institutions become aware of allegations of sexual violence, they are required to investigate, and the inquiry must be "prompt, thorough, and impartial" (U.S. Department of Education, Office for Civil Rights, 2011, p. 6).

The "prompt" and "equitable" process described in the DCL on Sexual Violence is characterized by parties' equal access to notice and opportunity throughout a sexual violence investigation. Notably, institutions should give both parties a copy of the grievance procedures, an opportunity to present witnesses and evidence, concurrent notification of the outcome of an investigation, and equitable access to appeal the decision, if appeals are permitted by the institution (U.S. Department of Education, Office for Civil Rights, 2011). Many institutions allow for individuals to have an advisor assist them throughout an investigation, and the DCL reinforced that if advisors are allowed, they must be afforded to both the complainant (the survivor/victim) and respondent (the alleged perpetrator), and that the role of the advisor must be consistent (U.S. Department of Education, Office for Civil Rights, 2011). For example, if a respondent uses an attorney as an advisor, a complainant would also be permitted to have legal assistance if they chose. Additionally, OCR "strongly discouraged" institutions

from allowing cross-examination between complainants and respondents as part of their processes (U.S. Department of Education, Office for Civil Rights, 2011, p. 12), and clearly stated that mediation is an inappropriate method to address sexual violence allegations. Retaliation against any individual involved in a complaint, including students, faculty/staff, and third parties, is expressly prohibited. Much of the guidance for prompt and equitable processes intersected with campus requirements from the Clery Act, including that institutions cannot ask parties to be silent about the incident and both the accuser and the accused have the right to know the “outcome of any institutional disciplinary proceeding brought alleging a sex offense” (U.S. Department of Education, Office for Civil Rights, 2011, p. 14).

***Rights of the complainant.*** While the DCL states an equitable process for all parties involved in an investigation as paramount, most of the rights and resources outlined throughout the document are those afforded to complainants. At public institutions, respondents are granted due process rights as the alleged perpetrator, however the DCL clearly suggests that those rights cannot impede protections for the complainant (U.S. Department of Education, Office for Civil Rights, 2011). Institutions are encouraged to provide relief for complainants (known as interim remedies) prior to the conclusion of a sexual assault investigation. OCR referenced counseling, medical attention, academic support (for example, course withdrawals/retakes without penalty), administrative No Contact directives, escorts across campus, and changes to residence hall assignments or class/work schedules as appropriate remedies. It is expected for institutions to “minimize the burden on the complainant, and thus should not, as a matter

of course, remove complainants from classes or housing while alleged perpetrators to remain" (U.S. Department of Education, Office for Civil Rights, 2011, p. 15–16).

If a complainant does not want to continue with an investigation or wants to remain confidential throughout the process, institutions should take “all reasonable steps” to honor those requests (U.S. Department of Education, Office for Civil Rights, 2011, p. 5). Also, if a complainant requests that they remain confidential and ask that any of their identifiable information to be withheld from the respondent, the institution must notify the complainant that it could limit their ability to respond to the incident. The DCL emphasized institutions' responsibility to notify complainants of their right to report any issues to law enforcement, and cannot discourage them from doing so if they are interested in pursuing recourse through the criminal justice system (U.S. Department of Education, Office for Civil Rights, 2011).

***Burden of proof.*** Beyond overlaps with the Clery Act, OCR largely based their expectations for addressing sexual assault under Title IX on other Civil Rights laws, specifically, discrimination falling under Title VII. Namely, OCR called out institutions that have used a “clear and convincing” burden of proof when adjudicating sexual assault cases, and instead required the “preponderance of evidence” standard (U.S. Department of Education, Office for Civil Rights, 2011). Preponderance of evidence means the investigation determines whether it is “more likely than not” that sexual assault occurred under policy (U.S. Department of Education, Office for Civil Rights, 2011, p. 11). For example, using preponderance of evidence, institutions were expected to determine whether it was “more likely than not” that a sexual assault occurred, whereas clear and convincing would have required institutions to determine that the occurrence of a sexual

assault was “highly probable” (U.S. Department of Education, Office for Civil Rights, 2011, p. 11).

OCR continued that the use of “clear and convincing” was inherently inequitable, and an inappropriate standard because it is not the burden of proof used for violations of civil rights laws. Additionally, OCR argued the preponderance standard is preferred for sexual assault cases because it is the standard OCR uses to address cases they have open against institutions for compliance issues. It is articulated in the DCL that although there may be concurrent police and administrative investigations of a Title IX-related incident, institutions should use the preponderance standard, even though law enforcement would use a more rigorous standard for the potentially criminal offense stemming from the same case (U.S. Department of Education, Office for Civil Rights, 2011). The DCL insisted institutions do not wait for the conclusion of a criminal proceeding to pursue the issue under Title IX and stated, a criminal investigation “does not relieve the school of its duty under Title IX to resolve complaints promptly and equitably” (U.S. Department of Education, Office for Civil Rights, 2011, p. 10).

The specific rights and opportunities afforded to student survivors/victims in the DCL were unprecedented in previous Title IX-related guidance. Even though institutions were given a clearer picture of how OCR intended to enforce Title IX through the DCL, they lacked direction on procedural expectations to meet their obligations. Additional clarification for campuses on how to be in compliance with Title IX largely came from resource documents, such as Questions and Answers on Title IX and Sexual Violence (U.S. Department of Education, Office for Civil Rights, 2014) and the Title IX Resource Guide (U.S. Department of Education, Office for Civil Rights, 2015b).

**Prevention education.** The DCL reinforced institutional obligations to provide prevention education and support programs, in addition to asserting the need for institutions to investigate allegations in a prompt and equitable manner. Campuses are required to provide education and outreach focusing on sexual violence prevention, and OCR specifically suggested presentations during orientation for new students, faculty, and staff. The DCL mentioned crucial constituents that should be trained on what constitutes harassment under Title IX and what to do if allegations arise. Specifically, the DCL mentioned educating student employees in university housing, student athletes, and coaches on institutional response protocols because of their distinct roles on campus (U.S. Department of Education, Office for Civil Rights, 2011).

#### **Supplemental Guidance following the 2011 Dear Colleague Letter**

The Questions and Answers on Title IX and Sexual Violence document (U.S. Department of Education, Office for Civil Rights, 2014), asserted that institutions have an obligation to investigate allegations of sexual violence if they have “notice” of the issue. It continued, “OCR deems a school to have notice of student-on-student sexual violence if a responsible employee knew, or in the exercise of reasonable care should have known, about the sexual violence” (U.S. Department of Education, Office for Civil Rights, 2014, p. 2). Institutions know or reasonably should have known about sexual violence anytime a survivor/victim has filed a grievance with the Title IX coordinator, staff members witnessed the incident as it occurred, it is brought to attention from the outside community or on social media, or the allegations were reported to a “responsible employee” (U.S. Department of Education, Office for Civil Rights, 2014). This awareness prompts the investigation into the incident as required by the DCL.

**Responsible employees.** Because an institution’s notice is often determined by whether or not a “responsible employee” knew, or reasonably should have known about sexual violence, OCR provided the following information about what constitutes a “responsible employee” in The Questions and Answers on Title IX and Sexual Violence document (U.S. Department of Education, Office for Civil Rights, 2014), as it was established in the 2001 Revised Sexual Harassment Guidance. “Responsible employees” include,

any employee: who has the authority to take action to redress sexual violence; who has been given the duty of reporting incidents of sexual violence or any other misconduct by students to the Title IX coordinator or other appropriate school designee; or whom a student could reasonably believe has this authority or duty. (U.S. Department of Education, Office for Civil Rights, 2014, p. 15)

Responsible employees are required to report knowledge of sexual violence, including the names of the alleged perpetrator and victim/survivor, the date, time, and location of incidents to the Title IX coordinator on their campus, and they are expected to “make every effort” to notify students of their obligation to report to the Title IX coordinator prior to individuals disclosing allegations to them (U.S. Department of Education, Office for Civil Rights, 2014, p. 16). It is the responsibility of the Title IX coordinator to notify responsible employees of their reporting obligations under Title IX and provide training (U.S. Department of Education, Office for Civil Rights, 2015a).

**Violence Against Women Reauthorization Act Section 304.** As part of the Violence Against Women Reauthorization Act of 2013 (VAWA), Section 304 amended

the Clery Act to require disclosure of sexual assault, domestic violence, dating violence, and stalking incidents in publicly available campus crime reports (American Council on Education, 2014). As part of sexual assault investigations, OCR *recommended* complainants and respondents receive concurrent notification of the outcome of an investigation; however, VAWA Section 304 *required* notification provided to both parties “simultaneously” and “in writing” (American Council on Education, 2014, p. 3). Section 304 also added “national origin” and “gender identity” as categories of hate crimes for which institutions are required to report in campus crime statistics annually under the Clery Act (American Council on Education, 2014).

There is no question that the DCL and related guidance outlined unprecedented expectations for institutions regarding sexual assault adjudication. The Obama-Biden Administration proudly advocated for laws and policies to support survivors/victims and hold institutions accountable for their inaction. In the areas of due process, access to resources, and reporting requirements, institutions were tasked with establishing highly-specific procedures with a new level of federal oversight. Prevalent guidance documents conveyed these expectations as equitable processes for all students with added protections for victims.

However, some of the expectations outlined by OCR during the Obama-Biden Administration introduce inconsistencies in terms of equitable access. Specifically, how processes can be both equitable *and* less of a burden to one party than the other, and particular remedies for support (i.e., counseling) outlined for complainants and not respondents. Additionally, mandatory reporting requirements may push students into an institutional process that may be disempowering for many, based on their experiences

and the identities they hold. These questions introduce space for thorough examination of identity-based assumptions underlying policy construction for sexual assault adjudication in higher education, as well as who is intended to benefit from institutional procedures, and dynamics of power and oppression at play.

### **Title IX's Impacts on Campus from April 4, 2011-January 20, 2017**

Although the 2011 DCL on Sexual Violence introduced detailed procedures for institutions to follow regarding sexual assault adjudication, it is difficult to understand if Title IX's application to sexual assault in higher education contributed to safer campuses or fewer sexual assaults. It is possible that because of the sensitive nature of sexual violence and significant underreporting of incidents (Cantalupo, 2012, 2014b; Karjane et al., 2002; Krebs et al., 2011; Mancini, Pickett, Call, & Roche, 2016; Sable, Danis, Mauzy, & Gallagher, 2006), the effects of the DCL may largely remain unknown by scholars. Many of the studies examining Title IX during the Obama-Biden Administration focus on procedural changes in reporting and institutional response (Cantalupo, 2012, 2014b; Edwards, 2015; Henrick, 2013; Mancini et al., 2016; Ridolfi-Starr, 2016; Smith & Gomez, 2013; Streng & Kamimura, 2016; Yung, 2015).

**Inaccurate public reporting.** OCR's expectation of institutions' reporting sexual assault data under Title IX and related guidance, such as the Clery Act, may be leading colleges and universities to misrepresent campus crime statistics (Yung, 2015). Institutions may be unable or unwilling to report and address sexual assault as required by Title IX, because of a lack of awareness of incidents, or a hesitancy to report known incidents as part of campus crime statistics. Cantalupo (2014b) noted that institutions may not be aware of many incidents of sexual violence on campus because of a failure to

regularly survey students about their experiences and noted that generally, students do not report sexual violence to law enforcement or administrators, but are willing to talk to their friends. Oftentimes, institutional processes are too reliant upon student self-reported data to university officials, even though students expect that others, “especially those in positions of authority, will not believe the victim” (Cantalupo, 2014b, p. 227).

Institutions that have access to victim advocates as recommended by OCR (U.S. Department of Education, Office for Civil Rights, 2014), and particularly institutions with on-site victim advocates or rape crisis centers, experience increased reporting of sexual violence by survivors (Cantalupo, 2014b; Karjane et al., 2002), a stated goal of Title IX (U.S. Department of Education, Office for Civil Rights, 2011, 2015a).

Even though increased reporting of incidents is a desirable outcome from OCR, many campuses are hesitant to disclose sexual assaults publicly because of detrimental effects on perceptions of campus safety. This reflects a concerning prioritization of image and profits over student wellbeing. Cantalupo (2014b) and Yung (2015) noted that institutions with increased reporting of sexual violence risk being perceived as dangerous and may actively or passively disincentivize reporting as to not negatively impact recruitment and retention of students. While increased reporting has the desired effect of contributing to a safer campus environment because institutions can address known issues, public perception may be the opposite. Cantalupo (2014b) described this complicated issue, as follows:

...increased reporting creates a strange result: the campus suddenly looks like it has a serious crime problem. The high rate of violence and the low rate of victim reporting combine, so that the schools that ignore the sexual

violence have fewer reports and look safer, whereas the schools that encourage victim reporting have more reports and look less safe.

Appearances in this case are completely the opposite of reality and the correct conclusion to draw from the number of reports of sexual violence on a campus is entirely counterintuitive. (p. 228)

Based on this conundrum, the markers of safety that prospective students and parents may look for when choosing a college may be exceptionally misleading. Employees responsible for reporting and compiling campus sexual assault statistics may also be encouraged to underreport because of pressure to protect the university's reputation and avoid public scandals, or there may be negative consequences for their performance evaluations (Yung, 2015).

Yung (2015) found that during Clery Act audits conducted by the Department of Education, university reports of sexual assault increased 44%, and after completion of the audit, reporting rates returned to normal. This finding supports the concern that institutions undercount sexual violence incidents and are only encouraged to accurately disclose when under federal scrutiny. Yung (2015) also acknowledged that students may be more inclined to report sexual violence to campus officials when the institution is under audit because they become aware of the process on campus, leading to the higher rate disclosed publicly.

An "exaggerated belief in false reporting" (Yung, 2015, p. 6) and institutional subscription to rape myths contribute to hostility on campus, undermining victims' willingness to bring concerns forward. Examples of rape myths include,

suggestions that the victim is lying, deserved the sexual assault, or asked for it because of how she was acting or what she was wearing. Other rape myths excuse the perpetrator by suggesting that he couldn't help himself or that he isn't the type who would commit a sexual assault. Finally, some myths downplay the seriousness of the sexual assault that occurred by suggesting it was a trivial, or even natural, event. (Franiuk, Seefeldt, & Vandello, 2008, p. 790–791)

“Rape myths” were defined by (Burt, 1980) as “prejudicial, stereotyped, or false beliefs about rape, rape victims, and rapists” that “create a climate hostile to rape victims” (p. 217).

**Changes in staffing.** Institutionally, Title IX has influenced organizational structure, staffing, and resource allocation in arguably unsustainable ways (Wilson, 2015a). Namely, Title IX has emerged as one of the fastest areas of job growth in student affairs (Block, 2015). Mounting requirements for Title IX compliance prompted the creation of many mid- and senior-level positions in the field, that attract a wide variety of individuals from the private sector, such as lawyers and victim advocates (Block, 2015).

Although OCR has long required an appointed Title IX coordinator, recent guidance (U.S. Department of Education, Office for Civil Rights, 2015a, 2015b) has recommended Title IX coordinators report directly to the university president to minimize conflicts of interest. The Title IX coordinator should be granted resources and authority, and they “must have the full support of their institutions to be able to effectively coordinate the recipient’s compliance with Title IX” (U.S. Department of Education, Office for Civil Rights, 2015a, p. 4). To create a new senior-level

administrator position in the institutional staffing structure requires significant fiscal resources, and a shift in positional authority. Because of responsibility for compliance, OCR states that Title IX coordinators need sufficient authority to address issues across functional areas of campus, including financial aid, recruitment, housing, and athletics, among others (U.S. Department of Education, Office for Civil Rights, 2015a).

Beyond the Title IX coordinator role, literature recommends the creation of confidential resources like rape crisis centers and victim advocates on campus (Cantalupo, 2012). Staff members to administer prevention education programs, training, and provide support services are necessary to promote a culture of reporting on campus and support survivor/victims as expected with confidential resources (U.S. Department of Education, Office for Civil Rights, 2011). Based on the University of Montana Resolution, universities are essentially required to provide regular and ongoing Title IX trainings, administer annual climate surveys, provide resource guides, and establish a centralized system for tracking complaints (Smith & Gomez, 2013).

While there are an increasing number of staff roles dedicated to Title IX and sexual violence prevention (Block, 2015; Wilson, 2016a), the impacts on individuals in those positions have been largely unexplored in the literature (Flaherty, 2014). Flaherty (2014) discussed the emotionally demanding nature of Title IX-related positions. Title IX administrators (including coordinators and investigators) expressed challenges navigating being in the middle of the investigative process, rather than assuring either party that they are believed. These roles demand balancing competing legislation and rigid administrative requirements, with no formal studies on how to prepare practitioners for the demanding nature of the work, managing resiliency, or self-care (Flaherty, 2014).

**Religious exemptions.** Institutions may choose to seek religious exemptions from Title IX which could change procedures and protections afforded to certain groups of students drastically (Bryk, 2015). Many private, religiously-affiliated institutions receiving federal financial aid have sought religious exemptions under Title IX (Bryk, 2015). Institutions simply can seek religious exemption by sending a letter to OCR stating conflicts between Title IX requirements and religious tenets of the institution (Bryk, 2015). Bryk (2015) stated that religious exemptions have been “liberally granted” (p. 8) and institutions are not questioned about the sincerity of the stated religious beliefs to receive exemptions from Title IX compliance, the beliefs just have to be identified. Institutions granted a religious exemption can continue to receive federal funding while participating in discriminatory practices against some students (Bryk, 2015).

Religious exemptions under Title IX have had a disparate impact on transgender and gender nonconforming students. Under Title IX, trans students are entitled to treatment consistent with gender identity, including institutional use of chosen names and pronouns, regardless of stated sex on educational records or ID documents, and access to restroom facilities consistent with gender identity, among others (U.S. Department of Justice, Civil Rights Division & U.S. Department of Education, Office for Civil Rights, 2016). Trans students often see discrimination in admissions, housing, restroom facilities, and athletics (Bryk, 2015), even though the Dear Colleague Letter on Transgender Students issued in 2016 prohibited it (U.S. Department of Justice, Civil Rights Division & U.S. Department of Education, Office for Civil Rights, 2016). For example, “at George Fox University, a Quaker institution in Oregon, a transgender student brought a Title IX claim against the university alleging discrimination for

refusing to allow him to live in an all-male dormitory on campus” (Bryk, 2015, p. 2). Religious exemptions from Title IX create issues for trans students with sincerely held religious beliefs consistent with their religiously-affiliated institution, because they are essentially paying tuition and fees to be discriminated against under the law (Bryk, 2015).

**Mandatory reporting.** The 2013 University of Montana Resolution essentially expanded “the definition of responsible employee to require *all* Montana employees, except those who are statutorily barred from reporting, to report sexual assaults and harassment of which they become aware to the Title IX Coordinator within 24 hours of receiving information about sex discrimination” (Smith & Gomez, 2013, p. 6-7). This resolution created a broader expectation for universities and their employees about who had mandatory reporting obligations, encompassing both staff and faculty as mandatory reporters. Mancini et al. (2016) acknowledged that for many staff and faculty, mandatory reporting of sexual violence was a new expectation. Increasing the number of mandatory reporters on campuses was intended to support vulnerable populations, increase access to resources, and increase accountability for perpetrators; knowing that incidents of sexual violence are largely underreported (Mancini et al., 2016). However, faculty and staff mandatory reporting could have the deleterious effect of minimizing awareness of incidents because fewer students would disclose and it “removes victim discretion to report” (Mancini et al., 2016, p. 220).

**Faculty as “responsible employees”.** In many cases, it has been stated that faculty, in particular, are concerned about mandatory reporting requirements as Responsible Employees under Title IX because of possible infringements on academic freedom and/or free speech rights (American Association of University Professors, 2012;

Foundation for Individual Rights in Education, 2014; Flaherty, 2015). The Department of Education discussed intersections between Title IX and First Amendment protections in the 2014 Questions and Answers on Title IX and Sexual Violence document, stating “the laws and regulations it [OCR] enforces protect students from prohibited discrimination and do not restrict the exercise of any expressive activities or speech protected under the U.S. Constitution.” (U.S. Department of Education, Office for Civil Rights, 2014, p. 43). They continued, “when a school works to prevent and redress discrimination, it must respect the free-speech rights of students, faculty, and other speakers.” (U.S. Department of Education, Office for Civil Rights, 2014, p. 43–44).

OCR also noted in the 2014 Questions and Answers on Title IX and Sexual Violence document that some expressions may be perceived as offensive, however are insufficient to establish that a hostile environment, as legally defined, was created (U.S. Department of Education, Office for Civil Rights, 2014). Flaherty (2015) discussed faculty concerns surrounding mandatory reporting of sexual assault to an administrator, noting that it has the potential to discourage victims from coming forward in the future and contribute to an unsafe campus environment. Some faculty also object to mandatory reporting because it could limit discourse in the classroom, especially in sex or gender studies courses, and that interrupting a student mid-disclosure to state that they are a mandatory reporter is “awkward” (Flaherty, 2015, n.p.).

A report by the AAUP (American Association of University Professors, 2012) identified similar concerns with mandatory reporting expectations for faculty. While the AAUP made a point to acknowledge that sexual violence prevention is the responsibility of everyone at an institution, they stated it is inappropriate for faculty to be classified as

Responsible Employees under Title IX, because they are not designated as Campus Security Authorities (mandatory reporters) of crimes under the Clery Act. They argued, faculty members are thus usually not expected to be trained investigators, nor, except in specific circumstances as defined by individual institutions, are they normally expected to be mandated reporters of incidents about which they are told or happen to learn. (American Association of University Professors, 2012, p. 370)

However, this statement was issued prior to the University of Montana Resolution with OCR, which effectively expanded the expectations of mandatory reporting of sexual misconduct to all employees at an institution that did not have statutory confidentiality (Smith & Gomez, 2013). The AAUP (American Association of University Professors, 2012) continued that it is appropriate for faculty to provide referrals to survivors/victims, serve on conduct boards, and provide students with reporting options if they would like to pursue them.

*Student perceptions of faculty/staff mandatory reporting.* Mandatory reporting expectations of faculty and staff have influenced student perceptions and experiences with sexual assault on campus. Mancini et al. (2016) found that 66% of students surveyed either “support” or “strongly support” mandatory reporting policies for employees, including professors (p. 227). Fifty-six percent of students in the study said that mandatory reporting requirements for all university employees would increase their personal likelihood of reporting incidents. Streng and Kamimura (2016) also found that students generally support sexual violence reporting policies on campus. Unsurprisingly, women and those who knew someone who had experienced a sexual assault are more

likely to perceive reporting policies as important than men do (Streng & Kamimura, 2016). Streng and Kamimura (2016) also found that students who were less likely to perpetuate rape myths had a greater belief that perpetrators should be held accountable for sexual assault and survivor/victims should receive assistance from the institution.

Based on their personal interactions with faculty members, the majority of students (85%) believed that their professors “would comply” with mandatory reporting requirements (Mancini et al., 2016, p. 229). Students perceived mandatory reporting under Title IX to contribute to better assistance to victims, increased likelihood of arrest of perpetrators, increased university transparency and accountability, and increased punishment for sexual misconduct by the school (Mancini et al., 2016), somewhat counter to the concerns raised by the AAUP (American Association of University Professors, 2012). Students also believed that mandatory reporting could lead to some potentially negative outcomes, such as the possibility of wrongful arrests, a reduction in victims seeking help and the potential to re-traumatize victims, or institutions wasting resources (Mancini et al., 2016).

Considering the sensitivity of sexual assault and the “well-documented issues” in law enforcement’s ability to address sexual violence effectively (Cantalupo, 2012, p. 490), students’ general support of mandatory reporting policies for faculty and staff is understandable. Based on a 2000 study conducted by Fisher, Cullen, Turner, and Leary, it is estimated that “fewer than 5 percent of completed and attempted rapes were reported to law enforcement officials. In about two-thirds of the rape incidents, however, the victim did tell another person about the incident” (p. 23). Most often, students disclosed the assault to a friend (Fisher et al., 2000).

**Lack of transparency.** Throughout sexual assault investigations, both the reporting and responding parties generally argue that the process is unfair (Ridolfi-Starr, 2016; Wilson, 2015b), which may be attributed to a lack of transparency throughout institutional processes (Ridolfi-Starr, 2016). Investigations take considerable time, there are unknown procedures to submit information and witnesses, and both parties have concerns about sanctions and the impartiality of the process. A lack of transparency in the investigative process may lead to students not reporting incidents and feeling as though nothing would be done (Ridolfi-Starr, 2016).

Ridolfi-Starr (2016) called for increased transparency and comprehensive data about disciplinary outcomes for sexual violence investigations.

Only about half of all students surveyed recently at twenty-seven colleges and universities across the United States believed it very or extremely likely that a fair investigation would occur after a report of sexual assault or misconduct. This number was markedly lower for the groups most likely to be victimized, namely female and transgender or gender-nonconforming students. (Ridolfi-Starr, 2016, p. 2161)

Increased transparency could help eliminate bias against students of color and LGBTQIA+ students in the process and help understand if male students of color are disproportionately accused or more harshly sanctioned in sexual violence cases.

Ridolfi-Starr (2016) stated that even when individuals were found responsible for sexually assaulting someone, lenient sanctioning is problematic. Survivors have the impression that schools are most concerned with preserving their reputation, rather than

addressing issues. Transparency regarding sanctioning could help address inequitable sanctions, or reassure survivors that perpetrators of sexual assault are, in fact, sanctioned.

**Access to reporting.** Murphy (2015) acknowledged that reporting sexual assault on campus is a challenging experience, but may be especially so for students from marginalized groups. Many students may not be aware of institutional reporting options for recourse when they have experienced sexual violence, and “many more may not feel that the conversations about sexual assault that have cascaded across campuses over the last year even apply to them” (Murphy, 2015, n.p.). This issue may be even harder to explore because of limited data available on reported incidents of sexual assault in higher education broken down by racial/ethnic identity of the complainants (Murphy, 2015). Nationwide data suggests that African American, Alaskan Native, and American Indian women experience rape at a higher rate than white women (Murphy, 2015), and that lesbian college women are sexually assaulted at a significantly higher rate than heterosexual college women (Martin et al., 2011).

Murphy (2015) noted that Brett Sokolow from the National Center for Higher Education Risk Management (NCHERM) estimates that white women report sexual assault on campus about 10 times more than women of color. Campuses should make an effort to create accessible reporting options for students of color and other marginalized groups. Many of the campus sexual violence cases that have gained media attention have been focused on the experiences of straight, white women (Murphy, 2015).

Students of color report harassment less, in general (Kalof, Eby, Matheson, & Kroska, 2001; Pickett et al., 2012; Strayhorn, 2013). In a study focused on incidents of college student sexual harassment perpetrated by faculty, Kalof et al., (2001) suggested

that students of color may be less likely to report harassment because of cultural expectations, including a socialized respect for authority, and an unwillingness to report incidents that may reinforce existing stereotypes. For example, Black women may be less likely to report harassment that would acknowledge they have been given sexual attention of any kind for fear of reinforcing the stereotype that Black women are promiscuous (Kalof et al., 2001). According to this study, it is fair to assume that race and gender are linked to sexual harassment because they are “key dimensions of social stratification” (Kalof et al., 2001, p. 283). If institutions make the effort to create a culture of reporting to protect students from sexual assault without attending to the intersections of race, class, gender, and other aspects of identity, processes will remain inherently inequitable.

**Due process concerns for respondents.** In sentiments spearheaded by Harvard Law faculty members, students who are accused of perpetrating sexual assault in the college setting may have a serious lack of due process rights (Edwards, 2015). There are concerns that respondents do not have “adequate opportunity to discover the facts charged and to confront witnesses and present a defense” in existing Title IX investigation protocols (Edwards, 2015, p. 129), as there are in the legal system. Specifically, arguments surrounding the rights of the accused generally focus on inequitable resources available to respondents via the DCL, conflicts of interest, and preponderance of evidence being an inappropriate evidentiary standard.

***Resources and opportunities for respondents.*** While Title IX guidance articulated due process rights for respondents at public institutions (Cantalupo, 2012; U.S. Department of Education, Office for Civil Rights, 2011), respondents at private

schools may not be entitled to due process, even if the institution receives federal funding (Henrick, 2013). Regardless of institution type, the DCL focused on communication and resources available to complainants, while those to support respondents are not clearly stated.

Even though the DCL espoused equity for both parties throughout, expectations may be overly burdensome to respondents (Henrick, 2013). For example, interim remedies like student housing moves can occur before an investigation has concluded to alleviate stress on both parties; however, the DCL also stated that the burden of a remedy could not fall on the complainant. By default, that means the university could force a respondent (who may or may not be found responsible for the alleged violations) to move out of their residence hall space. These inequities could contribute to a hostile environment for respondents at institutions (Henrick, 2013).

*Conflicts of interest.* There are a number of possible conflicts of interests highlighted by those concerned with the rights of the accused. On many campuses, various parts of the process (investigation, adjudication, and appeal) may all be housed in one Title IX compliance office, limiting impartiality and privacy (Edwards, 2015). Although Title IX administrators responsible for investigating cases may receive ongoing training, oftentimes those costly trainings are provided by NCHERM and led by founding member Brett Sokolow, “a self-described sexual assault activist” who said he “looks forward to seeing more accused students expelled” (Henrick, 2013, p. 64).

Henrick (2013) provided a number of reasons that institutions should not adjudicate sexual assault cases, to avoid potential conflicts of interest. Campuses’ involvement with sexual assault adjudication could be problematic because of financial

or other incentives to hold students accountable, creating an unfair process for respondents. Examples of incentives could be employment gain for Title IX administrators who hold students responsible, or an interest in improving university reputation may influence adjudication decisions. Removing sexual assault adjudication as a university responsibility could also help protect academic freedom by limiting government oversight at an institution. Henrick (2013) argued that it is inappropriate to utilize adjudication power as a way to address a social issue like sexual assault, because it may promote innocent respondents being found responsible for violations they did not commit, in the name of social change.

***Burden of proof.*** One of the most commonly stated concerns about Title IX's application to sexual assault investigations in higher education is the use of the preponderance of evidence burden of proof used to adjudicate cases (American Association of University Professors, 2012; Henrick, 2013; Winters, 2015). Law faculty have expressed concerns that the preponderance of evidence standard may be inappropriately low to hold someone accountable for sexual assault, and that campuses "are sending an illogical message to their students about drinking and having sex: intercourse while under the influence of alcohol is always rape" (Edwards, 2015, p. 130). Henrick (2013) argued that the preponderance of evidence standard is inappropriate because it is impossible to know the rate of false reports on campus, and university administrators do not have the same level of training as judges or police officers to investigate sexual assault cases appropriately. If employees responsible for administering the Title IX process are inexperienced in investigating cases and are not knowledgeable of legal requirements, mistakes could be made at a detriment to the students involved

(Edwards, 2015). The AAUP (American Association of University Professors, 2012) also advocated for the use of the clear and convincing standard of evidence in disciplinary proceedings on campus, out of an interest in student and faculty cases to support shared governance and due process.

Since the issuance of the DCL, there have been a number of changes in higher education for students, faculty, and staff, especially related to reporting and institutional response. On the surface, many of the expectations established during the Obama-Biden Administration led to polarized reactions. For example, mandatory reporting requirements may be discussed as either “bad” or “good” with little examination of the intended and unintended consequences, and who is affected. Additionally, the social identities of individuals and their roles at a university contribute to perceptions of safety, access to resources, and their own sense of agency. Without deeper examination of intersectional issues and how they play out in an institution, questions remain in the gap between espoused values and stated goals of procedural expectations under Title IX. While procedures may seem detached from theory, assumptions about certain students’ experiences on campus have informed the dominant political agenda related to sexual assault adjudication. Examining the underlying discourses conveyed in news media in this poststructural feminist study, historical and theoretical perspectives on Title IX and sexual assault adjudication should be considered.

### **Feminist Perspectives on Sexual Assault and Title IX**

In 1972, the same year that Title IX was signed into law, “the first Rape Crisis Centre opened in the U.S.” (Cochrane, 2013, n.p.). Around the same time, the terms “rape culture” and “sexual harassment” entered the lexicon, allowing for new ways to

discuss violence against women and help mainstream the issues (Cochrane, 2013). In many ways, changes to the U.S. legal landscape in the 1970s “marked the beginning of the rape reform movement, an era in which feminists partnered with law enforcement to secure the passage of numerous federal and state laws that broadened the definition of rape and altered rape trial procedures” (Sable, et al., 2006, p. 157). Feminists articulated sexual violence as both an individual and a social issue of the time, and “understood the state itself as complicit in the perpetuation of gender subordination” (Collins, 2016, p. 369). These shifts reflected gains toward feminist goals (Cochrane, 2013; Collins, 2016), facilitated by “an alliance between feminist advocates and conservative actors whose efforts increased the reach of punitive state polices, and prioritized the desires of more privileged victims over—and at the expense of—others” (Collins, 2016, p. 366).

Despite its complicated history, Title IX has been regarded as a victory by many feminists (Cochrane, 2013; Katuna & Holzer, 2016) and has been described as “a legal tool in the feminist arsenal” (Katuna & Holzer, 2016, p. 80). Cochrane (2013) noted the successes that women have seen in educational access since the inception of Title IX in 1972, through the increasing representation of women among undergraduate college students. Katuna and Holzer (2016) noted the successes attributed to Title IX by feminist organizations, such as the National Women’s Law Center, the National Organization for Women (NOW), and the American Association of University Women (AAUW), who celebrated the substantial increases in women receiving medical degrees and scholarships for female athletes. Calls for replication of Title IX-like laws in areas beyond education are supported by feminist groups and “Title IX remains, as one activist group called it, a ‘living law’ that continues to serve as a resource for feminist mobilization today” (Katuna

& Holzer, 2016, p. 84). While increases in the number of women receiving medical degrees and the growing number scholarships offered to female athletes may be measurable outcomes, it is important not to conflate increasing numbers with a societal shift in the valuation of women, changing gender expectations, or a divergence from patriarchy.

There have also been substantial critiques of the more conservative aspects of Title IX that limit women's equitable access. Specifically, Katuna and Holzer (2016) call out exemptions from compliance with Title IX for religious and military-affiliated institutions, even those that receive federal funds, essentially stripping women for recourse from sex discrimination in those environments (Katuna & Holzer, 2016). Even the protections afforded under Title IX as written, were reflective of priorities of white feminists (Cochrane, 2013), without broader discussion of race, ethnicity, gender identity, sexual orientation, or ability. Cochrane (2013, n.p.) stated, "Many of those who describe themselves as intersectional feminists talk about checking their privilege –recognising where they stand in social power structures and ensuring they advocate and make space for those who are marginalised" (Cochrane, 2013, n.p.). For Title IX to truly be a feminist law, ongoing integration of intersecting marginalizations is necessary, by decentering the experiences of white, cisgender, heterosexual women in discussions.

Regardless of the stated protections of Title IX, the question of its effectiveness in creating equitable access to opportunities in educational settings remains. Cochrane (2013) articulated one of the primary goals of feminism as freedom from sexual violence and coercion. Considering the present rates of sexual assault, marital rape, and domestic violence worldwide, progress in this area is overall, "fucking depressing" (Cochrane,

2013, n.p.). Stated feminist goals support the eradication of sexual violence *and* the systems that perpetuate such violence (Cochrane, 2013), not just procedures to reduce the number of incidents in these systems.

Higher education in the U.S. represents one of these systems as a hierarchical social institution, reliant upon historical dynamics of power and oppression. Ultimately, within the poststructural feminist paradigm, to eliminate campus sexual assault (and *all* sexual assault), dominant ideologies that remain hidden in our language need to be surfaced and examined in the context of the social institutions in which we all operate. Ideologies dependent on social stratification of one group over another perpetuate dominance and subjugation in institutions and harmful beliefs among individuals, and the compounding effect on individuals with multiple marginalizations should be explored intersectionally. To examine the discourses underlying Title IX and sexual assault conveyed in the U.S. media, exploration of the context of higher education as a gendered organization will be considered.

### **Gendered Organizations and Inequality Regimes**

To consider the ideologies underlying Title IX's application to sexual assault on campus, it is necessary to consider the social and political context of higher education as a gendered organization and a work organization that upholds inequality regimes. A gendered organization can be characterized as an organization in which men hold the majority of leadership positions (Acker, 1990; Davies, Lubelska, & Quinn, 1994; Eddy & Ward, 2017) and male-dominated values and expectations are reflected in the workplace (Acker, 1990). In gendered organizations and "masculine communities of practice," the work environment is dictated by "group norms that define engagement based on male

norms” (Eddy & Ward, 2017, p. 17). Acker (2006) described inequality regimes as, “loosely interrelated practices, processes, actions, and meanings that result in and maintain class, gender, and racial inequalities within particular organizations” (p. 443). Individuals who do not fit within white, masculine workplace expectations ultimately face barriers in advancement such as limited access to resources and opportunities for promotions/pay increases and less decision-making power (Acker, 2006).

To understand the nature of gendered organizations, it is key to acknowledge “organizations are inherently gendered as a result of having been created by and for men” (Ely & Meyerson, 2000, p. 142). Consistent with poststructural feminist thought, social binaries of power and oppression are conveyed through workplace narratives and perpetuate dichotomies of masculine dominance and feminine subordination in this setting. Inequality regimes are reflective of “inequality in the surrounding society, its politics, history, and culture” (Acker, 2006, p. 443). Workplace policies, evaluations, job descriptions, and norms and values reveal these dichotomous social narratives and practices. Norms such as what type of work is assigned to whom, role delineation, and skills and competencies required to complete tasks generally “implicitly or explicitly place a higher value” (Ely & Meyerson, 2000, p. 115) on traditionally white (Acker, 2006) and masculine characteristics (Acker, 2006; Ely & Meyerson, 2000). Dichotomous assumptions about gender and work inherently limit organizational ability to create meaningful and systemic changes. Individuals with the authority in the organization to implement policy changes typically embody masculine traits, which are seen as superior to and mutually exclusive from feminine traits interactions (Peters & Burbules, 2004).

Overwhelmingly, upholding narratives reliant on social dichotomies of dominance and subordination creates a false sense of neutrality in the workplace. Specifically in gendered organizations, value is placed on “masculine traits and masculine experience – being entrepreneurial, visionary, and risk-taking” while “traits and experiences more typically associated with women – being attentive to detail, supportive, and behind-the-scenes” are devalued (Ely & Meyerson, 2000, p. 117). These social expectations at work collectively center male dominance through “coding activity and assigning meaning as either superior (male, masculine) or inferior (female, feminine), while at the same time maintaining the plausibility of gender neutrality” (Ely & Meyerson, 2000, p. 117). This reflects the idea that dominance is perceived as default, and that those in power in gendered organizations have the ability to determine what counts as meaningful knowledge and truth (Peters & Burbules, 2004).

Inherently, gender is connected to class inequality in organizations because individuals with traditionally masculine traits ascend to the highest levels of the workplace hierarchy and have access to higher pay (Acker, 2006). For example, it is still more common for women to hold clerical positions or be in service/care-oriented positions than for men, and “white women and women of color are at the bottom of the wage hierarchy” in service-oriented fields (Acker, 2006, p. 447). Women who have excelled in masculine workplaces have typically done so through assimilating into the culture, and traditionally, they are white (Acker, 2006; Ely & Meyerson, 2000). Acker (2006) acknowledged that traditionally in the U.S., “women and men of color were confined to the lowest-level jobs or excluded from all but certain organizations” (p. 445).

Even when women have advanced in gendered organizations and inequality regimes, ultimately, the dominant masculine power structure has been maintained and marginalized individuals are granted little power or agency. When women assimilate into the masculine structure, other individuals are left behind and the status quo continues to be maintained. Ely and Meyerson (2000) argued, “the failure of organizations to change prevailing work practices is due in part to the limited conception of gender traditionally used to define and address problems of gender inequity” (p. 104-105).

In the workplace, assumptions of race and sex-roles alongside expectations of merit and competency perpetuate the idea that women and people of color would be able to advance in the organization if they had more skills (Acker, 2006; Ely & Meyerson, 2000). Therefore, women remain at a disadvantage “because organizations place a higher value on behaviors, styles, and forms of work traditionally associated with men, masculinity, and the public sphere of work” (Ely & Meyerson, 2000, p. 109). Continually, the culture of masculine organizations remains because workplaces undervalue competencies seen as traditionally feminine and there have been insufficient shifts in the role of men at home and with family to dictate changes in work environments (Ely & Meyerson, 2000). Acker (2006) articulated, “In general, work is organized on the image of a white man who is totally dedicated to the work and who has no responsibilities for children or family demands other than earning a living” (p. 448).

Even when feminine skill sets (e.g., nurturing, relationship building) are celebrated and seemingly valued in a gendered organization, the dynamics of power and oppression still exist, and may reinforce that “feminine” tasks are women’s responsibility, rather than men’s (Acker, 2006; Ely & Meyerson, 2000). Additionally,

this upholds the stereotype that men and women have inherent differences in skills, which is unsubstantiated by research. Reinforcing the idea that these differences in skillset exist based on gender wrongfully validates and inadvertently supports women's ongoing workplace subordination (Ely & Meyerson, 2000) and positional racialization (Acker, 2006).

In organizations, gendered professional networks may also limit women's advancement (Ely & Meyerson, 2000). For example, men may be introduced to different opportunities for promotions or may be invited to apply for new positions because of their social and professional connections with other men in positions of authority. Additionally, perceptions of desirable job candidates are "at least partially" defined by the "gender and race of existing jobholders" (Acker, 2006, p. 449), perpetuating an image of "ideal" employees. When women and specifically, women of color, are the ideal candidates for hire, it may be related to employers' assumptions about their compliance and willingness to work for little compensation (Acker, 2006). Even women who obtain leadership roles may have increased performance expectations over their male counterparts, which can be reinforced through processes for hiring, evaluation, and promotion (Ely & Meyerson, 2000), all practices rooted in class (Acker, 2006). In inequality regimes, informally, white women and people of color may have limited access to work opportunities because their input is disregarded, or they may not be socially included by white male colleagues (Acker, 2006).

In masculine organizations and inequality regimes, to what extent individuals are limited is not only dependent on gender, race, and class, but also the intersections of other identities, such as sexual orientation (Acker, 2006; Ely & Meyerson, 2000) ability,

religion, and age. However, Acker (2006) argued that limitations based on identities other than race, gender, and class are not “as thoroughly embedded in organizing processes” (p. 445). Regardless, these limitations are central to workplaces because of their origin as white, heteronormative, male-dominated environments, as well as the ongoing social perpetuation of gender roles both in and outside organizations. Ely and Meyerson (2000) emphasized this, stating, “these social practices tend, in often subtle and insidious ways, to privilege men and disadvantage women, frequently compromising their ability to be maximally effective at work” (p. 142). Until organizations are challenged to dismantle the dynamics of power and oppression in the workplace, “people from traditionally under-represented groups will remain marginalized in tenuous and often untenable positions” (Ely & Meyerson, 2000, p. 108).

Understanding gendered organizations and inequality regimes contextualizes the social dynamics and perpetuation of power and knowledge at play, as mediated through language and signification in a specific environment. In organizations, the values placed on skills and competencies result in tangible advantages like promotions and increased pay. When individuals from non-dominant groups try to excel in these spaces, often, their experiences may not be recognized or valued as knowledge. To deconstruct the discourses reflected in the media surrounding sexual assault adjudication through poststructural feminist analysis, the nature of higher education as a gendered organization must be taken into account, particularly as universities represent work places, learning environments, and sites where social change occurs.

## Higher Education as a Gendered Organization

Although women make up the majority of undergraduates and the number of female professors and administrators is increasing (Eddy, Khwaja, & Ward, 2017), higher education in the U.S. can still be described as a “gendered organization” (Acker, 1990). Education, alongside nursing and social work, represent gendered fields that are now female-majority; however, even in these areas, women are still paid less than their male counterparts, and men hold the bulk of leadership positions (Eddy & Ward, 2017). Historically, work in academia has positioned women in clerical roles, while white men have traditionally held positions within the faculty and upper administration (Acker, 2006). These roles reflect dominant ideologies surrounding public and private life, the nature of work, and access to work (Acker, 2006; Eddy & Ward, 2017; Ely & Meyerson, 2000). The male-dominated expectations of work “create barriers to all who do not emulate traditional, masculine norms and practices” (Eddy et al., 2017, p. 6), including men who participate in more traditionally feminine roles (Ely & Meyerson, 2000; Sallee, 2012).

In the academy, failing to break through the “glass ceiling” is a reality for women working as faculty or administrators. According to Eddy and Ward (2017) “the *Wall Street Journal* popularized the term ‘glass ceiling,’ which reflects an invisible barrier to further advancement for women on the top rungs of leadership” (p. 14). Women pursuing leadership roles in higher education as tenured professors or senior administrators, “face barriers due to embedded, structural discrimination practices that favor men, harsh evaluation when they act ‘too much like’ a woman or ‘too much like’ a man, and personal costs associated with navigating tightropes and tugs of war” (Eddy &

Ward, 2017, p. 27). These barriers contribute to a pattern of women getting stuck as mid-level administrators or associate professors, without being able to achieve further career advancement (Eddy & Ward, 2017).

Systemically, university processes for faculty hiring, promotion, and tenure are male-dominated and reflect inequality regimes. Female faculty do a disproportionate amount of service work compared to male colleagues, and service counts the least for consideration of promotion and tenure (Eddy & Ward, 2017), while simultaneously, men have more access to publishing opportunities and funding for research (Davies et al., 1994). Generally, women faculty are also expected to take on nurturing roles in an academic department (Davies et al., 1994; Eddy & Ward, 2017), for example, advising students and managing interdepartmental relationships and conflicts (Eddy & Ward, 2017). Nurturing work is time consuming and emotionally taxing, but not rewarded through promotion or pay increases. Women assuming informal nurturing roles at work also contributes to the misperception that men are better at strategic thinking and more qualified for senior positions (Eddy & Ward, 2017; Ely & Meyerson, 2000). As such, when female faculty—and especially those who hold multiple marginalized identities—pursue promotion and tenure, they are not evaluated as highly as their male colleagues, and fewer women than men become full tenured professors (Eddy & Ward, 2017).

Women may also self-select out of advancement opportunities because of the stress and known discriminatory practices in hiring, promotion, and tenure, and the increasingly competitive nature of higher education. Many women in the academy choose to forego applying for higher level positions in the administration or pursuing tenure as faculty, to avoid the emotional toll of the processes (Eddy & Ward, 2017). As

institutions have become increasingly competitive for students and resources, more women choose to leave the field, rather than “play the game” in a competitive work environment.

Even when women do achieve senior leadership positions, they still “operate at the margins” in higher education (Eddy & Ward, 2017, p. 25). Many women who have succeeded in the academy share that they have lost a sense of self or had to abandon solidarity with other women to advance (Davies et al., 1994). Of women who make up senior leaders on campuses, most of them hold positions “at less prestigious institutions, at institutions in crisis, and at rural and smaller institutions,” where they are compensated less (Eddy & Ward, 2017, p. 25).

Like all gendered organizations and inequality regimes, in higher education when “constructions of leadership rely on hegemonic norms based on white, heterosexual men, any other leader comes up short” (Eddy & Ward, 2017, p. 26). The lack of diversity in senior leadership in higher education promotes the perpetuation of inequitable systems on campuses, because individuals from marginalized groups do not have a seat at the table to influence decision-making and policy reform. Davies et al. (1994) called out the abuse of power toward those with multiple marginalized identities stating “Higher education is dominated by masculine views, masculine power and masculine discourse, but while power can be a weapon of oppression it is not always wielded equally and women are not equally oppressed” (p. 5). It is also essential to acknowledge that the literature on masculine communities of practice and gendered organizations (Acker, 1990, 2006) still largely upholds a gender binary (Eddy et al., 2017), which is problematic for dismantling structures that oppress individuals who identify as trans and/or gender nonconforming.

Qualities that uphold inequality regimes in higher education as a gendered organization include discrepancies in opportunities for women and all marginalized individuals. In particular, barriers exist for promotion, tenure, and increases in pay. In addition, female-identified faculty members may have fewer opportunities to publish their research; which is of notable concern when examining how power is mediated through language. In this sense, higher education not only represents a social institution in which dynamics of power and oppression are replicated, continually marginalizing individuals with non-dominant identities; but also, marginalized individuals who are committed to knowledge creation are limited in doing so through their scholarship by limited access to the formalized process of publishing. Female-identified faculty and staff members in higher education are typically assigned tasks that align with beliefs that women are more nurturing or caring than their male counterparts, suggesting a prevalence of implicitly or explicitly communicated expectations of gender roles. By extension, many female-identified staff members do not advance to senior leadership roles where they are able to affect systemic policy change, representing their knowledge and experiences throughout that process.

As a field, higher education's position as a gendered organization and inequality regime is inseparable from discussions of campus sexual violence and how it is addressed. Often, individuals with positional authority to lead sexual assault prevention and response strategies in institutions are upper administrators, who are still most often white men (Acker, 2006). Even when women are in leadership roles and are in positions to craft policy or adjudicate sexual assault cases, they have been socialized in masculine workplace systems, which historically preserve cisheteropatriarchy. Ultimately, sexual

violence as an issue predicated on power and oppression is upheld by masculine-dominant norms, similar to those in the higher education work environment.

This study used a critical discourse methodology to uncover what ideologies underscore the national news media's discussion of Title IX and sexual assault adjudication in higher education throughout the Obama-Biden Administration. Aligning this research within a poststructural feminist paradigm is appropriate because of the inherent connections among social dichotomies in the maintenance of power and oppression, and the confines of our own language in understanding experiences and creating meaning. By applying intersectionality as a theoretical framework, the compounding effect of multiple marginalizations on individuals was considered and dominant experiences were decentered to conduct thorough analysis. Addressing systemic issues, such as sexual assault, is reliant on our ability as individuals to challenge our assumptions and initiate change in our institutions of inequality regimes, like higher education. For the purpose of this study, these assumptions were examined through the discourses expressed in print news media because of its relationship to public opinion, policy development, and the pervasiveness of coverage related to Title IX and campus sexual assault during the Obama-Biden Administration.

## CHAPTER III

### RESEARCH DESIGN AND METHODS

Throughout its history, the regulation and enforcement of Title IX has been tumultuous in the broader social and political context of the United States. At notable points since its signing in 1972, there has been pushback against Title IX's expanded protections in athletics, sexual harassment, and sexual violence on campuses by conservative lawmakers and groups such as the NCAA (Hoffman et al., 2010), among others. Resistance to changes brought on by Title IX's iterations is in part rooted in ideological tensions between dominant and non-dominant groups.

The Obama-Biden Administration (January 20, 2009-January 20, 2017) introduced and reinforced a number of Title IX requirements on campuses, particularly in the areas of grievance procedures, mandatory reporting, and staffing and resource allocation (U.S. Department of Education, Office for Civil Rights, 2011). However, seemingly progressive these efforts were, social attitudes and discourses surrounding sexual assault and its adjudication remained unexplored. Katuna and Holzer (2016) posited that Title IX, as written is more conservative than it may seem to the public, even though it is celebrated as a victory by many feminist organizations for its contributions to the achievement of more typically liberal gains. Katuna and Holzer (2016) attributed the feminist gains of Title IX to lay interpretations of the law "stretching" compliance expectations for institutions. Collins (2016) also described Title IX's inception as an allegiance between conservative lawmakers and privileged feminist activists.

Collectively, there is a demonstrated disconnect between the political actors and motivations and the progressive application of Title IX to sexual assault adjudication.

The articulation of this distance between Title IX's conservative origin and its application to achieve more progressive goals calls into question the possible differences between stated values and underlying ideologies of Title IX requirements and sexual assault adjudication in higher education. To uncover these underlying beliefs, this post-structural feminist study critically deconstructed the public discourses surrounding Title IX's application to adjudicating sexual assault on campus as reflected in print news media from during the Obama-Biden Administration. Data was collected from articles featured in *The New York Times*, *The Wall Street Journal*, *The Washington Post*, *USA Today*, and *The Chronicle of Higher Education* on Title IX and sexual assault from January 20, 2009 through January 20, 2017.

This study, aligned under a poststructural feminist paradigm, allowed me to examine assumptions supporting dichotomous social dynamics of power and oppression perpetuated in institutions through language and signification. To address key research questions, I applied intersectionality, as developed by Crenshaw (1991), as a theoretical framework to analyze the data. By shining a light on the latent beliefs about Title IX's application to sexual assault, my goal is to prompt individuals to reconsider personal views, serve as a catalyst for institutional changes in language and procedures, and contribute to social change.

### **Research Questions**

The research questions that guided this study are:

- Q1 What ideologies underscore the national news media's discussion of Title IX and sexual assault adjudication in higher education throughout the

Obama-Biden Administration?

- Q2 How do ideologies underpinning Title IX and sexual assault adjudication presented vary among periodicals in and outside higher education?

### **Setting**

This study was situated within the social and political context of higher education in the United States from January 20, 2009-January 20, 2017. Because this discourse analysis approached law and policy from an intersectional perspective, acknowledgement of the gendered and political nature of higher education and governance was essential (Bensimon & Marshall, 1997). The academy is historically patriarchal, and dominated by white men, and law/policy development and enforcement in this setting is no exception. Even though women make up the majority of students in post-secondary education, faculty and senior-level administrators are generally men, and scholarship is dominated by men (Bensimon & Marshall, 1997; Eddy et al., 2017). Bensimon and Marshall (1997) specifically noted, “Male dominance on trustee boards, non-enforcement of Title IX, the abandonment of affirmative action, and the failure to assign financial and other resources to support gender equity initiatives provide evidence that gender-equity policy is often token, symbolic” (p. 13). By engaging in poststructural feminist critique through critical discourse analysis, this study explores foundational ideologies of sexual assault adjudication and opens possibilities for change in the hierarchical, power-oriented system of academia.

### **Research Design**

In this study, I analyzed articles about sexual assault and Title IX throughout the Obama-Biden Administration (January 20, 2009-January 20, 2017), featured in U.S. print news media. Because of its ability to both create and reflect public opinion, and its

ubiquity in the U.S. (McCombs et al., 2011; Uscinski, 2014), print media provides a rich source of information to examine the gap between espoused principles and realities conveyed in society (van Dijk, 1983). I selected national news sources for this study based on readership and their prominence in relevant national media studies. One publication specific to the field of higher education was selected to provide a comparison for possible differences in discourses based on intended audiences.

I selected the time frame to encompass the Obama-Biden Administration, which championed many of the changes in Title IX enforcement in higher education coming from the federal level. Containing the study within the Obama-Biden Administration also allowed me to explore discourses and ideologies prior to a greater shift in the sociopolitical context in the U.S. During the 2016 presidential election, there was an influx of “fake news” disseminated via social media (Allcott & Gentzkow, 2017) and surfacing skepticism of the credibility of mainstream media outlets and journalists, which could significantly influence the rhetoric and discourses presented.

It is essential to acknowledge that while specific research design and methods are outlined for the purpose of this study, within the poststructural feminist paradigm, scholarship in itself is reliant on social dichotomies (St. Pierre & Pillow, 2000). For example, expectations about what counts as research/knowledge and what does not, as well as who is trained as a scholar and who is not contributes to perpetuation of dominance and oppression (St. Pierre & Pillow, 2000). Critical discourse studies (CDS) allows for a wide range of methods to engage in the examination of philosophical underpinnings in our language (Wodak & Meyer, 2016).

As a reflection of myself as a scholar and the systems in which I am a part, this

study reflects specific requirements for a dissertation in my field at my university (in a particular format), and in many instances, language that may be inaccessible to some readers. I am still bound by rigid compliance requirements for my degree, and am also influenced by the faculty members who serve on my committee. As such, the following research design should be interpreted as documentation of the procedures utilized in this study, without subscribing to any assumption of one best way to approach research in this realm, consistent with Foucauldian/poststructuralist thought (Graham, 2005).

### **Data Collection and Analysis**

In this study, I collected and analyzed data as part of a critical discourse study (CDS). Primarily, Wodak and Meyer (2016) acknowledged there is not one singular way to collect data as part of CDS and Jäger and Maier (2016) encouraged a flexible approach that is adaptable to the purpose of a study. In this study, I collected data via document analysis and examined for specific “indicators” in concepts, which were then grouped categorically. As a research method, document analysis is commonly used to interpret existing materials to gain understanding of a topic (Merriam, 2009). Data collection, analysis, and writing were fluid processes, as commonly accepted in CDS (Wodak & Meyer, 2009) and qualitative research (Creswell, 2013).

As suggested by Wodak and Meyer (2016), I collected data from news articles and conducted preliminary analysis to identify emerging themes. CDS leaves collection and analysis open-ended, and “data collection is never completely concluded nor excluded, and new questions may always arise that require new data or re-examination of earlier data” (Wodak & Meyer, 2016, p. 21). By focusing on a set of pre-determined documents for analysis, in this case, the articles and publications from the specified

timeframe, the data were “non-reactive” (unchanging based on the researcher’s involvement) and the study remained focused and bounded (Wodak & Meyer, 2009, p. 28). To capture each part of analysis and create contextual understanding, I thoroughly documented the process of interpreting data units in the context of each article. Through this process, I examined the articles selected and noted the reliance on social dichotomies to themes of “dominance, discrimination, power and control as manifested in language” (Wodak & Meyer, 2009, p. 10).

**News sources.** I selected *The New York Times*, *The Wall Street Journal*, *The Washington Post*, and *USA Today* as primary publications to review because of their positions as four of the most popular, nationwide periodicals by readership, and their prominence in the American Trends Panel Pew Research Center study on political polarization (Pew Research Center, 2014). Based on results of the Pew study, these news sources represent one slightly conservative-leaning (*The Wall Street Journal*), and three liberal-leaning publications (*The New York Times*, *The Washington Post*, and *USA Today*) (Pew Research Center, 2014). Online newspapers were selected as the medium for this study because of ease of access, regular updates, and large-scale recognition and readership (McCombs et al., 2011). I selected *The Chronicle of Higher Education* as an in-group publication specific to a higher education audience of faculty and administrators, with a “total readership of more than 215,000” (“About the Chronicle,” n.d., para. 6).

Based on a preliminary search (see Appendix A for audit trail), 3608 articles met the search criteria among the five publications in the timeframe of the study. Key search terms included, “Title IX,” “sexual assault,” “sexual violence,” “college,” and

“universities” in a variety of combinations across multiple databases (see Appendix A). I listed all 3608 articles with bibliographical information in a Microsoft Excel spreadsheet, and assigned them an index number. Next, I removed duplicated articles from the dataset, which left 375 unique articles. I read each unique article and removed any determined to be “irrelevant” prior to analysis.

Articles determined to be irrelevant included those focused on the K-12 educational setting, Title IX’s application to equitable access in athletics and student organizations, cases of sexual harassment in classroom settings, and sexual assaults perpetrated by faculty/staff (e.g., Jerry Sandusky). I excluded articles focused on sexual assault cases involving faculty/staff because faculty and staff have an added power differential with students, which can influence the ability to give consent to sexual activity. Also, I centered student-on-student sexual assault cases rather than those involving faculty/staff because the bulk of Title IX guidance is focused on the rights and opportunities of students, and the outcomes of sexual assault adjudication are fairly consistent across institutions, ranging from educational reflection through suspension/expulsion. Additionally, pieces that were not specifically journalism were excluded from the study, including letters to the editor and book/movie reviews. Ultimately, I determined 340 articles to be primarily focused on student-on-student sexual assault in the college setting and selected them for analysis.

**Analysis.** This study employed a three part analysis to approach CDS, as described by van Dijk (2016). The three parts included a review of (1) discursive and semiotic structures, (2) cognitive structures, and (3) communicative interactions conveyed in each article. In each of the 340 articles, I highlighted key phrases housing

these structures and interactions. Then, I went back through the highlighted phrases to focus on which ideological discourses were being conveyed through the text.

First, in each article reviewed, I considered *discursive and semiotic structures*. This level of analysis includes, but is not limited to noting the use of numbers, rhetorical questions, and possessive pronouns that frame an us versus them dichotomy (van Dijk, 2016). For example, in the articles I analyzed for this study, the following statements were included, reflective of discursive and semiotic structures:

- “The Education Department's Office of Civil Rights is investigating nearly 200 postsecondary institutions under Title IX over sexual violence cases, but as of Thursday, Baylor was not among them” (Tracy, 2016a, n.p.);
- “Although date rape had been labeled a problem, victims faced persistent stereotypes. If a young woman knew the guy, and they had hooked up before, could it really be so bad?” (Lipka, 2015, n.p.); and
- “‘We're the ones on the ground, the ones who have experienced violence from our classmates and betrayal from our schools, who have spent countless hours learning the law and talking to advocates,’ Bolger said.” (Tam, 2014, n.p.)

Each of these strategies (use of numbers, rhetorical questions, and possessive pronouns) signal implied, if not explicit, meanings to the audience about the nature of sexual assault on campus, and evoked emotional reactions from readers. Discursive and semiotic analysis considers the “implied and implicated” meanings of the text and visuals (van Dijk, 2016, p. 65). As a strategy, the use of numbers in the first example “investigating nearly 200 postsecondary institutions under Title IX” (Tracy, 2016a, n.p.) may be used to encourage readers to negatively react to the large number of institutions—the implication

of the text would be very different if the quote had instead said “only 200 postsecondary institutions.” In the next example, the “could it really be so bad?” (Lipka, 2015, n.p.) rhetorical question incites a particular, polarizing response from readers about what victims’ appropriate feelings might be in response to being assaulted. This strategy pushes readers to pick a side, either defending the ideology presented or refuting it. In the last example, the quote from Bolger uses possessive pronouns to imply to readers that she and other survivors have taken on the emotional burden of addressing campus sexual assault and others have not. This conveys a “you are either with us or against us” sentiment to readers.

Second, I considered the *cognitive structures* in each article, which include social prejudices “and the ways they influence the mental models of individual language users” (van Dijk, 2016, p. 64). Language and signification presented throughout the articles were reliant upon cognitive structures of shared cultural understanding like the sociopolitical context of the time and ingrained systems of oppression like embedded racism, sexism, classism, and homophobia in the U.S. Promoting men of color as more frequent perpetrators of assault was a common example of social prejudices reflected in the articles I reviewed. Pieces often reflected cis- and hetero-normative assumptions about sexual relationships among college students and rigid gender roles were upheld. Even in the photographs featured as part of the dataset, female-identified victims of campus sexual assault were commonly pictured standing alone, visually reinforcing the social practice of isolating survivors who do report their assaults.

Third, I examined the *communicative interaction* between the content producer and the readers, including setting in time and place, calls to action, and goals (van Dijk,

2016). A clear example of communicative interaction comes from Senator Claire McCaskill's piece in *USA Today*, entitled "Colleges still failing rape victims; 41% of schools surveyed haven't investigated a single rape in 5 years." In it, McCaskill stated,

If we're going to turn the tide against sexual violence, survivors must be protected and empowered... This means we need institutions across the country to recognize sexual violence for what it is -- a crime -- to work to prevent it and effectively tackle it when it does occur. (McCaskill, 2014, n.p.)

This piece, among many others, used rhetorical strategies to communicate directly to readers that sexual assault is something that everyone collectively needs to be involved in eradicating. Often, pieces reinforced a call to action through phrases like "we must" and "we need" to encourage particular, directed actions. Active measures discussed by journalists may encourage the audience to engage in protests or other forms of political action. Communicative interaction emphasizes how the audience engages with the content of each article (van Dijk, 2016).

By highlighting the key phrases which housed the *discursive and semiotic structures*, *cognitive structures*, and *communicative interactions*, I was able to identify ideological discourse structures embedded within them. In alignment with CDS, I used the discourse structure categories and adapted descriptions consistent with van Dijk (2016): *Polarization*, *Pronouns*, *Group Identification*, *Emphasis of Positive Self- and Negative Other-Descriptions*, *Activities/Calls to Action*, *Norms and Values*, and *Interests* (p. 74). Table 1, below, shows the ideological discourse structures I examined and notated, alongside their descriptions and examples from this study.

Table 1

*Examples of Ideological Discourse Structures*

Discourse Structures	Descriptions <i>Language that...</i>	Examples from Study
<b>Polarization</b>	signals a positive in-group and a negative out-group	“‘We were a group of people who felt that we had been betrayed by an institution we had trusted,’ she says. ‘Then, to resolve that, we put our faith in another institution that betrayed us.’” (Newman & Sander, 2014, n.p.)
<b>Pronouns</b>	uses “us,” “them,” “we,” “you,” etc.	“But this does not mean our society is helpless against sexual violence on campus. Rather, we’re searching ineffectively for better after-the-fact responses because we aren’t willing to deal with some of the root causes, or upset the underlying legal and cultural status quo.” (Douthat, 2014, n.p.)
<b>Group Identification</b>	shows affiliation with others of similar beliefs	“It is mostly women who have spearheaded the fight against sexual assault, founded the rape prevention centers, staffed the hotlines, dominated the research in the field, led the Take Back the Night marches and organized the sexual consent campaigns. And it is men who commit most of the world’s violence. While true, put this way, men feel like the enemy. ‘What I hear from men,’ says Ms. Gelaye, the University of Massachusetts vice chancellor, ‘is they feel like they’re the targets, they’re the problem.’” (Winerip, 2014, February 9, n.p.)
<b>Emphasis of Positive Self and Negative Other</b>	minimizes self-flaws and maximizes other-flaws	“In a statement read to reporters Thursday by Gophers’ senior wide receiver Drew Wolitarsky, the team said the boycott was in support of ‘our brothers that have faced an unjust Title IX investigation without due process.’ Title IX is the federal law that, in part, requires universities to investigate reports of sexual violence.” (O’Brien, 2016, n.p.)
<b>Activities/ Calls to Action</b>	describes responses and/or elicits reactions	“It doesn’t have to be this way. University campuses could easily become labs that innovate effective ways to prevent and prosecute rape. But for that to happen, everyone -- parents, alumni, students, school officials, law enforcement -- needs to stop treating rape like it’s an embarrassing cold sore and start tackling it like the public health crisis it is.” (Friedman, 2010, n.p.)
<b>Norms and Values</b>	reflects goals, beliefs, and socially-accepted practices	“Winerip makes clear that the unambiguous brutality of the alleged Amherst attack is atypical. ‘These aren’t people jumping out of the bushes,’ Sgt. Richard Cournoyer, a Connecticut state trooper who’s investigated a dozen assault allegations against University of Connecticut students, tells the reporter. ‘For the most part, they’re boys who had too much to drink and have done something stupid. When we show up to question them, you can see the terror in their eyes.’” (Taranto, 2014, n.p.)
<b>Interests</b>	shows motivations, goals, ambitions	“‘They are very keen on protecting the brand over supporting survivors,’” said Stephanie Pham, a co-founder of the Stanford Association of Students for Sexual Assault Prevention. ‘If you ask, ‘Do I feel safe on campus?’ I do. When something happens, though, will Stanford protect me? The feeling is, no, they won’t. To have prevention, you need to hold people accountable. They haven’t.’” (Drape & Tracy, 2016, n.p.)

As related to sexual assault adjudication during the Obama-Biden Administration, ideological discourses were conveyed through each of these structures in a variety of ways. From the example in Table 1 of *polarization*, it was expressed to the audience that survivors of sexual assault were a distinctively positive in-group that had been betrayed and re-victimized by their institution as an outgroup. Journalists frequently used *pronouns*, which conveyed a sense of shared ownership for making social changes to end sexual violence on campus, and could also encourage readers to examine their individual role in the larger social context. *Group identification* discourse structures often reflected political parties or professional organizations that shared similar beliefs regarding campus sexual assault. In the Table 1 example, the groups identified were simply “women” and “men,” while the quote outlined how these gender groups may approach the issue of sexual violence very differently. Discourse structures that *emphasized positive self and negative other* diminished one’s flaws while highlighting the flaws of another. This structure communicated a sense of mistrust to the audience about the vantage points and of the subjects. The quote excerpted above references a Title IX investigation involving football players, where it is clear the student discussing the boycott in the article does not believe his teammates were treated fairly. *Activities and calls to action* reflected in the discourse frequently presented a sense of urgency and ownership directly to the audience about ending campus sexual violence. Unsurprisingly, I found the *norms and values* discourse structure to be the most prevalent throughout the articles I analyzed as part of this study, likely due to the pervasiveness of gender norms and “traditional” gender roles represented when discussing sexual encounters, like the example in Table 1. Finally, *interests* as a discourse structure showed motivations of various actors in the data, and

repeatedly was used to characterize how or why institutions would change their response to incidents of sexual violence on campus.

***Data organization.*** I organized data collection and analysis in a spreadsheet, adapted from recommendations by Greckhamer and Cilesiz (2014) to ensure clear documentation of the transitions between data collection and analysis, and integrate the identified discourse structures (van Dijk, 2016) in the context of my topic. Organizing the data in this format can also increase transparency in the research process (Greckhamer & Cilesiz, 2014) and provide a systemic way to go through data analysis. An example of my spreadsheet showing the analysis for one article is shown in Appendix B. For each article, data was collected and organized in a spreadsheet with the following information in columns: “Data unit in context”, “Data unit”, and “Concept” (Greckhamer & Cilesiz, 2014, p. 433), followed by Discourse Structure (van Dijk, 2016) and Interpretation (see Appendix B for example).

The first column, *Data Unit in Context*, included the portion of text that I analyzed, surrounded by content that influenced its interpretation. After I identified a data unit from the highlighted portions of an article, I re-read the surrounding text to contextualize the data unit, and documented the data unit in context, followed by the isolated *Data Unit* in the second column. Situating the data unit within its original text prior to analysis underscores the interconnectedness of language and context in the creation of meaning, consistent with poststructural feminism.

Next, I identified the *Concept* of the data unit, which connected each data unit to a discourse structure. Greckhamer and Cilesiz (2014) described concepts as each “data unit’s contribution to a specific function of the discourse” (p. 433). I used the concepts I

identified to select which of the seven discourse structures (van Dijk, 2016) was being conveyed, and documented it in the *Discourse Structure* column. Consistent with poststructural thought, I treated discourse structures as non-mutually exclusive categories, and I determined many data units represented multiple discourse structures, simultaneously. In the fifth column, *Interpretation*, I documented my interpretation of the data units through a poststructural feminist and intersectional lens.

***Theoretical framework.*** To ensure I was integrating poststructural feminism in my interpretation of each data unit, I considered which social dichotomies of power and oppression were being reflected and upheld through the language being used. Often, data units could be interpreted by readers as media framing what is good/bad or right/wrong, as if singularly-focused, mutually-exclusive absolutes exist. As part of interpretation, I considered how language presented in the articles may have contributed to dynamics of social stratification based on identities. For example, Robbins (2013) featured a quote describing football players accused of sexual assault as “thugs” (p. A18). The descriptor “thug” is a racialized term, generally reserved for Black men in the U.S. when they act outside dominant, white expectations (Smiley & Fakunle, 2016).

To reflect intersectionality throughout interpretation, I considered who was included and who was excluded from the narrative. When individuals with marginalized identities were represented in the data, I critiqued whether they were holistically portrayed (to the extent I was able) or reduced to monolithic roles and/or stereotypes. I also reflected on how this same data unit may inform social understanding of race, gender, sexuality, ability, and social class, collectively. With the exception of women at elite universities who identified as victims/survivors of sexual assault, marginalized

identities were not often explicitly stated in the articles, so as part of my interpretation, I noted how the lack of representation may contribute to the erasure and continued oppression of marginalized individuals.

After interpreting all of the individual data units in an article, I re-read the piece to note general tone and slant, identify relevant subtopics, and note the author of the piece. I interpreted the general position of each article by identifying which dichotomies were relied on by the journalist to make their point, and noting their meaning through a poststructural feminist and intersectional lens. I documented social identities and roles that were focused on in the article, and noted who may be excluded. For example, only one article (Clark, 2016) focused on sexual assault perpetration by cisgender white men, specifically. On the other hand, Jameis Winston, a perceivably cisgender Black male football player accused of sexual assault, was *personally* mentioned around 332 times. As part of this stage of analysis, I described any images included in the article, and considered signification based on the setting of the image, who was being shown (if anyone), and what they were doing. I determined relevant subtopics to be those that were frequently mentioned across all five publications that reflected specific populations of students (e.g., student athletes, fraternities, elite institutions. Division I athletics), factors intersecting with sexual violence (e.g., alcohol, affirmative consent) and processes to address sexual violence (e.g., activism/victims advocacy, surveys). A complete list of relevant subtopics and their frequency can be found in Appendix C. Consistent with recommendations from Jäger and Maier (2016), I documented the frequency of subtopics and authors featured throughout all publications to reflect on whether authors tended to report on certain topics and/or events, and whether sexual violence in higher education

was covered by a variety of journalists, or if most of the news content was generated relatively few individuals (see Appendix D for list of authors).

*Generating themes.* After completing the preceding levels of analysis, I aggregated the data and coded it based on emergent categories, consistent with the process of open coding to address my research questions. Open coding supports an inductive process, allowing new categories to form throughout data analysis until all data is coded and the themes are mutually exclusive (Creswell, 2013; Merriam, 2009). While the themes may be mutually exclusive, it would be impossible for my codes to ever be completed, because of my own limitations of language and experience, and because of the boundaries of the structure I created to organize my data. Throughout analysis, I began to notice recurring language across publications, particularly in who was featured across articles, how procedures used to address sexual assault were described, and assumptions about individuals' roles in incidents. I entered the articles grouped by publication into NVivo qualitative research software to assist with identifying common words and phrases, and to help illuminate possible differences in ideologies conveyed across sources. I then queried all of the aggregated data in NVivo to identify the most common language and ideologies reflected overall. I also documented the most frequently mentioned people and institutions by publication and then aggregated across all publications, which can be found in Appendix E. For examples of key words and phrases that were ideologically grouped together, see Table 2.

Table 2|

*Examples of Key Words and Phrases by Ideological Code (all publications)*

	<b>Violence as the problem and solution</b>	<b>Money motivates action</b>	<b>Preventing sexual assault is up to everyone, except perpetrators</b>	<b>The University is its football program</b>
<i>Key Words and Phrases</i>	attack, tackle, war, wrestle, grapple, force	costly, financial burden, investments, public image	bystander intervention, students who experienced assault, "It's on Us"	football, quarterback, Baylor, Winston

These phases of analysis allowed me to address my first research question by uncovering ideologies reflected throughout news media regarding campus sexual assault and its adjudication across national publications. By analyzing data grouped by publication, I was able to address my second research question, exploring any differences between the ideologies conveyed in a higher education specific periodical from those with a national audience.

### **Trustworthiness and Rigor**

In qualitative research, trustworthiness is generally how the quality of a study is discussed (Jones, Torres, & Arminio, 2014). Lincoln and Guba (1985) described trustworthiness as what establishes the audience's confidence with the information presented. I deemed this study to be sufficiently rigorous when I achieved data saturation, consistent with expectations of rigor in CDS outlined by Wodak and Meyer (2009).

In CDS, the criteria for rigor and trustworthiness may be more vague than in other areas of research, and challenging to articulate (Wodak & Meyer, 2009). Greckhamer and Cilesiz (2014) stated, “a key challenge for discourse analysts is to study discourses in a systematic and rigorous manner that is consistent with its epistemological and theoretical assumptions” (p. 426). As noted previously, within poststructural feminism, conducting research in itself is confined by social assumptions surrounding knowledge and truth (St. Pierre & Pillow, 2000). Therefore, the following procedures reflect documentation for this plan of study, rather than a prescription of the only or best way to establish trustworthiness and rigor.

I worked to establish trustworthiness and rigor stemming from naturalistic inquiry as described by Lincoln and Guba (1985). As opposed to positivism/post-positivism, naturalistic inquiries are rooted in the belief in multiple, constructed truths; rely on acknowledgement of the researcher’s subjectivity and influence on the study as an instrument; and commonly use qualitative methods (Lincoln & Guba, 1985). As an ethical practice in critical discourse studies, researchers should be reflexive and make priorities explicitly known through a subjectivities statement (Wodak & Meyer, 2009). For the purpose of this study, trustworthiness and rigor were established through the criteria of credibility, transferability, dependability, and confirmability (Lincoln & Guba, 1985).

### **Credibility**

Overall, credibility may be described as the believability of a study. One of the primary ways credibility may be established is through expert review (Lincoln & Guba,

1985). This study used three types of expert review to enhance trustworthiness and rigor, including review from a subject librarian, an external auditor, and a peer debriefer.

A cursory search for data was conducted with the assistance of a subject librarian. The subject librarian was used as an expert reviewer to develop search terms and identify appropriate databases for data collection. The subject librarian confirmed the publications and search terms utilized were appropriate for the nature of the study, and ensured data collection within the established parameters (i.e., dates and specific publications).

I used an external auditor to review the thoroughness and logical pattern of the audit trail and of data collection methods. As recommended by Lincoln and Guba (1985), the external auditor was not involved in data analysis or interpretation. The external auditor has content knowledge related to media research; however, does not have any vested interest in this study, as they are currently unaffiliated with my university or dissertation committee. I selected the external auditor based on their experience in professional editing and publishing capacities, and their experience as a reviewer for research within the field of higher education. Predominately, the external auditor served as an outside party to diligently examine data collection procedures and provide feedback. After reviewing my search terms and audit trail, the external auditor stated, “After reviewing all search terms and cross checking them with all five print news media sources, I have concluded there are no obvious gaps” and noted the data collection procedures used understandable and appropriate terminology.

Lastly, I engaged a peer debriefer in the research process through data collection and analysis to enhance credibility. Peer debriefing can assist with “exploring aspects of

the inquiry that might otherwise remain only implicit within the inquirer's mind" (Lincoln & Guba, 1985, p. 308). As recommended, my debriefer is a peer to minimize any power differentials that could interfere with the essential feedback process, and they are familiar with both the content and methodology in this study (Lincoln & Guba, 1985). Specifically, I selected my peer debriefer based on their extensive professional experience working with Title IX as a coordinator, investigator, and adjudicator at multiple institutions, and their familiarity with critical research and narrative policy frameworks. My peer debriefer also holds several social identities that differ from my own.

The peer debriefer met with the researcher throughout data collection and analysis. This process "helps keep the inquirer 'honest,'" (Lincoln & Guba, 1985, p. 308) by questioning the researcher's implicit assumptions, connections drawn, and analysis. Questioning will be related to multiple aspects of a study, including, "substantive, methodological, legal, ethical, or any other relevant matters" to keep the researcher from an inclination to make findings or conclusions toward a particular resolution (Lincoln & Guba, 1985, p. 308). The peer debriefer reviewed search terms for data collection and the audit trail, then checked the process of determining which articles to include in the final analysis and which to discard. To support thorough data collection, the peer debriefer selected random articles from the 375 unique articles pulled from databases, read them, and then systematically determined if they should be considered for final analysis. The peer debriefer stated the selection of articles "did match, signifying to me that we followed the same logic to arrive at articles which met the primary focus" of this study.

I shared information with the peer debriefer digitally, and our meetings were held in person or virtually. The peer debriefer and I both kept notes of sessions to serve as an audit trail of conversations. This documentation enhances credibility because it helps clarify how and why a study went in a particular direction (Lincoln & Guba, 1985). The peer debriefer reviewed my researcher journal to assist with negotiation of how emotional responses influenced the research and served as a sounding board throughout what can be an isolating process.

### **Transferability**

When considering the trustworthiness and rigor of a study in naturalistic inquiry, it is the goal of the researcher to provide enough information for the audience to decide if transferability to their situation is appropriate, rather than assuming that the study *should* be transferable (Lincoln & Guba, 1985). Consistent with CDS, the researcher engaged in ongoing consideration of the language, social, and broader political and historical contexts throughout data collection and analysis (Wodak & Meyer, 2009).

Transferability may also be established through “tabulating the discourse analysis process” as recommended by Greckhamer and Cilesiz (2014, p. 431). Therefore, this study included a table outlining Data units in context, Data units, Concepts, Discourse structures, and Interpretations for each article analyzed to transparently show the audience a bridge between data collection and analysis (see Appendix B).

### **Dependability**

The dependability of a study is determined by its internal consistency throughout data collection and analysis (Lincoln & Guba, 1985). I used several strategies in this study to enhance dependability through both audit and review. Lincoln and Guba (1985)

described an audit trail as an “essential prerequisite of the audit process” (p. 379). As a preliminary step in data collection, an audit trail was established containing information about databases, sources, and search terms (see Appendix A). I used an audit trail of the processes of data collection and analysis to highlight where data comes from and how that connects to inferences made. An external auditor as described above reviewed the data collection procedures and noted any logical inconsistencies. Additionally, my peer debriefer reviewed audit trails, processed emotional responses with me, and provided/documented feedback during data collection and analysis.

### **Confirmability**

Confirmability in a naturalistic inquiry reflects the ability that findings could be corroborated or affirmed by others (Lincoln & Guba, 1985). The use of expert reviewers and thorough audits in this study provided many opportunities for possible corroboration, and attentiveness to ensure I was making logical conclusions throughout the research process. In this sense, it is important for the expert reviewers to ultimately concern themselves with enhancing trustworthiness of the study on behalf of the audience (Lincoln & Guba, 1985). I established confirmability through review of audit trails with the external auditor, as discussed previously, as well as through the use of a researcher journal, that was reviewed by the peer debriefer and jointly discussed.

**Researcher Journal.** The researcher journal is different from an audit trail, in that it is concerned with the researcher’s personal reflections and emotional responses to the process of conducting a study. This reflexive journal contributes to credibility, transferability, dependability, and confirmability by connecting the researcher’s “self” and “method” (Lincoln & Guba, 1985, p. 327). I used the researcher journal as a part of

this study to provide justification for decisions I made in the process, insights into my emotional reactions, and a log of tasks I completed. Lather (1992) named journals as important deconstructive tools in poststructural feminist inquiry because they encourage readers to examine “suspicious” narratives, rather than reinforcing the power of the researcher and representing one correct interpretation. Excerpts from my researcher journal will be included in Chapter Five as part of the discussion of my findings. In this study, the peer debriefer and I reviewed the researcher journal together and processed feelings and inconsistencies that emerged throughout data collection and analysis that may have influenced my interpretation of the data. During the joint review, the peer debriefer and I engaged in regular questioning about who is represented in data analysis, who is not, and why that is, consistent with intersectional praxis.

### **Researcher Subjectivities**

Central to any “critical” research is employing ethical practices related to reflexivity and transparency because the positionality of the researcher influences understanding of the social issues being studied (Wodak & Meyer, 2016). Specifically in poststructural feminist research, it is important for me as the researcher to recognize that my own subjectivities are created by the very discourses I am actively working to deconstruct, through the limitations of language and signification (Weedon, 1997). Weedon (1997) stated, “the individual is always the site of conflicting forms of subjectivity. As we acquire language, we learn to give voice – meaning – to our experience and to understand it according to particular ways of thinking, particular discourses, which pre-date our entry into language” (p. 32). I am unable to make meaning of my own experiences without operating within the confines of language and

social dichotomies. Because of these structural limitations, individuals “may find ourselves resisting alternatives” that create tension among existing beliefs and meanings (Weedon, 1997, p. 32).

Approaching scholarship related to sexual assault and its adjudication through a poststructural feminist paradigm aligns with my inclination to integrate theory and practice, and appeals to my intrinsic spirit of inquiry. In poststructural feminist research, I need to engage in reflexivity to support “deconstruction of the researcher as universal spokesperson who has privileged access to meaning” (Lather, 1992, p. 96). As a scholar, my own experiences inform my research, and therefore, the meaning I assign cannot be accepted as a universal truth, nor should that be the goal.

Fundamentally, my experiences as a female-identified college student in the U.S. led to my interest in pursuing a career in higher education, and later engaging in the field as a scholar. My inclination to approach Title IX’s application to sexual assault as a research topic is informed by these experiences, which have also led to my work as a civil rights investigator in the field. In this professional role, I have been personally responsible for investigating and adjudicating sexual violence cases, pursuant to the procedures championed by the Obama-Biden Administration.

Overall, I support the strides of the Obama-Biden Administration to center survivors of sexual violence and their attempt to use political influence to hold perpetrators and negligent institutions accountable. However, I also believe that more legislation does not necessarily lead to better outcomes, and even well-intentioned efforts can lead to convoluted, clunky procedures that feel cold and hard for students going through an investigative process. I feel there is lopsided attention on accountability over

prevention, as if we can erase the reality that even if accountability is done the “best” it could be, harm has already occurred, and no matter what steps are taken, cannot be erased.

Actively examining ideologies perpetuated through language surrounding Title IX and sexual assault may be challenging because I am immersed in it as part of my work in higher education; however, I am accustomed to engaging in reflexivity throughout the process as part of my work, and it is part of my practice as much as it is part of my scholarship. For example, when I am about to meet with a student regarding a sexual assault case, I consider signification in terms of my office space—is it accessible? What do I have on my desk/walls that may make someone feel like they belong or not belong? How am I dressed—does what I wear contribute to harmful power dynamics, or does it contribute to a sense of approachability? More complicated to unpack are my personal identities and how they show up in my interactions with individuals involved in an incident related to sexual violence, a historically gender-based issue.

As a white, cisgender, well-educated woman in the U.S., who is temporarily able-bodied and from the middle class, my identities influence my perceptions and my interactions with others. In my practice, I have to consider how my identities may encourage or discourage individuals from sharing information with me, and how my identities inform students’ perceptions of my biases. Daily I am called to reflect on how my own identities and experiences shape biases that I do hold, and when I react to a situation, I have to ask myself about how that reaction originated. I often reflect on the following quote related to intersectionality to organize my personal, reflexive practice: “When I see something that looks racist, I ask, ‘where is the patriarchy in this?’ When I

see something that looks sexist, I ask, ‘Where is the heterosexism in this?’ (Matsuda, as cited in Nash, 2008, p. 12). Beyond racism, patriarchy, and heterosexism, I am committed to interrogate my biases reflecting the ableism, classism, cissexism, ageism, and ethnocentrism through which I have been socialized, among others. Because of my privilege, I fall short, but I continue to engage in the process through mistakes, and am reminded of my excitement to learn more and grow as an advocate and co-conspirator of social change.

Likewise, I need to consider in what ways I am complicit in perpetuating archaic social structures through my work in higher education as a practitioner, as part of a gendered, hierarchical system. I have chosen my path as a scholar and practitioner because of an interest in addressing sexual violence as a social issue, and at the same time, I have pursued that goal by working within the system itself. To engage in poststructural feminist critique of Title IX and sexual assault in higher education, I need to navigate my assumptions about the “goodness” of my chosen work in creating change, while exposing myself to criticisms about how non-inclusive the work we do can be, and that the system is not “good” for everyone. Ultimately, this reflects my own constraints within context, language, and signification, and this acknowledgement is essential to engage in authentic poststructural feminist critique.

As a social scholar and a feminist, I have a responsibility to examine my own privilege and explore how intersecting identities affect how individuals navigate the hierarchical nature of higher education and the broader social sphere. Although there were earlier indications, I began identifying as a feminist as an undergraduate student, when I realized in simple terms, being a “feminist” meant that I believed women

deserved equal pay for equal work. Since that time, I have developed a stronger sense of self and a greater understanding of the complexities that inform how we all navigate structures in a society. As part of my feminism, I am determined to be politically involved, actively anti-racist, and engaged in reflexive practice to continue learning about identities, issues, and experiences that are not salient for me. Because of my points of privilege, including my role as a researcher, I believe that my scholarship should work toward dismantling oppressive systems. My engagement in critical scholarship reflects my belief that higher education should serve as a catalyst for social change, and through the positions of power I hold, I have the opportunity to challenge assumptions and engage in the deconstruction of the historically determined social dichotomies of power and oppression.

### **Limitations**

Using critical discourse studies as a way to identify permeating ideologies regarding sexual violence and Title IX on campus may introduce a number of limitations. Primarily, the selection of publications to review for data collection may ultimately influence the results of the study. Weedon (1997) emphasized, “Which texts are available, which remain in print, which are widely disseminated through education and publishing is not a neutral issue” (p. 164-165). While selecting national publications based on readership may reflect wide distribution and possible audience, what is printed and who writes it is not free of bias. Additionally, this study is confined to one media format that audiences may not prefer and access may be restricted through subscription fees or monthly article limits online. Another limitation introduced through the selection of the publications is that while representing articles specifically targeted toward an

audience specializing in higher education, *The Chronicle of Higher Education* has not been assessed for political biases. Lastly, the prevalence of certain ideologies in the media is limited to the timeframe of the Obama-Biden Administration. It is inappropriate to assume that discourses conveyed through media would not be affected by the presidential administration.

### **Overview of Data**

I selected 340 articles about campus sexual assault and Title IX for analysis from four national, mainstream news sources and one news source tailored to the field of higher education. The national mainstream news publications I selected are *The New York Times*, *USA Today*, *The Wall Street Journal*, and *The Washington Post*. These publications were selected based on their popularity in terms of readership and their prevalence in the American Trends Panel Pew Research Center study on political polarization (Pew Research Center, 2014). *The Wall Street Journal* was found to be slightly conservative-leaning by the Pew Study, while *The New York Times*, *The Washington Post*, and *USA Today* were found to be liberal-leaning publications (Pew Research Center, 2014). I believe perceived political slant is important to acknowledge because of the print news media's relationship to politics and politicians (McCombs et al., 2011), the potential for political parties to have differing philosophies and agendas concerning sexual assault, and the prioritization of campus sexual assault adjudication from the federal government from January 20, 2009 to January 20, 2017 (Eilperin, 2016a; Gerstein, 2014; Stratford, 2014; The White House, Office of the Vice President, 2010, 2011). As part of this study, I also selected and analyzed articles from *The Chronicle of Higher Education* to explore whether or not ideologies perpetuated in print media varied

between mainstream publications and those tailored to faculty and administrators in higher education. *The Chronicle of Higher Education* has not been assessed for political slant.

Table 3 below shows how many articles were selected from each publication for analysis. Notably, *USA Today* featured considerably fewer articles that met the criteria for this study than the four other publications. Generally, I found *USA Today* to provide less in-depth coverage of higher education topics, and the articles were generally shorter, in terms of word count.

Table 3

*Number of Articles per Publication*

<i>The Chronicle of Higher Education</i>	<i>The New York Times</i>	<i>USA Today</i>	<i>The Wall Street Journal</i>	<i>The Washington Post</i>	<b>Total</b>
<b>86</b>	<b>81</b>	<b>28</b>	<b>80</b>	<b>65</b>	<b>340</b>

Figure 1 shows the number of articles about student-on-student cases of sexual assault in higher education annually, across all five publications during the Obama-Biden Administration.

## Figure 1

As Figure 1 shows, the vast majority of articles that met the criteria for this study were published between January 20, 2014 and January 20, 2017. Of the 340 articles analyzed for this study, only two were published prior to the issuance of the 2011 DCL on Sexual Violence, which was released to the public on April 4, 2011.

### **Representation**

To frame my analysis, I considered the representation of institutions and individuals featured in the dataset. Across all five publications included in this study, diversity of institutional types represented was lacking. Predominately, news articles featured stories focused on events occurring at large, elite institutions. Considering the number of articles I analyzed from a variety of publications, relatively few unique individuals were represented in the dataset.

Based on existing media research, it is reasonable that the journalists contributing to articles in the dataset of this study would be relatively homogenous, specifically that

they would be “male, Protestant, liberal, college-educated and middle class” (McCombs et al., 2011, p. 27). In Appendix D, I have included a list of the journalists who most frequently authored the articles I analyzed. While this table does not convey nuances of individuals’ marginalized and dominant social identities, it shows a relatively small group of journalists responsible for coverage of Title IX and sexual assault adjudication in U.S. higher education during the timeframe of this study.

In Appendix E, I have documented the most frequently featured institutions and individuals in each news source and also aggregated across all five publications. The lack of diverse representation among the articles reviewed as part of this study aligns with Murphy’s (2015) assessment that student survivors of sexual assault who hold marginalized identities are largely absent from the national media conversation on sexual assault and Title IX.

**Individuals.** Of the 340 articles, approximately 188 relied on narratives of women as victims of sexual assault and approximately 156 of them relied on narratives of men as perpetrators. I found this pattern to reinforce social expectations of gender roles and performance in both consensual and non-consensual sexual acts. When articles did not focus on narratives of men as perpetrators and women as victims, the vast majority did not reference specific student experiences at all, and instead were political commentary or procedurally-oriented. When reading each article, I noted if particular gender pronouns were used to identify individuals being discussed in the piece and if sexual orientation, ability, race, class, religion, age, and/or national origin was specifically mentioned or featured in photographs. While it would be damaging to assume that I am fully able to know how individuals identify in all aspects, there was a

distinct lack of identification of non-majority groups featured in the data, contributing to their erasure and the reproduction of power by centering dominant narratives. Below, I provide specific information about the representation of social identities across the media coverage considered in this study. The following information indicates when non-dominant identities, in both survivors and alleged perpetrators, were *specifically mentioned*. The articles did *not* necessarily focus on these individuals, but *their existence was simply acknowledged*.

***Representation of survivor/victims.*** Of the five most commonly mentioned individuals across all publications (see Appendix E), none were identified as survivors and/or victims of sexual violence by the media. The individuals include—two politicians (Barack Obama and Claire McCaskill), one higher education administrator/former prosecutor (Kenneth Starr), one higher education consultant (Brett Sokolow), and one student/alleged perpetrator (Jameis Winston). Only one female-identified individual, Senator Claire McCaskill, was among the top five most frequently mentioned. However, when broken down by individual publication, four female-identified survivors of sexual violence were among the most commonly mentioned individuals—Annie Clark (*USA Today*), Laura Dunn (*The Chronicle of Higher Education*), Faith Ferber (*The Washington Post*), and Emma Sulkowicz (*The Wall Street Journal*). *The New York Times* did not have any female-identified individuals, nor known survivors of sexual violence, among those most frequently discussed throughout the articles selected as part of this study. Instead, *The New York Times* most often featured male-identified individuals—Barack Obama, Andrew Cuomo (Governor of New York), Joe Biden, Kenneth Starr, and Jameis

Winston. It was only noted in 12 articles that men could be victims/survivors of sexual violence.

Overall, there were very few references to the LGBTQIA+ community in the data, respectively. Of 340 total articles analyzed, only six of them mentioned transgender, genderqueer or nonconforming, or questioning individuals as possible victims of sexual violence. Only one article mentioned gay men as possible victims of sexual violence, and only two articles referenced specific Title IX cases on campuses involving a same-sex relationship. Overwhelmingly the articles analyzed for this study relied on cis- and hetero-normative narratives of sexual violence as vehicles for discussion of Title IX and campus sexual assault.

When considering identities beyond gender identity and sexual orientation of sexual assault survivors, diverse representation was even more abysmal. Only six articles explicitly mentioned intersections of race and ethnicity for survivors of sexual violence, even though students of color are more likely to be victims of sexual assault than their white counterparts (Harris & Linder, 2017; Murphy, 2015). Across all 340 articles, victims' intersections with social class was mentioned in two pieces, and disability and immigration status were noted in one article, each. Beyond these scant examples, survivors/victims were presented as a monolithic group throughout text and images.

***Representation of alleged perpetrators.*** Across all five publications, Jameis Winston was the most commonly featured person throughout the articles in the study, and his name was mentioned roughly 332 times. Winston was a football player at Florida State University, who was accused of sexual assault by a female-identified fellow student. Winston visibly presents as a cisgender Black male, around 18-24 years of age.

Articles focused on the allegations against Winston and the Title IX process that followed at Florida State University uphold a narrative of Black men as perpetrators of sexual violence and women as victims. Notably, the possibility that women could be perpetrators of sexual violence was only acknowledged in seven articles out of the 340 total.

Only one article featured in *The Chronicle of Higher Education* explicitly named cisgender, white men as possible perpetrators of sexual violence (Clark, 2016). The piece, “Why Brock Turner should talk to campus men about sexual assault,” focused on Brock Turner, the former Stanford University student and athlete who infamously sexually assaulted an unconscious woman in 2015 (Clark, 2016). In reference to sexual violence prevention programs on campus, Clark (2016) wrote,

Would all of the programs we offer to empower women, students of color, and LGBT students be as necessary if there were programs that taught cisgender white male students to be more empathetic members of our campus community? (n.p.)

Clark’s statement highlights an important discrepancy between prevention programming offered to students with marginalized identities and their cisgender white male counterparts, which provides a glaring contrast. Clark (2016) identified that students with traditionally marginalized racial, ethnic, and gender identities are overrepresented in campus programming efforts to prevent sexual violence. And, when trans/gender nonconforming, and/or students of color are victims of sexual assault, their stories are vastly underrepresented in national media coverage. At the same time, it is rare for the media to explicitly name cisgender white men as perpetrators of sexual violence. By

never directly naming the dominant identities of those who have been accused of sexual violence, privilege is undisrupted, perpetuated, and preserved by the media.

**Institutions.** Baylor University, Florida State University, the University of Virginia, Yale University, and Harvard University were the most frequently mentioned universities across all publications in this study. All five of these institutions are classified as Doctoral Universities under the Carnegie Classification of Institutions of Higher Education, and all but Baylor are examples of Research 1 institutions, indicating the highest level of research activity. All five of these institutions are classified as "more selective" four-year universities with enrollments in excess of 12,000 students. Harvard, Yale, and Baylor are all private, not-for-profit institutions, while the University of Virginia and Florida State University are both public institutions (Indiana University Center for Postsecondary Research, n.d.).

Additionally, all five of the most commonly referenced universities support Division I athletics programs in the National Collegiate Athletic Association (NCAA). NCAA Division I institutions "generally have the biggest student bodies, manage the largest athletics budgets and offer the most generous number of scholarships" (The National Collegiate Athletic Association, n.d., n.p.). While Yale, Harvard, and the University of Virginia all have NCAA Division I athletics, the frequent representation of these institutions in the dataset was not necessarily related to their athletic programs. For example, the famously discredited *Rolling Stone* article about fraternity rape allegations at the University of Virginia propelled frequent media attention to this institution, rather than other factors.

Both Baylor University and Florida State University are frequently represented in print news coverage related to specific incidents involving their revenue-generating, NCAA Division I football programs. The extensive coverage of Florida State University surrounds quarterback Jameis Winston's alleged sexual assault of a female-identified student. Reporting on Baylor University focuses on the investigation of systemic mishandling of Title IX complaints involving football players under President Ken Starr.

### **Argumentation**

Overwhelmingly, the articles I analyzed as part of this study used oppositional binaries to frame arguments. Most commonly, articles focused on narratives of victims in direct conflict with their campuses. This adversarial dichotomy was used in 97 articles, including "Fight against sex assaults holds colleges to account" (Perez-Peña & Taylor, 2014) from *The New York Times*, "Rape story fallout could hurt victims" (Contrera & Kaplan, 2014) from *The Washington Post*, and "Shutter fraternities young women's good" (Flanagan, 2011) from *The Wall Street Journal*. Most frequently, articles framing clear-cut narratives of victims versus their campuses emphasized institutional harm to students who brought complaints forward. Campuses were often portrayed as the primary aggressors against students, rather than individuals who were accused of perpetrating sexual assault. For example, the Eilperin (2014) piece, "Harvard to adjust policies on sex assault, harassment" from *The Washington Post* features a letter an undergraduate victim of sexual assault published in the student newspaper. The letter included,

Dear Harvard: I am writing to let you know that I give up. I will be moving out of my House next semester, if only - quite literally - to save

my life. You will no longer receive emails from me, asking for something to be done, pleading for someone to hear me, explaining how my grades are melting and how I have developed a mental illness as a result of your inaction, (p. A03)

In this excerpt, the student never mentions the harm committed by her assailant directly, rather, she emphasizes the failures of the institution to support her, leading to mental illness and poor academic performance. *The Washington Post* piece covering this letter focuses exclusively on the harm caused by the institution's response to this incident and others, portraying Harvard as the transgressor against victimized students.

The second most common adversarial binary used to structure pieces was campuses versus government. Seventy-four articles were framed in this manner, creating a sense of the government being cleanly at odds with institutions of higher education. Articles such as *The Wall Street Journal's* "Montana rape claims under federal inquiry" (Woo, 2012b), *The Chronicle of Higher Education's* "Colleges are reminded of federal eye on handling of sexual-assault cases" (Sander, 2014), and *USA Today's* "White House tackles college sexual assaults" (Madhani & Axon, 2014) applied this framework to argumentation. Regularly, politicians villainized campuses for either over- or under-adjudicating sexual assault, and leaders in higher education criticized the federal government for overregulation and competing legislation.

Lastly, the campus versus accused students binary was employed in 43 articles to frame discussions on sexual assault adjudication under Title IX in higher education. "Men accused of sexual crimes at colleges lash out at process" (Anderson, 2014c) in *The Washington Post*, "More men fight college allegations of sexual assault" (Jones, 2015) in

*The Wall Street Journal*, and “Men accused of sexual assault face long odds when suing colleges for gender bias” (Wilson, 2015b) in *The Chronicle of Higher Education* focus on an oppositional dichotomy of accused students (primarily men) against their campuses. This argumentation strategy often conveyed a sense of institutions aggressing students who had been accused of sexual assault by treating them unfairly and overzealously holding them accountable.

Largely, the news articles during the timeframe of this study relied on narratives of “good guys” and “bad guys” regarding campus sexual assault and adjudication. Nearly every article framed the discussion of campus sexual assault adjudication from a position of one side versus another to establish claims. The representation of individuals and institutions in conjunction with oppositional binaries presented in the dataset may reinforce social beliefs about the nature of campus sexual assault, adjudication, institutions, and students who may be involved in incidents. Specifically, the dominant and non-dominant social identities represented conveyed specific beliefs about whose stories count and are worth sharing. The identities and experiences of individuals from historically marginalized groups were generally erased from the national conversation on sexual assault in higher education, with the notable exception of Jameis Winston (a Black male student athlete), as an alleged perpetrator.

### **Sample Articles**

To create an overall understanding of the nature of articles across publications and contextualize key findings, I provided examples of 10 articles that I analyzed during this study in Appendix F. I selected these articles to supplement an overview of the data, because I believe they represent the overall tone and format of the articles from their

respective publications. Brief descriptions of the sample articles follow.

**The Chronicle of Higher Education—Article 1.** The first example from *The Chronicle of Higher Education*, “Education Dept. issues new guidance for sexual-assault investigations” was written by Lauren Sieben (Sieben, 2011). This piece was published on April 4, 2011, the same day that the 2011 DCL on Sexual Violence was issued. This article does mention the possibility of men as victims of sexual violence, which was rare across all publications. This article provided a high level of detail about the procedural requirements outlined by the 2011 DCL on Sexual Violence, not surprisingly because of the publication’s intended audience of faculty and administrators in higher education (“About the Chronicle,” n.d.). Largely, this article reinforces the attention that the Obama-Biden Administration gave to sexual assault adjudication in higher education and the promise of applying Title IX to these cases.

**The Chronicle of Higher Education—Article 2.** The second sample article from *The Chronicle of Higher Education*, “Promise Unfulfilled?” by Jonah Newman and Libby Sander focuses on campuses’ failures to meet the needs of their students who have been victimized (Newman & Sander, 2014). Libby Sander is one of the most frequently contributing journalists on campus sexual assault in *The Chronicle of Higher Education*, as noted in Appendix D. The authors also frame Title IX as a “promise” that universities are not keeping with their students. This article exclusively emphasizes complainants’ experiences with their institutions and does not reference perspectives of students who have been accused of sexual assault or their rights. University administrators and higher education risk management consultants are also prominently featured in the article, providing their perspectives on the resolution agreements that have been implemented by

OCR. Overall, this article conveys a sense of skepticism around how OCR has responded to complaints against institutions.

**The New York Times—Article 3.** “Punishments, but no paper trail” by Marc Tracy, is the first sample article I selected from *The New York Times* (Tracy, 2016b). Marc Tracy is one of the most frequently featured journalists (Appendix D) featured in the data used as part of this study. This piece was featured in the Sports section and primarily focused on Baylor University administrators’ failures to be transparent about ongoing Title IX investigations and hold their football team accountable for sexual misconduct violations. The article is largely pro-accountability under Title IX and is openly critical of Baylor’s actions. The original article featured on *The New York Times* website featured four photos, including two Baylor football players in uniform on the field, one of Baylor President Kenneth Starr, and one of a student vigil outside of Starr’s home. I noted student athletes and Division I athletics as relevant subtopics of this piece (see Appendix C).

**The New York Times—Article 4.** Article 4, “Stepping up to stop sexual assault” was featured in *The New York Times* (Winerip, 2014). This piece, by Michael Winerip, ran in the Education Life section in February 2014. As the title suggests, “Stepping up to stop sexual assault” primarily focused on bystander intervention education as a means to prevent sexual violence on campus. I noted student athletes and alcohol as relevant subtopics of this article in Appendix C. Predominately, this article emphasized the positive outcomes of bystander education and community responsibility, through men, primarily “stepping up” to keep each other out of trouble. This article relied on gendered assumptions, like cis- and hetero-normative relationships, the roles of

men as perpetrators and women as victims, and the belief that menstruation is a “mood killer” (Winerip, 2014, n.p.) and talking about it publicly is an effective strategy to keep a friend from being assaulted. The original piece featured on *The New York Times* website featured three photos to supplement the text; one of a bus ad about being an active bystander, one of male-presenting individual in a training session, and one blurred image of two people—one presenting as male and the other as female—with the female-identified individual frowning and staring into the distance.

**USA Today—Article 5.** Article 5, “Baylor case must be turning point; Safety of women on campus should never be compromised by athletics” was written by Nancy Armour and featured in *USA Today* in May 2016 (Armour, 2016b). I found Division I athletics and student athletes to be notable subtopics of this piece (see Appendix C). This article reinforces a gender binary and focuses on men, specifically male student athletes, as perpetrators of sexual violence, and women as victims needing protection. The article notes that it may be financially lucrative for universities to disregard complaints against male student athletes that could harm the team and the institution’s reputation. To conclude the article, Armour presented a call to action for sexual violence to end at all institutions after the failures at Baylor had come to light.

**USA Today—Article 6.** I selected “White House tackles college sexual assaults” by Aamer Madhani and Rachel Axon as sample Article 6 (Madhani & Axon, 2014). Rachel Axon is one of the most frequently featured journalists in this study (see Appendix D). This piece ran in *USA Today* in April 2014, and referenced the introduction of NotAlone.gov and federal requirements regarding annual campus climate surveys, which I recorded as a subtopic. This article employed a “federal government

versus institutions” dichotomy to present information, rather than relying on specific sexual assault narratives from students, as was common in the dataset. Notably, this article referenced the possibility of men as victims of “attempted or completed rape,” in addition to the oft-cited “one in five” statistic about women’s rates of being victimized while in college (Madhani & Axon, 2014, n.p.). Article 6 can be found in Appendix H.

**The Wall Street Journal—Article 7.** Article 7, “Florida State opens student-conduct investigation into Jameis Winston; Inquiry is related to alleged sexual assault in December 2012” by Ben Cohen was featured in *The Wall Street Journal* Sports section in 2014 (Cohen, 2014a). Ben Cohen is one of the most frequently cited journalists of articles featured in this study. I found student athletes and Division I Athletics to be relevant subtopics in this article, as noted in Appendix C. This article presented a basic overview of Florida State University’s response to sexual assault allegations against Jameis Winston, a celebrated quarterback on the football team.

**The Wall Street Journal—Article 8.** “An education in college justice; under pressure from the Obama administration, a university tramples the rights of the accused,” by James Taranto was published in December 2013 in *The Wall Street Journal* (Taranto, 2013). This article focused on the first-hand experience of an Auburn University student who was accused of sexual assault. Taranto presented an “accused student versus campus” dichotomy to convey a sense of injustice, and suggests this experience is rampant in U.S. higher education. The article centered the narrative of a male-identified student being accused by a female-identified student on his campus.

**The Washington Post—Article 9.** I selected *The Washington Post* piece “Harvard to adjust policies on sex assault, harassment” by Juliet Eilperin as sample Article 9

(Eilperin, 2014). The piece featured the internal tensions among students and faculty with administration at Harvard regarding the adoption of policies that aligned with OCR. The article also mentioned a specific incident involving a male-identified perpetrator and female-identified victim. Eilperin quoted a letter from the victim to Harvard administration that was published in the student newspaper, conveying the student's sense of helplessness and defeat. I documented elite institution as a subtopic of this article (see Appendix C), because of its focus on Harvard.

**The Washington Post—Article 10.** I selected “Lawsuit alleges that school's inaction on rape led to another” from *The Washington Post* as Article 10 (Anderson, 2016b). This piece by Nick Anderson was featured in December 2016. Nick Anderson was the journalist most often featured as part of this study, with 28 articles in the dataset. Article 10 focused on two student sexual assault cases by the same male-identified alleged perpetrator at Kansas State University. Both alleged assaults involved female-identified complainants.

## CHAPTER IV

### PRESENTATION OF FINDINGS

The purpose of this critical discourse study was to identify the ideologies underlying national print and online news media's presentation of Title IX and campus sexual assault during the Obama-Biden Administration, which spanned from January 20, 2009 to January 20, 2017. This study also explored differences among news periodicals from in and outside the field of higher education. By uncovering beliefs and values underpinning national discussion of Title IX and sexual violence in higher education, individuals can consider social attitudes surrounding these issues, and by extension, implications for students and stakeholders from a multitude of backgrounds and identities.

From January 20, 2009 to January 20, 2017, *The New York Times*, *The Wall Street Journal*, *The Washington Post*, *USA Today*, and *The Chronicle of Higher Education*, published approximately 340 articles focused on student-on-student sexual assault in the college setting. Nearly all of these articles were published after the issuance of the Dear Colleague Letter (DCL) on Sexual Violence on April 4, 2011, reinforcing the notion that the Obama-Biden Administration brought unprecedented, widespread attention to campus sexual assault. However, increasing exposure to the topic of sexual assault does not necessarily reflect social beliefs about the issue and its adjudication, nor the beliefs perpetuated by the media, which this study sought to uncover.

## Research Questions

As stated in previous chapters, this study intended to address the following research questions:

- Q1     What ideologies underscore the national news media’s discussion of Title IX and sexual assault adjudication in higher education throughout the Obama-Biden Administration?
- Q2     How do ideologies underpinning Title IX and sexual assault adjudication presented vary among periodicals in and outside higher education?

This chapter presents key research findings in response to these questions with examples from the dataset. Following in Chapter Five, I have analyzed these findings through poststructural feminist and intersectional perspectives, and developed relevant implications and recommendations for higher education practice.

## Findings

Three major, salient categories emerged throughout my exploration of the dataset from all five publications, which address my first research question. First, I noticed a reliance on language related to violence, aggression, and battle to discuss sexual assault adjudication and sexual violence as an issue. This language conveyed a sense of harshness and severity, and supported a belief in *violence as the problem and solution*, often mirroring war and battle as the way to resolve conflict. Second, I found a consistent emphasis on financial burdens of campus sexual violence, represented through broad discussions of “cost”—both literally in relation to compliance and figuratively as though the burden of being accused of or being a victim of sexual assault is analogous to paying tuition and fees. I named this ideological category *money motivates action* and found it to be upheld through affluent/impoverished assumptions about institutions and students. The third focal ideology I found reflected in the dataset was the belief that

*preventing sexual assault is up to everyone, except perpetrators.* This ideology was upheld through the emphasis on bystander intervention programs as an effective prevention strategy. The publications also used passive language about how often sexual assault happens to individuals, rather than who actively commits violence—erasing perpetrators from the narrative. The dataset often reflected monoliths about the identities and roles of perpetrators and victims.

To address my second research question, I identified a fourth finding to differentiate the ideologies reflected between mainstream journalism and *The Chronicle of Higher Education*. Specifically, I found a notable difference in terms of the role and value of college football, articulated in my finding *the University is its football program*. While this chapter presents key research findings in response to my research questions, it is essential to acknowledge that this is not an exhaustive list, nor a singular answer; rather, a presentation of notable, emergent themes.

### **Violence as the Problem and Solution**

My first ideological finding, *violence as the problem and solution*, was the most prominent across all five publications. Throughout all of the articles I analyzed as part of this study, there were approximately 1000 references to language reflecting violent conflict, including words like *force, pressure, hostile, batter, push, strike, threat, attack, struggle, grapple, tackle, and trample* to describe sexual assault adjudication processes in higher education. It was also common for battle analogies to be used throughout the text, such as *combat, fight, battle, adversary, enemy, war, and crusade*. These references may be used to signal to readers that sexual violence is a severe problem that merits our collective attention.

This section outlines multiple illustrations of the violence as the problem and solution ideology. The following examples from the data convey sexual assault as an issue that needs to be addressed physically, like being “wrestled” or “grappled” with, and that higher education institutions are not inclined to address sexual violence unless they are “forced.” Many articles also characterized adjudication under Title IX as a physically violent process for student participants, not unlike sexual assault itself. Lastly, I highlight the use of war- and battle-language throughout the dataset that was applied to describe sexual violence in higher education, including descriptions of students being “at war” with their institutions, and strategies to “combat” sexual assault.

**Sexual violence is severe enough that it should be addressed physically.** In general, campus sexual assault was presented as a serious matter by journalists. The rhetoric used often reflected a belief that sexual assault, as an issue, was something to be physically “grappled”, “tackled”, or “wrestled” with to be resolved, and policies on campuses to do so should not “lack teeth.” Frequently, articles focused on lawmakers and activists forcing or pushing campuses to take action against sexual violence, implying that institutions had no interest in addressing the issue, unless made to against their will. This language may elicit physical violence imagery among readers, such as an individual grabbing, holding down, biting, and/or pulling another person to the ground.

***Physically handling.*** “Wrestle”, “grapple”, and “tackle” were used frequently, usually in articles showing struggles with theoretical concepts and policies. Several headlines throughout the dataset rely on this language. For example, “Lawmakers Grapple with College Sexual Assault Policies” (Portnoy & Weiner, 2015), “Religious Colleges Grapple with how to Deal with Sexual Assaults” (Chandler, 2016), “Colleges

Wrestle with how to Define Rape” (Wilson, 2016b), and “What a Landmark Finding in a Title IX Case Means for Colleges Wrestling with Sex Assault” (Brown, 2016b) use the idea of wrestling or grappling with concepts to show how institutions and policy makers strained to address campus sexual assault effectively.

References to tackling campus sexual assault were frequently used and could reinforce to readers that the issue is tough to bring down. “White House Tackles College Sexual Assaults” as featured in *USA Today* (Madhani & Axon, 2014) and “UVA to Tackle Sexual Assaults after Alleged Gang Rape” from *The Wall Street Journal* (Bauerlein & Belkin, 2014) both use this description. Senator Claire McCaskill (McCaskill, 2014) also used tackling rhetoric when she wrote a piece featured in *USA Today*, about institutions’ failure to investigate rapes on campus. McCaskill stated,

If we're going to turn the tide against sexual violence, survivors must be protected and empowered. They need to have the confidence that if they make the difficult choice to report a crime, they will be treated with respect and taken seriously, and they won't be retaliated against for speaking out. This means we need institutions across the country to recognize sexual violence for what it is -- a crime -- to work to prevent it and effectively tackle it when it does occur. (2014, n.p.)

McCaskill’s statement reinforces the severity of sexual violence by emphasizing that it is a criminal offense and survivors deserve a level of care when it does occur. It acknowledges institutions’ power and their responsibility to address incidents. The rhetoric also suggests that “tackling” sexual violence is the most effective way to create social change to end it.

Multiple articles in the dataset also emphasized laws and policies “lacking teeth” or being “toothless” suggesting a concern that perpetrators of sexual assault and institutions would not be held accountable without more forceful, “biting” measures (Kelderman, 2014; Marklein, 2013; Newman & Sander, 2014; Sander, 2013a, 2014). For example, “Some members of IX Network, a national network of survivors of sexual assault, said the voluntary agreement with SUNY lacks teeth” (Marklein, 2013, n.p.) and “activists maintain that those resolutions lack teeth,” (Sander, 2013a, n.p.) conveyed survivors’ and activists’ dissatisfaction with institutions’ resolution agreements. Generally, the “lacking teeth” rhetoric suggests to readers that laws and policies are not sufficiently forceful and punitive against perpetrators and campuses to eliminate sexual violence.

**Institutions will not address sexual violence, unless forced.** Often, articles ideologically reflected violence as the problem and solution by reinforcing the belief that institutions will not address campus sexual assault, unless forced to against their will. This belief was reflected in concerns that without forceful intervention, institutions do not hold perpetrators of sexual assault accountable. In many instances, the dataset reflected that activists and lawmakers had to compel universities to hold perpetrators of sexual assault accountable and institutions would not be motivated to do so without forcible intervention. In an example from *The New York Times* (Pérez-Peña, 2015), it was stated, “Senator Kirsten Gillibrand, Democrat of New York, praised the study but expressed impatience that Congress had not acted to force colleges to improve their handling of sexual assault” (n.p.). Similarly, *The Chronicle of Higher Education* article, “2 Professors Demand Protection for Sexually Assaulted Students” (Ellis, 2013) featured,

“As activists nationwide have worked to force colleges to change how they handle reports of sexual assault, faculty members have signed petitions and written open letters” (n.p.), also upholding the notion that colleges would not hold perpetrators accountable willingly. In an example from *The Chronicle of Higher Education*, frequently referenced Title IX “expert” Brett Sokolow stated, “Congress is going to shove it down our throat” if campuses could not fix issues with accurately reporting campus crime statistics (Field, 2015, n.p.). This language suggests that campuses will not change campus crime statistic reporting unless forced to against their will by the federal government.

**Adjudication is violent.** The underpinning ideology, violence as the problem and solution, was sustained across all five periodicals analyzed as part of this study by emphasizing that student sexual assault adjudication processes under Title IX are violent, in and of themselves. Throughout the text, adjudication was conveyed as violent for both survivors and alleged perpetrators. Articles that supported “adjudication as violence” rhetoric regularly framed binary oppositions with universities as aggressors, which is at odds with their students involved in adjudication processes.

For example, “Harvard to Bring on Specialists to Examine Sexual Assault Cases” from *The New York Times* (Pérez-Peña, 2014) uses language around “trampling” to describe how both parties involved in adjudication are brutalized by how university administrators address their cases. Specifically, Pérez-Peña (2014) wrote, “Since few of those people have training in addressing cases that are often delicate and murky, critics say the approach is more likely to trample the rights of the accuser and the accused” (n.p.). The belief that adjudication is violent for both victims and alleged perpetrators was also upheld in the title of *The Chronicle of Higher Education* piece, “Seeking to

Strengthen Sex-Assault Policies, Colleges Draw Fire From All Sides” (Mangan, 2015). The article later included, “Depending on whom you talk to these days, Harvard University's policies to prevent sexual assault either are woefully inadequate or risk trampling on the rights of men following tipsy, consensual hookups” (Mangan, 2015, n.p.).

*For survivors/victims.* The belief that sexual assault adjudication in higher education is violent for victims/survivors was upheld throughout the discourse analyzed in this study. In many instances, the rhetoric suggested that sexual assault survivors’ experiences going through adjudication processes were just as (or more) violent than living through the assault itself. Often, the language used to describe survivors’ response to institutional policies and procedures mirrored that of physical and sexual violence acts, like strangling, suffocating, burning, and pushing.

When describing university sexual assault adjudication, a 2010 piece in *The Washington Post* featured a first-person perspective from Jaclyn Friedman, who wrote, “I’d heard horror stories about victims being grilled in excruciating detail about their sexual histories, as if anything a woman may have done in her past made her fair game to be raped in the present” (Friedman, 2010, n.p.). While Friedman continues to say that her process did not go that way, being “grilled” by the university was something she had expected. Later on in the article, Friedman (2010) also talks about female victims being “forced” by their institutions into mediation with their perpetrators (n.p).

Another example from the dataset conveying the violence of sexual assault adjudication for survivors comes from a 2014 *USA Today* piece, called “College Tribunals Can’t Solve Sex Assault Problem” (“College tribunals can’t solve sex assault

problem,” 2014). The article states, “Schools are accused of pushing victims not to report their crimes to police, dragging cases on for months without resolution and failing to investigate serious allegations” (n.p.). In this case, the rhetoric analogizes victims’ experiences to being physically shoved and then pulled against their will through a long and arduous process.

*For alleged perpetrators.* Sexual assault adjudication under Title IX was also portrayed as a violent experience for alleged perpetrators. Often, articles used language suggesting that accused students had been branded or slapped with a label, their rights had been trampled, or they needed to fight back/lash out at their institutions. Using violent language to describe adjudication procedures for accused students may minimize the severity of sexual violence by centering the difficulties of alleged perpetrators in a process, over those of assault victims.

Several examples of accused students being slapped or branded with a label surfaced throughout the data. In the article, “Some Faculty at Harvard Oppose Policy on Assaults” (Bidgood & Lewin, 2014), a student is quoted, ““Sometimes I wonder how far you can push the line before someone gets unfairly slapped with a label,” she said. “It’s life-changing to have the label of rapist put on you” (n.p.). In another example, a piece in *The Chronicle of Higher Education* discussing institutional accountability for sexual assault cases talked about “Slapping perpetrators with penalties less severe than those for stealing a laptop” (Sander, 2013a, n.p.). While the context of the article suggests the accountability for perpetrators is insufficiently harsh, the language may still elicit an image of an individual being physically struck.

*The New York Times* featured a piece, “Mishandling Rape” (Rubinfeld, 2014) which echoed concerns about the violence and permanence of being accused by stating, “Forced by the federal government, colleges have now gotten into the business of conducting rape trials, but they are not competent to handle this job. They are simultaneously failing to punish rapists adequately and branding students sexual assailants when no sexual assault occurred. (n.p.)”

The branding rhetoric was taken one step further in “Presumed Guilty” in *The Chronicle of Higher Education* (Wilson, 2014b), which talked about an Auburn University student, Joshua Strange, who had been accused of rape. The author stated, “Mr. Strange, expelled from Auburn in 2012, says he felt branded with a scarlet R even before the university decided his case” (n.p.). Not only does this example suggest that being accused is analogous to being physically burnt, it also references *The Scarlet Letter*, a Nathaniel Hawthorne classic about a woman being forced to publicly wear a letter “A” for committing adultery. Similarly, in a case involving Brown University, *The Chronicle of Higher Education* published a quote from an attorney saying his client who was accused of sexual assault had been “pummeled in public” because of the allegations harming his reputation (Wilson, 2014a).

Rhetoric surrounding accused students’ rights being trampled on was ubiquitous in the dataset throughout all publications. For instance, James Taranto, a frequent opinion contributor for *The Wall Street Journal*, applied this language throughout multiple pieces and entitled one, “An Education in College Justice; Under Pressure from the Obama Administration, a University Tramples the Rights of the Accused” (Taranto,

2013). In an editorial featured in *The Washington Post* (Editorial Board, 2014) the Editorial Board stated,

That's why the role of college administrations in providing a safe education environment - collaborating with local law enforcement, promulgating and enforcing student codes of conduct, and offering support and services to students who say they have been assaulted while not trampling on the rights of the accused - is critical. (n.p.)

In another example from *The Wall Street Journal*, “Connecticut Studies ‘Yes Means Yes’ Sexual Consent Policy” (De Avila, 2016), the author quoted a former social worker who had assisted sexual assault victims, who discussed universities “trampling on the rights of the defendants,” as if to suggest that even people who stand up for victims believe accused students have been treated unfairly (n.p.).

Often, it was conveyed that men who had been through university adjudication “fought back” in response. Similar to *The Washington Post* article “Men accused of sexual crimes at colleges lash out at process” (Anderson, 2014c); or the statement, “An increasing number of undergraduate men are now fighting back--with the help of parents, lawyers, and a new national advocacy group” as featured in *The Chronicle of Higher Education* (Wilson, 2014b, n.p.). In *The Washington Post* article, “Stanford Assault Victim Seeks Tougher Sanctions,” Murphy (2014) stated,

But, highlighting the challenge for universities, some of the accused are striking back, saying their colleges' student-conduct investigations deprived them of their rights. Former students at Duke and Occidental

College sued the colleges, claiming that the universities railroaded them.

(n.p.)

This excerpt features both references to accused students hitting back at their universities, as well as universities forcing an inappropriate and hasty decision by using the idiom “railroaded.” Applying language like “lashing out” or “striking back” to situations of men challenging how their cases were handled, may reinforce a social belief that individuals accused of sexual assault are mistreated and a violent response is merited.

**Sexual violence needs to be battled.** Another way violence as the problem and solution was upheld throughout the dataset was through language focused on battle and war. Often, there were “battles” and “adversaries” framed between universities and politicians, universities and the public, or universities and their students. Rarely were alleged perpetrators and victims presented as in battle with one another, even if articles covered one specific Title IX case, although there were some examples of campus sexual assault as a “gender war.” Although combative language may reiterate that sexual assault is a serious issue that needed to be battled or targeted, it may also socially validate violence as the only way to resolve issues and contribute to social attitudes that uphold sexual assault.

***Battling sexual assault.*** Allusions to war were common throughout the dataset to describe campus sexual assault as an issue, as well as institutional response to it. For example, an article from *The New York Times* entitled, “The War on Campus Sexual Assault goes Digital” (Singer, 2015) suggests to readers that campus sexual assault is being actively fought against and now is being done so on a digital front. In response to an infamous fraternity gang rape article featured in *Rolling Stone*, the University of

Virginia, “insisted that they would combat the problem of sexual assault on campus” according to *The New York Times* (Steinhauer, 2014, n.p.). When the *Rolling Stone* article was discredited, the original journalist, Sabrina Erdely (2015) wrote a piece featured in *The New York Times* stating, “Rolling Stone's story, ‘A Rape on Campus,’ did nothing to combat sexual violence, and it damaged serious efforts to address the issue” (n.p.).

Frequently, battle language was applied in situations describing institutions being at odds with politicians, or politicians—most often, a White House task force—intervening to address campus sexual assault directly. *The Chronicle of Higher Education* article, “Promise Unfulfilled?” (Newman & Sander, 2014) stated, “On Tuesday, a White House task force released a set of stringent guidelines meant to help colleges combat rape on campus and unveiled a website, NotAlone.gov, to provide victims with a ‘road map’ in filing complaints” (n.p.). In another example, “Congress Considers Proposals to Combat Campus Sex Assaults” from *The Washington Post* (Anderson, 2014b), the article focused on how to address sexual assault in higher education based on some of the strategies that had been applied in the military. In response to discussions about permitting guns on campus to prevent sexual assault, *USA Today* ran a piece entitled, “Guns Won’t Deter College Sexual Assault; Advocates Seize on Campus Rape Debate” (Fox, 2015). It stated, “Combating campus sexual assault is clearly an important goal for college administrations, and there are some reasonable steps to take, including better control of alcohol consumption. But allowing guns on campus will only create more problems” (n.p.). Stressing the government’s interactions with higher education in combative ways, may suggest to the public there are exclusively

adversarial relationships among universities and lawmakers. This may suggest the only way to move forward to address campus sexual assault is for one party to win over the other by force.

*Students are at war with institutions.* Throughout the dataset, war analogies were used to describe students' conflicts with their universities. This rhetoric was applied to both victims and alleged perpetrators. *The Chronicle of Higher Education* article, "Seeking to Strengthen Sex-Assault Policies, Colleges Draw Fire from All Sides" Mangan (2015) provides an example of this just in the title of the piece, by suggesting that institutions are attracting hostility through an allusion to being targeted by gunfire.

*Accused students are at war with universities.* The rhetoric often suggested that male-identified students accused of sexual assault are at war with their universities over their due process rights and being held accountable unfairly. The following excerpt from an article in *The Chronicle of Higher Education* (Wilson, 2015b) encompassed this belief,

But in the last month, victories for universities in two such lawsuits show how difficult it is for accused students to win legal battles against institutions on the issue. That is particularly the case if - as happened in the two recent suits - the students allege that in finding them responsible for sexual misconduct, their institutions discriminated against them because they are men. (n.p.)

This quote frames legal action against universities by accused students as battles that are challenging to win. It also highlights that male-identified students accused of sexual assault feel discriminated against based on their gender, simply because they had been

found responsible for violating university policies. This insinuation may suggest any time men are held responsible for their actions, it must be discriminatory—rather than acknowledging that often, when men are held accountable by their universities, it is because they committed a sexual assault.

In response to men feeling unfairly targeted when held accountable, *The Chronicle of Higher Education* article “Presumed Guilty?” (Wilson, 2014b) featured, Now that colleges are paying more attention to sexual assault, they say-- investigating reports and punishing offenders--some students found responsible are bound to cry foul. ‘It’s a little hard to believe that we can go for generations where rape victims are ignored, disbelieved, and disregarded, and now the battle cry is out that we’re ruining the lives of untold numbers of innocent young men,’ says David Lisak, a clinical psychologist who consults with colleges on rape cases. ‘People accused of assault,’ he says, ‘frequently contend that they’re innocent.’ (n.p.)

Lisak applies the phrase “battle cry” to describe how accused students are rallying to take on their campuses en masse. Lisak also takes the opportunity to center the experiences of victims being disbelieved historically before commenting on the war alleged perpetrators are waging against their campuses. Uniquely, this quote may normalize for readers that students who are accused of sexual assault inappropriately fight back against campuses for holding them accountable, even if they are responsible for perpetrating against their peers.

*Victims are at war with universities.* Because the bulk of articles presented female-identified victims of sexual assault, most of the rhetoric reflected women at war

with institutional administration in response to their cases being mishandled. In a *Washington Post* piece, a student victim talked about her “battle to obtain a hearing from the university on her case” (Anderson, 2016a, n.p.). In another instance from *The Chronicle of Higher Education* (Brown, 2017) it was stated, “At the heart of the recent crusade against campus sexual violence have been students who publicly told their stories of being assaulted and then mistreated by their colleges after reporting the incident” (n.p.).

Another example of a “crusade” came from “Coming Home, Healed,” featured in *The New York Times*. In it, Araton (2012) described a victim of sexual assault involving a male-identified student athlete as a “one-woman crusade, armed with audacity and a smartphone, waging battle against an athletic culture of invulnerability that has become increasingly explosive in the college and professional sports industries” (n.p.). This example provides several allusions to war, through the use of “crusade,” “armed,” and “waging battle,” to discuss a student’s experience taking on the culture of collegiate athletics. The article conveys a sense of pride in the victim seeking recourse through metaphorically violent means to challenge existing power structures that have perpetuated a culture in which sexual violence can occur. By exclusively highlighting this victim’s experience in this way, the article may normalize the idea that the “right way” to be a victim is to fight back, rather than allowing space for victims to seek resolution through other non-violent means.

An article from *The New York Times* focusing on advocacy efforts uses similar war-analogous language like “spearheaded” and “fight” to discuss actions women have initiated to end sexual assault. The excerpt below also explicitly

mentions men feeling unfairly focused on as perpetrators of violence and feeling targeted,

It is mostly women who have spearheaded the fight against sexual assault, founded the rape prevention centers, staffed the hotlines, dominated the research in the field, led the Take Back the Night marches and organized the sexual consent campaigns. And it is men who commit most of the world's violence. While true, put this way, men feel like the enemy. "What I hear from men," says Ms. Gelaye, the University of Massachusetts vice chancellor, "is they feel like they're the targets, they're the problem."

(Winerip, 2014, n.p.)

Not only does this example reinforce the aggressive nature in which sexual assault should be deterred, it provides an interesting context to examine roles of men and women in addressing the issue. The article blatantly states the fact that men "commit most of the world's violence" (Winerip, 2014, n.p.), but also centers men's feelings and reactions to being confronted with that information, signaling to readers that it is important to prioritize men's comfort over difficult conversations. Overall, these pieces highlight the aggressive nature and war-like tone commonly used to present campus sexual assault and minimize the potential effectiveness of non-combative methods to address sexual violence.

By using combative language to address campus sexual assault, the rhetoric conveys a sense of severity about the issue, and upholds the ideology of violence as the problem and solution. The language used to describe higher education's processes and policies often mirrored language used to describe the nature of sexual assaults,

themselves—forceful, damaging, and physically aggressive. Historically, winning and conquering are achieved by force over other means, like compromise or mediation. This parallels the institutional responses by both higher education and the criminal justice system to address sexual violence. Sexual assault adjudication on campuses upholds the belief that for issues to be resolved, there must be one winner and one loser, reinforcing singular, dominant perspectives that may not prompt meaningful social change, because they are still reliant upon violence.

### **Money Motivates Action**

*Money motivates action*, my second ideological finding, was characterized by rhetoric surrounding the costs of sexual assault adjudication, both figuratively and literally. Often, the financial costs of compliance with Title IX, an emphasis on institutional image over student safety and comparing the experience of being assaulted as a burden analogous to costs of attendance in higher education, were reflected throughout the data. Across all of the periodicals studied, there were approximately 494 references to language such as *high profile*, *charge*, *financial*, *pay*, *prominent*, *reputation*, *publicity*, *cost*, *corporate model*, *investment*, *public relations*, and *brand name* used to discuss campus sexual assault adjudication.

Financially-based language may be used in media to convey and emphasize priorities to readers, because of the shared culture of capitalism in the United States. Capitalism permeates the U.S. higher education setting (“academic capitalism”) by situating students as consumers and universities as purveyors of knowledge competing in a market economy (Slaughter & Rhoades, 2004). By frequently applying cost and corporatized language to discussions of sexual violence in higher education, media may

be emphasizing the severity of the issue by trying to quantify intangible impacts and also suggesting that students as consumers are not getting what they pay for in the college experience.

**Institutions will only address sexual violence if it threatens their reputation.**

Articles analyzed as part of this study often explicitly stated that universities were not interested in addressing sexual violence unless it was financially lucrative for them to do so. Discussions heavily relied on the idea of institutional reputation, brand, and public image. Coverage reflected universities' fear of addressing sexual violence or transparently reporting incidents to the public, because of the potential to damage the brand, hinder student recruitment, and affect the financial bottom line. In many examples, articles presented the argument that it was not worth it for institutions to hold male-identified student athletes accountable for sexual assault if their teams were prestigious and/or profitable. Monetary priorities were commonly represented in articles covering well-known institutions.

Many articles throughout the dataset discussed campuses under investigation by OCR for Title IX violations, and the potential damage to institutional reputation, as well as recruitment potential. In "U.S. Probes into College Sex Assaults Rise Sharply", as featured in *The Washington Post*, Anderson (2014d) wrote, "The students whose complaints sparked many of the cases are anxious for federal action, while colleges want to escape a list that puts an unflattering question mark next to their brand name" (n.p.). This example presents students allied with OCR against campuses and shows institutions' desire to preserve their brand by not being listed as currently under investigation. The "unflattering question mark" rhetoric may make readers question institutional priorities,

because a “question mark next to their brand name” (Anderson, 2014c, n.p.) seems trivial compared to protecting students and effectively holding perpetrators accountable.

Often, articles reflected skepticism regarding institutions accurately reporting sexual assault data to the public. In one instance, an editorial in *The Washington Post* (Rampell, 2014) stated,

Many of the schools that do conduct surveys don't publish the results, though, likely out of fear of negative publicity. My own alma mater, Princeton, surveyed students in 2008, but the findings were not made public until someone leaked them to the school newspaper five years later. Asked why the results weren't previously published, an administrator told the *Daily Princetonian*, ‘A story that Princeton's rates of students who have been assaulted is on line with national averages is really not a story, but I mean in this news environment, people would make a big deal about it.’ (n.p.)

This excerpt focuses on Princeton leadership’s explicitly stated hesitance to publish sexual assault rates because of public attention they did not want to manage. Negative publicity is prioritized over transparency. By extension, the resistance to publishing sexual assault data because it does not deviate from national averages may confirm to readers that universities are indifferent to the issue, so long as they are no “worse” than other institutions (i.e., their competition) and that administrators are uncaring to sexual assault survivors.

In another example from *The Chronicle of Higher Education*, Laura Dunn, an advocate for sexual violence survivors, was quoted, “‘Any time you have someone in a

position of power at the university protect the university's reputation over the individual student is really hurtful and upsetting” (Sander, 2013b, n.p.). This excerpt shows the belief that university leadership assumes there is an oppositional, direct tradeoff between an institution’s reputation and a survivor’s wellbeing. In this regard, the rhetoric in this article also upholds the belief that supporting survivors of sexual assault publicly is damaging to the university, rather than perceived positively by the general public, and that the public should be skeptical of the motives of universities’ leadership.

The rhetoric reflected in the data often suggested institutions did not find it worthwhile to hold male-identified student athletes accountable for sexual assault. Many articles conveyed the reputation and prestige of male athletic teams—the social belief that winning male sports contribute to recruitment efforts—are profitable for universities. *The New York Times* article, “Arrests Prompting Hard Look at Top Hockey Program,” (May, 2012) features a quote from a student at Boston University, which exemplifies the belief institutions would not address sexual assault allegations involving male-identified athletes. In the article, Boston University student, Jeremy Hartman, is quoted, “‘I don’t think anything will change,’ he said. ‘As long as the hockey team receives as much money and prestige as it currently does, there is no impetus for change, even in the wake of these incidents...’” (p. B10). This excerpt explicitly names the direct tension between money and prestige of a successful men’s sports team and making a change to end a toxic culture that upholds sexual violence.

In a piece discussing the rash of sexual assault allegations involving members of the University of Montana football team from around 2010-2012, *The Wall Street Journal* reflected the financial motivation for institutions to preserve their image and

athletic reputation. The article, “Montana Rape Claims under Federal Inquiry” (Woo, 2012b) stated, “the negative attention might affect the national reputation of the university, which has been heavily recruiting out-of-state students who pay higher tuition” (n.p.). This statement suggests to readers that the priority of institution is to recruit out-of-state students to increase their revenue over holding rapists accountable and reinforces a belief that accountability for sexual violence negatively impacts recruitment.

Universities may also be unwilling to address sexual assault because of financial pressure from alumni donors. In “Stopping Campus Rape” from *The New York Times*, when reflecting on ways to prevent campus sexual assault, journalist Ross Douthat (2014) wrote,

Second, college administrators could try to break their schools' symbiotic relationship with the on-campus party scene. This is not an easy task, mostly for financial reasons: The promise of Blutarskian excess often attracts the kind of well-heeled kids whose parents pay full freight, and the ‘party pathway’ through academe involves two intertwined phenomena -- big-time sports and wild Greek life -- that basically define college for many deep-pocketed alums. (n.p.)

Not only does the article name “big-time sports” as a priority for institutions, it states that universities financially benefit from an alcohol-fueled culture of irresponsibility that draws affluent legacy students, who pay full price to attend. Interestingly, the author makes this comparison by referencing John Belushi’s raucous character in the movie, *Animal House*. The language and signification conveyed by the reference to *Animal*

*House* may contribute to perceptions of what the college experience is to readers, and the financial motivations that institutions may have to preserve that culture.

*USA Today* also suggests that institutions are not interested in holding male-identified student athletes accountable in the article, “Anger, Anguish at Baylor; School Struggles to Move Forward from Scandal” by Axon (2016). In the article, Laura Seay, “a Baylor alumna who is a professor at Colby College in Waterville, Maine” (p. 1C) is featured stating, ‘I think there's a really strong suggestion that Baylor doesn't get it, that they view this primarily as a public relations problem and not as a character problem and as an issue that they are going to have to deal with’ (p. 1C). Seay clearly stated that Baylor is unable to address sexual assault on campus because of mischaracterizing the “problem” as one of reputation and image, over a deeper issue. By focusing on the public relations challenges in the aftermath of sexual assault allegations, leadership at Baylor is failing to truly address a deeper, cultural issue of sexual violence. This language supports the belief that institutions are inclined to avoid holding male-identified student athletes on high-profile teams accountable for perpetration because it is a brand issue that can affect an institution’s bottom line.

*The Chronicle of Higher Education* also normalizes institutions avoiding accountability for male-identified student athletes in the article, “Colleges Walk a Fine Line When Athletes Are Accused of Sexual Assault” (Mangan, 2014). The article stated, “When a star athlete is accused of sexual assault, teams of handlers typically swoop in to contain what can rapidly escalate into a public-relations crisis for a university” (n.p.). This quote centers the athletic achievements of the accused student by referring to him as a “star” and then names the potential public discussion as a “crisis.” This language may

contribute to social beliefs that assaults committed by male-identified student athletes merit more attention (or are somehow “worse”) and that even after accused, it is important to acknowledge men’s athletic accomplishments. By focusing on the athletic proficiency of alleged perpetrators and the inconvenient public discussion of incidents, the rhetoric may support the notion that institutions’ prefer to avoid holding male-student athletes accountable for sexual assault because of financial reasons and minimizes that sexual assault is a serious issue.

**Compliance with Title IX is too expensive.** Another way journalism reflected the money motivates action ideology is through rhetoric presenting institutional compliance with Title IX as too expensive and unattainable. By suggesting Title IX compliance is too expensive, readers may assume that institutions adjudicating sexual assault is “not worth it;” proposing that compliance with Title IX is too costly assigns financial value to campus safety.

The high cost of Title IX compliance was echoed in *The New York Times* piece, “Harvard to Bring on Specialists to Examine Sexual Assault Cases” (Pérez-Peña, 2014). The article stated,

‘Harvard was already a standout as far as training, but having specialists is an important step,’ said Colby Bruno, senior legal counsel at the Victim Rights Law Center in Boston. But she cautioned against expecting colleges with fewer resources to follow Harvard's lead. (n.p.)

In this quote, Colby Bruno notes Harvard’s culture of having well-trained individuals address sexual assault on campus, but also acknowledges that doing so is costly. Bruno acknowledges that adjudicating sexual assault cases in compliance with Title IX is too

financially demanding for many institutions to achieve. The rhetoric employed in this excerpt suggests that even individuals who advocate for victims' rights and support institutional compliance with Title IX believe that compliance is too expensive for many institutions to attain.

Another example of rhetoric suggesting it is too costly for institutions to adjudicate sexual assault in compliance with Title IX came from *The New York Times* article, "Proposed Bill Targets Assaults on Campus" (Steinhauer, 2014). It stated,

'Colleges are simply unable to play judge, jury and executioner when they're already having trouble playing educator,' Anne Neal, president of the American Council of Trustees and Alumni, said in a written statement. 'Resources are limited and colleges must put their focus on their primary objective: education.' (n.p.)

This quote from Anne Neal suggests that universities should not be responsible for adjudicating sexual assault because "resources are limited." Neal uses resource scarcity as a reason for institutions to focus on education instead of sexual assault. The oppositional insinuation that universities have enough resources to educate students *or* address sexual violence signals to readers that adjudicating sexual assault cases is distinctly separate from the educational mission of the institution.

The *USA Today* piece, "U.Va. Report Bares Failed U.S. Policy; Federal Rules Have Put Universities and Colleges in a No-Win Situation" (Wallance, 2015) also calls into question the costs and benefits of Title IX compliance. In it, Wallance (2015) wrote, "Despite the tremendous resources expended by schools on Title IX compliance, there is no empirical evidence the policy has deterred campus sexual assaults; in fact, there is

confusion even over the rates of such assaults” (n.p.). The language describes institutional resources spent on Title IX as “tremendous,” which although vague, suggests to the audience an immensely high dollar amount for no measured outcomes showing this high level of spending has resulted in any decrease in campus sexual assaults. The concluding statement, “there is confusion even over the rates of such assaults” could create doubt among the public that campus sexual assault is even a serious problem.

*The New York Times* article, “In Battling Sexual Misconduct, Colleges Build a Bureaucracy” (Hartocollis, 2016) is primarily focused on the high costs and skepticism around higher education systems and positions created to adjudicate sexual assault in compliance with Title IX. The article discussed the “rapidly growing number of Title IX employees on campuses nationwide, as colleges spend millions to hire” (n.p.) and talked about multiple costs associated with compliance on campuses. The word “bureaucracy” in itself conveys a sense of mistrust and supports a belief that institutions are spending irresponsibly to support an ineffective and overly-burdensome system.

**Non-compliance with Title IX is too expensive.** While on one hand, the rhetoric suggested that *compliance* with Title IX was too expensive, it also simultaneously suggested that *non-compliance* with Title IX was too expensive. Commonly, institutions were presented as unable to “afford” being out of compliance with Title IX, figuratively and/or literally. Pragmatically, universities were threatened by, or fearful of, costly litigation or loss of federal funding for being out of compliance. These examples also reflect the belief that money motivates action through threat of financial penalty as the primary catalyst for institutions to comply with Title IX by guaranteeing due process protections to accused students and holding perpetrators accountable to support victims.

*The Chronicle of Higher Education* article entitled, “The ‘Fearmonger’; As liability worries rise, advising colleges on risk becomes a big business,” (Lipka, 2011) reflects the threat of financial implications for non-compliance with Title IX. The article focuses on Brett Sokolow, the founder of the Association for Title IX Administrators, and how fear of liability has motivated campuses to pay substantial fees for consulting and training to avoid litigation or costly and time consuming OCR investigations. By describing Sokolow as a “fearmonger” and university compliance as “big business,” the rhetoric suggests to readers that higher education is motivated by profits, similar to a corporation, and the fear of costly litigation drives universities to spend money on compliance.

*The Chronicle of Higher Education* also uses language reflecting higher education institutions as corporations and motivated by capitalism as reflected in the piece, “5 Plaintiffs Reach Agreement with UConn in Sexual-Assault Lawsuit” (Vendituoli, 2014). The article included,

Laura Dunn, who founded the advocacy group SurvJustice after surviving a sexual assault, said the Connecticut settlement was a wake-up call to colleges that mismanaging sexual-assault cases can be expensive. ‘If schools are looking at this from an economic perspective,’ she said, ‘there is a huge cost to violating the rights of survivors.’ (n.p.)

Dunn’s quote explicitly suggests institutions make economically-based decisions in regard to sexual assault adjudication. Dunn mentions the tangible cost, in terms of the adjudication, being expensive to the detriment of survivors.

“Fight against Sex Assaults Holds Colleges to Account” (Pérez-Peña & Taylor, 2014) and “Proposed Bill Targets Assaults on Campus” (Steinhauer, 2014) from *The New York Times* are also examples from the dataset showing the motivation for institutions to comply with Title IX and adjudicate sexual assault because of financial cost. “Fight against Sex Assaults Holds Colleges to Account” (Pérez-Peña & Taylor, 2014) addresses an OCR resolution agreement with Tufts University. The article stated, “Tufts initially said it would agree to the resolution, and then, last week, it refused, setting up a showdown that could, in theory, lead to its being stripped of federal funding” (Pérez-Peña & Taylor, 2014, n.p.). “Proposed Bill Targets Assaults on Campus” (Steinhauer, 2014) stated, “The provisions of this legislation that would create financial penalties for noncompliance ‘is a real game-changer,’ Ms. Buzuvis added, ‘because it creates, for the first time, an incentive for universities to address campus sexual assault in a proactive manner’” (Steinhauer, 2014, n.p.). The language in both pieces emphasizes the severity of financial penalty for failure to comply with OCR’s expectations for sexual assault adjudication under Title IX, and reflects the belief that institutions are only motivated to address sexual violence if it threatens their bottom line.

In an example from *USA Today*, specific costs of non-compliance with Title IX are mentioned, in conjunction with political strategies by the federal government to push change on campuses. “Colleges Put on Notice over Rape; Bill aims to crack down on coverups of campus sex assault” (Marklein, 2014), discussed a bill sponsored by Senator Kirsten Gillibrand, which proposed financial penalties for universities that fail to comply with reporting and investigation requirements under Title IX. In response to the proposed legislation, the article stated,

The proposal would toughen sanctions against colleges that fail to report sexual assault crimes as required by federal law, raising the penalty from \$35,000 per violation to \$150,000 per violation. It also would fine schools up to 1% of their operating budgets if they fail to investigate reports of sexual assault on their campuses.

The idea is to ‘flip the incentives that currently reward (colleges for) keeping sexual assault in the shadows,’ said Sen. Kirsten Gillibrand, D-N.Y., one of the bill's eight sponsors. ‘We will not allow these crimes to be swept under the rug any longer.’ (p. 3A)

By including the amounts of monetary fines in this article and noting the financial penalty being increased to \$150,000, readers may be led to believe that politicians find transparent reporting to be a priority to end sexual assault on campus and that institutional non-compliance with Title IX is too steep a cost to disregard. Additionally, the statement from Senator Gillibrand may reinforce to the general public that universities are motivated, only financially, to be transparent about campus sexual assaults.

*The Chronicle of Higher Education* provided a further example of the literal and figurative “costs” associated with institutions failing to comply with federal requirements for sexual assault adjudication. The article, “Should Colleges be Judging Rape?” (Wilson, 2015a) included,

College officials can't afford to ignore their responsibilities to handle sexual assault. Beyond the moral imperative, if a college doesn't resolve students' reports promptly and fairly, the Education Department may find

that it violated their rights under the gender-equity law known as Title IX and created a hostile environment for learning. (n.p.)

This excerpt upholds beliefs that institutions have a moral obligation to address sexual assault on campus beyond legal repercussions. Institutional leadership “can’t afford” to neglect their moral responsibility to students and the learning environment. Subsequently, should they fail to uphold students’ rights, there may be tangible, fiscal penalties that impact their ability to function.

**Being a victim of sexual assault is a cost of attendance.** The ideology money motivates action was also reflected through the metaphorical “costs” of college. For example, journalists often analogized being a victim of sexual assault to monetary costs of higher education like tuition and fees, through describing sexual assault as a steep “cost” for young women to “pay” to obtain their degree. This rhetoric conveys a severity of sexual violence and the emotional burden on survivors of sexual assault. The negative impact of sexual assault on survivors may not be realized by institutions and the public, unless the emotional cost of sexual violence is equated with financial cost.

Senator Kirsten Gillibrand employed the victimization as a cost of education rhetoric multiple times to post-secondary education environments in speeches covered by mainstream media. Gillibrand was quoted in *The New York Times*, “‘Our students deserve better than this,’ Ms. Gillibrand said. ‘The price of a college education should not include a 1-in-5 chance of being sexually assaulted’” (Steinhauer, 2014, n.p.). By presenting the rate of (college women) being sexual assaulted as a “price” of attendance, audiences may be encouraged to consider the harsh reality of sexual assault and its impact; however, it also signals sexual assault as a universal inevitability. In *The*

*Washington Post* article, “Gillibrand Joins Call to End Sexual Violence at Merchant Marine School” (Rein, 2016), Gillibrand similarly stated, ““The price of an education and job training at sea cannot be sexual assault and harassment”” (n.p.), applying the same principles to students in a military academy setting.

In another figurative example of costs of attendance for young women who may be victimized, *The Chronicle of Higher Education* article, “Why Campuses Can’t Talk about Alcohol when it Comes to Sexual Assault” (Wilson, 2014c) included,

‘But she grew to resent feeling as if she had to monitor her behavior because of what others might do to her, says Ms. Roy, a volunteer for Know Your IX, a network of self-identified survivors and allies. ‘The cost of any form of self-policing-not walking alone in the dark, watching what you drink and what you wear-is that you live under a self-inflicted form of fear,’ she says. ‘You are living in this fear that drinking or letting yourself go is a bad thing.’

This excerpt, which features a quote from a member of Know Your IX, discusses the negative impacts of some popular sexual assault prevention tips that female-identified college students are given. In this example, the metaphorical cost to be paid by possible victims of sexual assault to keep themselves safe is of their own emotional wellbeing and sense of safety.

*The Wall Street Journal* also noted the emotional burden as a cost of sexual assault adjudication for victims involved in a case against their institution (Korn, 2016). “University of Tennessee Settles Sex Assault Claims for \$2.48 Million” included,

‘One side ultimately would have won in court several years from now, and we felt confident about our legal position,’ said Board Vice Chair Raja Jubran. ‘But I truly believe that both sides would have lost,’ citing the costs in terms of money and the emotional toll. (n.p.)

The quote references “emotional toll” as a cost of litigation on victims, which could convey the burden of being engaged in the legal process to a general audience. The University of Tennessee emphasizing their confidence in the legal argument suggests they know they are “right” and would “win” (and, by extension, the students are “wrong” and would “lose”). Even though the quote concludes by ““saying both sides would have lost”” (Korn, 2016, n.p.), the students likely have fewer resources to pursue litigation and have endured the harm created by perpetrators and the university. If a student is victimized, they are expected to pay the price of the emotional toll caused by the sexual assault itself, and the following adjudication process.

My second key ideological finding, money motivates action, was upheld throughout the rhetoric presented in news media during the Obama-Biden Administration. Journalists frequently discussed universities being motivated to address (or avoid) campus sexual assault allegations, because of concerns with reputation and public image. Public relations concerns were frequently framed as a priority for institutions, referencing threatened recruitment potential and possible loss of revenue. The media simultaneously emphasized that compliance and non-compliance with Title IX were both too expensive, and often highlighted how responsive institutions were to the threat of costly litigation. For female-identified college students, being a victim of sexual assault was commonly presented as an inevitable cost of attendance, or a price they had

to pay for engaging in similar behaviors as their male-identified counterparts. By relying on financial analogies as part of the national discourse surrounding campus sexual assault, the media may show the general public that it is a serious issue, but it might also reinforce a social understanding of higher education as a corporate entity with a motivation toward profit over other interests.

### **Preventing Sexual Assault is up to Everyone, Except Perpetrators**

The third ideological finding I noted across all five periodicals of this study was *preventing sexual assault is up to everyone, except perpetrators*. Throughout all publications, there was significant emphasis placed on university bystander intervention programs. Measures for victims to protect themselves from being assaulted, suggestions that “boys will be boys,” mentions of the Obama-Biden Administration’s “It’s on Us” campaign, as well as the suggestion that being accused of rape is as bad as being a victim of rape. This ideology was also conveyed regularly through the reliance on statistics about the frequency of sexual assault victimization, specifically that “one in five” women are sexually assaulted in college. The popular “one in five” statistic was referenced about 80 times in the dataset. Recurring themes in this finding may contribute to a social understanding of sexual violence that overemphasizes the role of bystanders and victims in preventing assaults, and preserves the patriarchy by erasing (primarily men) as actors of violence.

**Sexual assault happens to people, but never by anyone.** By regularly reporting on “one in five”—the often-shared rate at which college women are sexually assaulted—the media removes perpetrators from incidents of sexual violence. This rhetoric erases individual aggressors and conveys a sense of sexual assault as an unpreventable

circumstance caused by no one in particular. Or, in many cases, the language blames victims for their own assaults and reinforces that its victims' responsibility to protect themselves.

Multiple outlets covered the release of a document from the White House Council on Women and Girls, which reported, “nearly one in five women has been sexually assaulted in college but that only about 12 percent filed reports” (as cited in Svitek, 2014 from *The Washington Post*). *The New York Times* article, “Obama Seeks to Raise Awareness of Rape on Campus” (Calmes, 2014), also covered the new report and stated,

Although episodes of sexual assaults in the military have received more attention recently, rape is most common on campuses, the report said. One in five students has been assaulted, it said, but just 12 percent of them report the violence. (n.p.)

This type of media coverage of the “one in five” rate of sexual assault for college women was pervasive throughout the data. By focusing on the rates that assaults occur, perpetrators of sexual violence on campus are removed from the discussion of the issue, even though they committed the harm. The reliance on the “one in five” statistic, and not specifically naming the demographic of *who* was considered as part of the study (i.e., college women)—like in the excerpt from *The New York Times* above—may uphold the social belief that men and students who identify outside the gender binary cannot be victims of sexual assault.

Several articles also cite the “one in five” rate of campus sexual assault for college women in conjunction with notions of parenthood and the fear of sending a daughter to college. *The Wall Street Journal* opinion piece “Making Campuses Safer for

Women” (Johnson Hostler, 2014) also employed the “one in five” statistic to emphasize the dangers of universities for young women. Johnson Hostler (2014) included, “The one-in-five figure for sexual assault should make the parents of a college-age daughter shudder, but it doesn't give the full picture” (n.p.).

“Stepping Up to Stop Sexual Assault” as featured in *The New York Times* (Winerip, 2014) uses similar rhetoric to discuss sexual assault in higher education. For example, the article included,

David E. Sullivan, a district attorney in western Massachusetts, prosecutes about a dozen sex crimes a year at five area campuses, including the University of Massachusetts and Amherst College. He is also the father of three daughters, and it scares him to think that, as numerous researchers have documented, nearly one of five women is sexually assaulted during her college years. ‘Can you imagine if you told parents there was a one in five chance that their daughter would be hit by a bus? No one would send their kid to college.’ (n.p.)

Not only do these excerpts erase perpetrators from the issue of sexual assault by relying on the “one in five” statistic, it may normalize to readers that women are the *sole* victims of sexual violence. Furthermore, by framing the comment around parents and daughters, journalists may be reinforcing the belief, even unintentionally, that women’s experiences are only significant because of their roles in relation to men. While these discussions may help audiences realize that sexual assault is a serious issue that could harm someone they care about, they also contribute to the belief that college women are responsible for

preventing their own assaults and that being sexually assaulted is a random, tragic event like being hit by a bus.

Some of the language female-identified victims use to describe their own assaults may also contribute to the belief that incidents of sexual violence are perpetrator-less. One example came from *The New York Times* piece, “Ex-College Quarterback is Acquitted of Rape in Montana” (Robbins, 2013, p. A12). The article featured an account from a sexual assault survivor who provided testimony against her attacker in court. The article quoted, “Then, she said, the athlete took off her leggings and underwear, pinned her to the bed and forced her to have sex. ‘He just changed--changed into a totally different person,’ she said on the stand” (Robbins, 2013, p. A12). The victim saying the perpetrator “changed into a totally different person” suggests that men who perpetrate are not themselves during the incident, which may signal to readers that the aggressor is somehow less responsible for his own behavior.

Even Vice President Joe Biden, who is often celebrated for his commitment to sexual violence prevention has used language minimizing the role of perpetrators in sexual assaults. “Sex-assault Reform, at Biden’s Behest,” a piece from *The Washington Post* (Eilperin, 2016b), covered Vice President Biden’s response to the case involving Brock Turner, the former Stanford University student athlete. The article stated that Biden had “penned a searing letter to the victim in a notorious Stanford University rape case. ‘I am filled with furious anger,’ he wrote, ‘both that this happened to you and that our culture is still so broken’” (n.p.). Biden refers to the sexual assault as something that “happened to” the victim, rather than focusing on his anger that Turner actively assaulted her.

**“Boys will be boys”**. The ideology, preventing sexual assault is up to everyone, except perpetrators was also upheld throughout the media through “boys will be boys” rhetoric. Language that relies on masculine stereotypes to minimize and/or justify men’s behavior related to sexual violence characterizes the examples in this area. Commonly, male-identified college students were infantilized or described as unintelligent, alcohol was used to excuse behavior, and language used to describe behaviors was softened. Each of these rhetorical strategies removes or lessens the responsibility of male-identified perpetrators for sexual assault.

*The New York Times* article, “Stepping Up to Stop Sexual Assault” (Winerip, 2014) reflected several “boys will be boys” examples, even though the article focused on male-identified college football players intervening in problematic situations. The article stated, “At a bystander training session for the University of New Hampshire football team last fall, Daniel Rowe, a sophomore, told his teammates that he would use whatever trickery it took to keep them out of trouble” (Winerip, 2014, n.p.). Although admirable for Rowe to commit to being an engaged bystander, the idea that he would use “trickery” to “keep them out of trouble” upholds a belief that his teammates are dumb or easily fooled, and that they are incapable of avoiding sexual perpetration, unless duped.

Winerip (2014) also featured a quote from a Connecticut state trooper, which infantilizes young men, and may suggest they are less responsible for their actions. The article included,

Sgt. Richard Cournoyer, a Connecticut state trooper, has investigated a dozen sexual assault cases in the last few years involving University of Connecticut students. ‘These aren’t people jumping out of the bushes,’ he

says. 'For the most part, they're boys who had too much to drink and have done something stupid. When we show up to question them, you can see the terror in their eyes.' (n.p.)

The rhetoric in this excerpt upholds the ideology preventing sexual assault is up to everyone, except perpetrators by suggesting that young, college men are children, rather than adults, and blames alcohol consumption for their actions. Even though the state trooper acknowledges the real fear that occurs for young men who have been accused, the language reduces possible sexual assault to "something stupid" they have done.

Rhetoric commonly reinforced that "boys will be boys" while discussing alcohol use of college-aged men. "Player Expelled in Sexual Assault Case Sues Yale" from *The New York Times*, focused on sexual assault allegations against Jack Montague, a male-identified basketball player from Yale (Tracy, 2016a). Montague was expelled from Yale and then sued the institution over due process concerns. The article stated, "Montague, who had several drinks that night, was not aware that the woman did not consent, according to the complaint" (n.p.). This statement suggests to readers that Montague is not responsible for sexually assaulting a female-identified student, because he was under the influence of alcohol, and as a result, unaware that consent to sexual activity had not been given. Although Yale found him responsible for the behavior, the language still suggests to *The New York Times* audience that alcohol is responsible for Montague's actions, rather than placing the burden on him to gain clear consent.

*The New York Times* article, "Fight against Sex Assaults Holds Colleges to Account" (Pérez-Peña & Taylor, 2014) reinforced the notion of alcohol removing the

responsibility of individuals in possible sexual assaults. Specifically, a student in the article was quoted,

‘There's bad decisions all around, and I think the biggest problem around this is alcohol,’ the friend said. Just as a man might get too sexually aggressive when drunk, he said, a woman could also get more aggressive and a man might misinterpret that as meaning that she wanted to have sex.

‘The lines get really blurred,’ he said. (n.p.)

The male-identified student, who declined to give his name in the article, mentions that both men and women could become more “sexually aggressive” after drinking, focusing on the effects of the alcohol over the decision of either individual to initiate sexual activity. By stating there are “bad decisions all around,” the rhetoric supports the belief that everyone in a situation is equally responsible for a sexual assault occurring. At the end of the statement, it is reinforced that if a non-consensual sexual encounter happens, it could be because of a misinterpretation or blurred lines.

“Sex Assault Surveys not the Answer; Instead of Senate Proposal, Coach College Students on Prevention” (Fox & Moran, 2014) from *USA Today* also affirms alcohol at the center of sexual assaults. The article stated,

In addition, colleges should educate students about the meaning, contributing behavioral factors, and consequences of sexual assault in all forms. Students need to know how alcohol affects cognitive functions, lowering men's inhibitions while reducing a woman's ability to recognize danger signs and resist unwanted advances. Men need to know that

intoxication, even if voluntary, can negate legal consent, leaving them responsible for whatever happens in the bedroom. (n.p.)

This excerpt shows the expectations put on universities to end sexual violence by educating students about the implications of alcohol use. The rhetoric conveys gendered expectations about sex and alcohol, including that alcohol may cause men to be more sexually aggressive than normal, and women to be less able to “recognize danger signs and resist unwanted advances” (Fox & Moran, 2014). These statements suggest to readers that it is women’s responsibility to protect themselves from aggressive men and alcohol can keep them from doing so. The suggestion that men “need to know that intoxication, even if voluntary, can negate legal consent, leaving them responsible for whatever happens in the bedroom” (n.p.) normalizes that men should be the initiators of sexual contact. Overall, the emphasis on women needing to protect themselves, and alcohol’s centrality, to possible sexual assaults lessens the responsibility on potential aggressors to not assault another person.

James Taranto’s opinion piece, “Drunkness and Double Standards” (Taranto, 2014) as featured in *The Wall Street Journal*, relies heavily on gender stereotypes that reduce the responsibility of individuals (primarily, men) for sexual assault perpetration in higher education. The language reflects a belief that sexual activity is analogous to conflict with a winner and a loser. In the article, Taranto stated,

A return to an ethic where manhood consisted of treating women with special courtesy would be a victory for civilization, not just for college co-eds. The chivalric ideal recognizes two ineluctable truths: men and women

are different, and the sexual battlefield is tilted in favor of males. On average, males are less emotionally affected by casual sex; if given the opportunity for a series of one-off sexual encounters with no further consequences, they will tend to seize it and never look back. . . . (n.p.)

Taranto emphasizes binary gender roles both overtly and covertly in this excerpt. The language clearly indicates that there are only two genders, men and women, and that there are innate differences between them. One of the differences Taranto specifically names is “the sexual battlefield is tilted in favor of males” (Taranto, 2014, n.p.). Firstly, the suggestion that sex occurs on a “battlefield,” upholds the belief that sex is inherently an aggressive activity where someone wins while someone else loses, rather than a consensual, collaborative effort.

Beyond the insinuation that sex is a win/lose situation, glaringly, Taranto names that men have a distinct advantage *because* they are less emotional and they will take every opportunity to have casual sex. Additionally, Taranto’s statement supports marginalizing assumptions that women are inherently non-sexual and there is something wrong with women who are interested in initiating sex. These assumptions are rooted in toxic masculinity because they normalize that men *should* always want and be the initiators of sex and they *should* be unemotional. By extension, men may internalize that they are unable to be victims of sexual assault because they are always supposed to want sex—and if they are sexually assaulted, they should not emote and/or be harmed by it. Suggesting men have the sole responsibility to initiate sexual activity supports rape culture—men may be less attuned to a potential sexual partner’s disinterest, because they have been socialized to pursue sex, constantly. The excerpt continued,

The less that a culture signals that men have a special duty toward the fairer sex, the more likely it is that the allegedly no-strings-attached couplings that have replaced courtship will produce doubts, anguish, and recriminations on the part of the female partner and unrestrained boorishness on the part of the male. (Taranto, 2014, n.p.)

Taranto emphasizes a shared cultural responsibility to uphold traditional masculine/feminine gender roles as a way to prevent sexual violence. Identifying women as “the fairer sex” (n.p.), is objectifying and shows a societal expectation for women to be physically attractive and passive. The rhetoric suggests that women who adhere to the gendered expectation of being part of the “fairer sex,” as shown through their meekness, will be protected from sexual violence because they will have earned men’s chivalry. And, if women agree to “no-strings-attached” sex, they are being dishonest, which will result in women falsely accusing men of sexual assault. According to Taranto, inevitably, no-strings-attached sex leads to men being unable to control their impulses—minimizing their responsibility for their own behavior. Essentially, the expectation is set that women are responsible for preventing their own assaults.

In a case involving a University of Montana football player, which was covered by *The New York Times*, the perpetrator “‘admitted that he took sexual advantage’ of the victim and ‘had sexual intercourse with her while she was sleeping’” (Robbins, 2012, p. B16). This language diminishes the action of the perpetrator, by describing behaviors which constitute sexual assault and rape, without naming them as such. Taking advantage of someone and describing it as having “sexual intercourse with her while she was sleeping” is softened, more palatable language for the general public to consume, a

reflection of our social tendency to center and preserve men's feelings over holding them accountable for safety violations. The rhetoric lessens the severity of the harm done by shrouding perpetration in language of normal and consensual sexual activity, rather than disrupting dominant white, cisheteropatriarchal ideals by naming serious violations directly.

**Women are responsible for preventing their own assaults.** Another way media reduced the role and responsibility of perpetrators in campus sexual violence is by suggesting women, in particular, are responsible for preventing their own assaults from occurring. Often, female-identified victims of sexual assault were told by authority figures that they had not done enough to protect themselves. Sometimes, this belief was reflected by victims themselves. In many instances, examples of this language were identified as victim blaming in publications. However, by putting statements in print, the underlying beliefs are still being amplified to a national audience and suggest that universities constantly engage in victim blaming.

*The Chronicle of Higher Education* article, “#NotAllMen, but #YesAllWomen: Campus Tragedy Spurs Debate on Sexual Violence” (Vendituoli, 2014) provided multiple examples of women being expected to save themselves from being victimized. The articles covered individuals posting on social media with the hashtag #YesAllWomen to discuss university administrations using victim blaming messaging, as well as provide examples of how female-identified students may have been socialized to protect themselves. The article included,

Kelly Bowker, who is headed to Arizona State University in August, said her parents and grandparents had advised her to carry pepper spray and not

to take night classes, to stay safe. While many of her female friends have had similar conversations with their parents, she said, her male friends have not. (n.p.)

This excerpt shows how ingrained it is for many college-bound women to protect themselves from sexual assault, and this socialization begins prior to showing up on campus. The language may reaffirm the fears that many families have about sending their daughters to college, while acknowledging a double-standard for their male-identified peers regarding personal safety.

“Time to Get Tough on Sexual Assault” in *USA Today* (Armour, 2016a) also covered some of the damaging messaging female-identified student athletes receive from authorities regarding their obligation to prevent their own sexual assault. The article, which covered the response to sexual assault allegations at the University of Tennessee stated,

It wasn't until 25 minutes into the hour-long pep rally -- long after women's basketball coach Holly Warlick had told of cautioning her athletes not to walk alone at night, as if that's to blame for a sexual assault -- that anyone mentioned the alleged victims. (n.p.)

Armour's piece (2016a) addresses the inappropriate nature of athletics departments approaching known incidents of sexual assault in this way. However, the advice to “not walk alone at night” shows social assumptions about how sexual assault occurs (reinforcing the stranger in the bushes myth), how to prevent sexual assault, and who is responsible for prevention.

Another *New York Times* piece, “UConn to Pay \$1.3 Million to End Suit on Rape Cases” (Schlossberg, 2014) provided an example of university authorities engaging in similar victim blaming statements. The article included the experience of a student, Kylie Angle, who “was told by a female campus police officer, ‘Women have to just stop spreading their legs like peanut butter,’ or rape will ‘keep on happening till the cows come home’” (n.p.). The officer’s reported language completely puts the responsibility of sex occurring or not on women and suggests that promiscuity causes rape. While the article problematizes the officer’s statement, the quote may reinforce to the public that police believe women bear the burden of preventing sexual assaults.

Victim blaming rhetoric and the suggestion that women are responsible for preventing their own sexual assault was often conveyed as part of discussions surrounding religiously-affiliated institutions. *The Chronicle of Higher Education* article, “A University's Struggle with Honor; Brigham Young Searches for a Sexual-Assault Plan that Respects both its Students and its Principles” (Brown, 2016a) provided several instances of individuals using victim blaming statements to suggest female-identified students could change their behavior to prevent assaults. The Brigham Young University (BYU) Honor Code prohibits female-identified students from wearing “sleeveless, strapless, or form-fitting clothing, and skirts and shorts must be at least knee-length,” according to the article (Brown, 2016a, n.p.).

The article quoted a female-identified student, Sage Williams, who said the Honor Code, “helps foster a culture in which women are more respected than at other colleges” (n.p.). The article also stated that Williams is “eager to teach her peers about sexual assault” and noted her recommendations to do so included training on “how ‘it’s OK to

say no to a date if you don't feel comfortable with it” (n.p.). The language used by Williams and the BYU Honor Code may reinforce the idea that women are responsible for preventing their own assaults by wearing modest clothing and declining dates, rather than focusing on behaviors and expectations of men. By stating the BYU Honor Code “helps foster a culture in which women are more respected than at other colleges” (n.p.), Williams implies that women who dress modestly are more worthy of respect, tying women’s value to their sexuality.

The article “Religious Colleges Grapple with how to Deal with Sexual Assaults” from *The Washington Post* (Chandler, 2016) is similarly focused. The piece mentions Southern Virginia University’s pastoral campus and discusses training efforts made by their Title IX Coordinator, Diedra Dryden. The article stated,

They [Dryden and her deputy] teach students how to say no to unwanted sexual advances and how to understand when someone else is doing so. They give them a chance to practice with a long list of phrases, such as ‘I’m done for the night,’ ‘I’m not okay with that,’ and ‘I’m not ready for this.’ They also talk about healthy relationships and red flags for trouble, including controlling behavior or stalking, both online and in person. (n.p.)

This rhetoric suggests that university administrators at religiously-affiliated institutions believe the best way to prevent sexual assault is to teach students to say “no” in many different ways. While the excerpt briefly mentions the importance of students understanding when someone is giving them a “no,” all of the examples of phrases provided are for the person being pursued to convey they are not interested. While the article provided a generally positive angle on how religiously-affiliated institutions have

responded to sexual violence, some of the strategies presented may still contribute to the belief that women are solely responsible for preventing their own victimization.

**“It’s On Us.”** Bystander intervention programs as effective sexual assault prevention were discussed frequently throughout the data. There were regular references to the Obama-Biden Administration “It’s On Us” campaign—a national initiative to encourage bystander intervention behaviors on campuses. Rhetoric surrounding “It’s On Us” conveys throughout readership that everyone has a role in eradicating sexual violence. Although creating meaningful social change in this regard requires community action, focusing on the role of bystanders in preventing campus sexual assault in the media decenters the role of perpetrators. Erasing perpetrators as actors of sexual violence in the discourse may perpetuate a belief that sexual assaults are perpetrator-less violations, for which we are all uniformly responsible.

The introduction of the “It’s On Us” campaign was presented in multiple publications. *The Washington Post* described “It’s On Us” as a “public-awareness campaign...which encourages men and women to intervene before sexual assault takes place” (Eilperin, 2016b, n.p.). Prior to the launch of “It’s On Us,” President Obama and Vice President Biden were vocal about their support of bystander intervention as a campus sexual assault prevention strategy. An earlier *Washington Post* piece, “White House Targets Assaults on Campus” (Anderson & Zezima, 2014), talked about a public service announcement from the White House. The article stated,

Colleges should promote “bystander intervention,” in others words, getting witnesses to step in when misconduct arises. “It’s up to all of us to

put an end to sexual assault,” Obama said in a public service announcement. “And that starts with you.” (n.p.)

The beginning part of this excerpt serves as a directive for universities in terms of endorsing bystander intervention as a prevention method. In this quote, bystander intervention is about witnesses inserting themselves into an incident to address it. Obama’s comments serve as a public call to action, for everyone to take responsibility for sexual violence prevention. Biden echoed the sentiments of collective action, as featured in *The Chronicle of Higher Education*. In the article “Promise Unfulfilled?” Biden was quoted, ““Everybody has a responsibility to act, from college presidents to college students”” (Newman & Sander, 2014, n.p.).

The rhetoric surrounding bystander education was generally positive and reflected students engaging in collective action to prevent individual incidents of sexual assault. According to the article “An Arc of Outrage” in *The Chronicle of Higher Education* (Lipka, 2015), bystander intervention “means students are reckoning with questions of responsibility and limits. The goal of those programs is to identify a predator or opportunist hovering around a target and foil him” (n.p.). Similarly, a *USA Today* article stated, “Students, men and women both, need to be guardians of their peers. Friends don't let friends drive -- or ‘hook up’ -- while drunk” (Fox & Moran, 2014, n.p.). The first example signals the nefariousness of possible perpetrators, but still shows it is the duty of fellow students to “foil” them. Likewise, the second example calls students to protect each other from dangerous situations, analogous to drunk driving. In both instances, attention is focused on peer bystanders preventing sexual assault, but

not discussion of potential aggressors modifying their behaviors that put others at risk.

*The Washington Post* emphasized the responsibility of universities to address sexual assault and called for those beyond the institution to prevent rape and hold individuals accountable. “On Rape, No More Campus Confidential” (Friedman, 2010) stated,

It doesn't have to be this way. University campuses could easily become labs that innovate effective ways to prevent and prosecute rape. But for that to happen, everyone -- parents, alumni, students, school officials, law enforcement – needs to stop treating rape like it's an embarrassing cold sore and start tackling it like the public health crisis it is. (n.p.)

The rhetoric in this statement puts the responsibility for prevention solidly on universities and suggests that effective intervention to end rape as a broader social issue should be straightforward. The second part of the excerpt calls in other groups to address rape more seriously, rather than an inevitable annoyance. However, the suggestion that rape is an epidemic and analogous to disease still minimizes the direct actions of perpetrators.

Likewise, *The Chronicle of Higher Education* piece “Colleges Face Conflicting Pressures in Dealing with Cases of Sexual Assault” (Lipka, 2011) featured a quote from Peter F. Lake, a prominent researcher in higher education law and policy, identifying similar expectations of universities to solve the problem of sexual assault. The article stated, “‘More and more people have started thinking colleges should be the ones to fix this,’ says Peter F. Lake, director of the Center for Excellence in Higher Education Law and Policy, at Stetson University” (n.p.). Lake’s quote, in reference to sexual assault as a

broader social issue, affirms the general public believes the responsibility to end sexual violence falls solely on universities. The onus on universities to eradicate sexual violence was also reflected in a later publication from *The Chronicle of Higher Education*. In it, Sander (2013a) wrote, “It’s up to colleges, activists say, to ease if not eliminate this persistent and deeply rooted societal problem on their campuses. And the government must keep colleges focused on it” (n.p.). Language in both of these articles reinforces the unique responsibility of higher education to end sexual violence yet fails to mention the responsibility of individuals who perpetrate sexual assaults.

The idea that “it’s on us” to prevent sexual assault was reflected throughout periodicals across the dataset. The vast news coverage of bystander intervention programs in higher education likely reflected the priorities of the Obama-Biden Administration and the inception of the White House’s “It’s On Us” campaign. While it may be encouraging to engage in prosocial, community-focused behaviors to prevent sexual violence, the rhetoric may have the adverse effect of erasing perpetrators from the grand narrative. The erasure of aggressors in the media may contribute to beliefs that sexual violence is inevitable, and that everyone, including victims, are equally responsible for preventing assaults.

**Being accused of sexual assault is as bad as being assaulted.** Lastly, the preventing sexual assault is up to everyone, except perpetrators ideology was upheld through language supporting the idea that being accused of sexual assault is as bad as being sexually assaulted. Rhetorically, this shifts the focus off of sexual assault victims (typically female-identified individuals in the media) and instead centers the experiences of typically male-identified students who were alleged abusers. The following examples

reflect media prioritizing masculinity and preserving dominance in the public discourse, which may perpetuate the belief that sexual assault is an overinflated concern.

Famously, Jameis Winston directly compared the experience of being falsely accused with being raped. In the *Wall Street Journal* article, “Jameis Winston Accuser: My Life Was Turned Upside Down,” author Ben Cohen (2014b) called Winston out for explicitly stating that the vicious nature of being falsely accused was equally violent as rape. Cohen (2014b) wrote,

Winston's account of that night refuted the woman's version of events. He also presented himself as a victim of false accusations and a broader campaign to vilify him. “Rape is a vicious crime,” he [Winston] said. “The only thing as vicious as rape is falsely accusing someone of rape.” (n.p.)

Winston’s impossible comparison signals to readers that he is the real victim in this situation because he feels unfairly accused. Equating the experience of being falsely accused with that of being a rape victim, may perpetuate a social belief that false reporting is rampant and used as a tactic for women to manipulate men. The statement decenters the experiences of survivors, centers a male-dominant perspective, and frames the victim as the primary actor of violence. By rhetorically turning the tables this way, readers of this piece may reframe the female-identified victim as the aggressor because she is doing the harm by “accusing,” and Winston becomes the individual being acted upon. In short, he is using his social and political capital to try and erase his alleged transgressions to the public.

The belief that women use false reports of rape to coerce men was also reflected in a quote from *The New York Times* article, “Ex-College Quarterback is Acquitted of

Rape in Montana” (Robbins, 2013, p. A12). The article about former University of Montana quarterback, Jordan Johnson, reported,

One of his [Johnson’s] defense lawyers, Kirsten Pabst, said that the woman wanted to be with the ‘star quarterback,’ and when she realized that a relationship was not part of the deal, she turned on him. ‘The fact that he didn’t give her a relationship does not make what happened that night a crime,’ Ms. Pabst said. (p. A12)

The language in this excerpt suggests the sexual encounter between Johnson and his female-identified accuser must have been consensual because of his status on the football team. Pabst affirms the idea that women use false reports to manipulate men through the suggestion that the accuser “turned on” Johnson when he refused to have a relationship with her. Each of these aspects contribute to a social understanding among readers that men accused of sexual assault are the real victims because women use rape allegations to manipulate them. This rhetoric deemphasizes the specific behaviors of male-identified alleged perpetrators (that may or may not constitute sexual assault), and instead focuses on female-identified accusers’ untrustworthiness and gendered stereotypes about sex.

The belief that false reporting is a pervasive phenomenon used to harm men was also upheld in examples from *The Chronicle of Higher Education* and the *Wall Street Journal*. In “Presumed Guilty,” Wilson (2014b) wrote,

A national campaign against what some have called a rape culture on college campuses has brought attention to sexual violence, and to victims--typically women--who have long described being ignored. But others

think the movement has gone too far, labeling some innocent students as rapists. (n.p.)

This example conveys a sense of skepticism about rape culture and women who identify as victims of sexual violence. Specifically, individuals have taken the issue of campus sexual violence in the extreme, opposite direction, which has now been negatively impacting accused students who claim their own innocence. This quote, and others like it, may lessen the responsibility of perpetrators for sexual violence by not leaving space for the possibility that some of the students who were accused, were in fact, responsible.

Similarly, “A Mother, A Feminist, Aghast” (Grossman, 2013), stated, “Across the country and with increasing frequency, innocent victims of impossible-to-substantiate charges are afforded scant rights to fundamental fairness and find themselves entrapped in a widening web of this latest surge in political correctness” (n.p.). The rhetoric in this quote suggests individuals accused of assault are in fact, “innocent victims” because what they are being accused of is unprovable. This messaging in the media may contribute to social beliefs that if there is not enough information to prove something, allegations must be false, and that being accused of sexual assault causes irreparable harm to male-identified individuals.

Regularly, a social belief that preventing sexual assault is up to everyone, except perpetrators was conveyed through the media rhetoric I analyzed for this study. The constant use of passive voice to describe the frequency of assaults happening *to* college women throughout the data removes perpetrators from the narrative of campus sexual assault, and eliminates them from the broader discussion on sexual violence prevention. An extreme emphasis on bystander intervention programs and the “It’s On Us” campaign

also contributed to the perpetrator-less narrative by suggesting that everyone has an equal responsibility to step in and prevent an assault from occurring. Ideologically, preventing sexual assault is up to everyone, except perpetrators also was maintained through gender role portrayal, including a blasé insinuation that “boys will be boys” (which infantilizes college men and dismisses their behavior) and notions that women are responsible for preventing their own assaults.

### **The University is its Football Program**

Overall, I found ideological discourse to be relatively consistent throughout mainstream journalism and *The Chronicle of Higher Education*, with the exception of my fourth finding, *the University is its football program*. This finding emerged because of drastic differences between *The Chronicle of Higher Education* and mainstream journalism, in terms of the frequency and types of coverage relating to sexual assault cases involving institutions with NCAA Division I football. Out of approximately 1885 total football-related references, including discussion of high-profile cases at Baylor University, the University of Montana, and Florida State University, *The Chronicle of Higher Education* only contained approximately 159 of them. This substantial difference in coverage may suggest that the general public has a greater interest in, and an inflated value of, football as a part of higher education: In contrast to an audience of faculty and administrators in higher education who represent diverse institutional types. I found that this ideology was characterized by a belief that athletic talent should be celebrated, even if football players were accused of or responsible for sexual assault perpetration. The University is its Football Program ideology was also conveyed through discussions about institutions and Division I football programs. Within the programs, they believe they are

above accountability and that sexual assault allegations ruin the college football experience for fans.

**Athletic talent should always be acknowledged and celebrated.** Consistently, news media coverage of sexual assault allegations involving college football players used superlative descriptions of students who had been accused and reporting on their teams' winning athletic records. The rhetoric may reinforce a shared social value of athletics and competition in U.S. higher education. Media's focus on athletic talent while covering alleged sexual assaults (i.e., swimming records in the case of Brock Turner or NCAA Football Championship appearances in the case of Jameis Winston) may diminish and/or justify the harm sexual assault causes.

Articles discussing sexual assault allegations made against football players regularly referred to them as "star quarterbacks," or described them in terms of athletic recognition they had received. For example, in *USA Today*, journalist Rachel Axon (2014) reported, "As a federal investigation into the handling of sexual assaults at Florida State is being conducted, the future of star quarterback Jameis Winston is in question" (n.p.). In the *Wall Street Journal* article, "Winston's Teammates Avoid Suspension in Florida State Conduct Hearing" Bachman and Cohen (2014) wrote, "Casher and Darby [Winston's teammates] told police they witnessed Winston, the Seminoles quarterback and Heisman Trophy winner, having sex with the alleged victim on Dec. 7, 2012, according to police documents" (n.p.). Both of these examples show the emphasis on Winston as a talented football player and reflect how promising and lauded his future football career is.

The language centered on athletic accomplishment was not exclusive to discussions of Jameis Winston. *The Wall Street Journal* article “Florida QB Harris Investigated for Sexual Assault” (“Florida QB Harris investigated for sexual assault,” 2014) covered allegations from the University of Florida and stated, “The school said Monday that Harris is accused of sexually assaulting a female student early Sunday—hours after Harris helped Florida rally to beat Tennessee 10-9 in Knoxville—inside an on-campus residence hall” (n.p.). This example from the data shows an interruption of reporting on an alleged sexual assault to interject the score of a football game, which conveys a sense of the score of the game and Harris’s personal involvement as being relevant to the alleged behaviors.

In each of these examples, news coverage of sexual assault allegations was intertwined with the celebration of athletic talent. The phrase “star quarterback” or other athletic descriptor could have been replaced with “alleged perpetrator,” in each of these articles. By describing alleged perpetrators as “star quarterbacks,” their athletic achievements remain in focus to the public, regardless of their actions or harm they may have caused.

**Sexual assault allegations are a nuisance to college football.** In many instances, mainstream media articles reflected disappointment among fans, alumni, and current students that sexual assault allegations were irritating because they impacted their favorite teams and/or players from competing. Rhetoric across mainstream publications suggested football programs are not accountable to anyone, and institutions are willing to protect them at all costs to preserve college football culture. Articles often discussed the lack of accountability for football players, coaches, and at times, institutional leadership

for enabling football programs' bad behavior, while also emphasizing the dedication of fans. Baylor University and the University of Montana were common examples of football programs perceived to be untouchable by the public, where sexual assault allegations did not faze them at all, or only when negative publicity saturated the news coverage.

*The New York Times* published a piece covering the multitude of sexual assault allegations involving the University of Montana football team entitled, "Sex Charges Cast a Pall on a College Town" (Robbins, 2012). The article begins,

Students are back in their classrooms this week, the heat of summer has cooled and new chalk lines have been placed on the football field as the University of Montana Grizzlies and their devoted fans prepare for the opening kickoff on Saturday.

But as the season gets under way, some long-time fans in this mountain-ringed college town are wrestling with their feelings in the wake of a series of allegations of sexual assaults by football players that were either unreported or minimized, and the most serious of which remain unresolved. (Robbins, 2012, p. A16)

The language included at the onset of the article conveys a mix of excitement for the football season and a resistance by some fans to support the University of Montana football team as they have historically because of ongoing sexual assault allegations. The rich description of the setting may contribute to a sense of shared cultural experiences surrounding football among readers. I found the overall tone of the piece to be somewhat

skeptical of football culture because of the underlying support it provides to the perpetration of sexual violence.

However, the article concludes with quotes reaffirming fans' commitment to the football team, regardless of any concerns with their alleged sexually-predatory behavior.

'Football season is an exciting time,' Beau Anderson, a white-aproned bartender at the Missoula Club, said as he flipped a fragrant grill-full of homemade hamburgers. The club is a longtime sports bar with dozens of faded photos of past sports heroes. He believes enthusiasm for Grizzly football is undimmed. 'This place will be packed from 8 until 2 in the morning.' Still, how the problems are resolved could have a big effect on this season and perhaps future ones. 'There's such a focus on the Penn State scandal, we're under a microscope,' said Chris Badgley, a fan having lunch at the Missoula Club. Yet he said the team and the university would recover. 'The football culture, the drinking, the binging, is unfortunate, but it comes with the territory. There'll be a pall over the game, but not for the diehard fans.' (Robbins, 2012, p. A16)

The tone of these quotes from University of Montana fans minimize sexual assault as an issue because they reinforce that regardless of the actions of football players, individuals will remain dedicated to the football team and celebrate "football culture," no matter the harm caused by it. The Chris Badgley reference to the "Penn State scandal" (the rash of sexual assaults committed by Jerry Sandusky, and the negligence of Penn State to hold individuals accountable), suggests to readers that the only reason the University of Montana football players are being criticized in the media is because of public attention

to an incident on the other side of the country—completely dismissing the possibility of University of Montana football players being assailants as reported by their female-identified peers. Badgley’s quote simply describes this culture as “unfortunate,” which is a gross understatement of the harm created by cisheteropatriarchal privilege. Overall, the rhetoric asserts that regardless of efforts to prevent sexual violence, football culture will persist because nothing will keep “diehard fans” from supporting it—a culture dependent on the dominant group’s subordination of and violence against others.

Also in response to the University of Montana allegations, *The Wall Street Journal* published the article, “Montana and its Troubled Football Team” (Woo, 2012a). In it, Milton Datsopoulos, a lawyer representing the football coach was quoted that he believed the football coach “...got terminated because the administration thought that in the face of all this publicity and national attention, someone’s head had to roll,” (Woo, 2012a, n.p.). The language contributes to a belief that universities are motivated to preserve their football program and the only reason the football coach is being held accountable is because of the negative publicity that had caught on nationally.

*USA Today* article, “Anger, Anguish at Baylor; School Struggles to Move Forward from Scandal” (Axon, 2016) covered community response to football coach, Art Briles, being fired after he was found to be negligent in reporting sexual assault allegations involving his players, as required by Title IX. The article included,

Amid that turmoil, the Bears are 6-1 with a game against rival TCU on Saturday. Baylor Revolution, an anonymous group, tweeted in early October that it planned to distribute black T-shirts to be worn for the TCU game as a show of support for Briles.

The tweet, which included #BringBackCAB (Coach Art Briles), has been deleted, and the group did not respond to requests from USA TODAY Sports for comment. (p. 1C)

This excerpt highlighted the dissatisfaction with Briles's firing among the Baylor Revolution group, characterized by their tweets and coordinated black t-shirts (a color often associated with grief and mourning). The stated desire by members of the Baylor community to keep Briles as a coach promotes an importance of football over accountability for sexual assault perpetration. By featuring these actions nationally through publication, the media amplifies Baylor Revolution's discontent with accountability interfering with their beloved football program and affirms football's centrality to higher education. *The New York Times* Editorial Board described the "special status, approaching immunity, that football was accorded" (2016, n.p.) in the article, "Moral Blindness at Baylor," reflecting the prioritization of the football experience over all others.

*The New York Times* piece, "Winston's Account Is Released, and Lawyers Battle" (Spousta, 2014) discussed the timeline for Florida State University's adjudication process, which was initiated by sexual assault allegations made against Jameis Winston. The article concluded by saying, "Cornwell and Clune [attorneys] have indicated they would appeal, if necessary, a process that most likely would stretch well into January. The national championship game, if the Seminoles make it that far, is Jan. 12" (p. 14). By closing the article in this manner, the rhetoric suggests the reason to be concerned about the length of the process is if it interferes with an athletic contest and minimizes the severity of sexual violence allegations.

Another example showing how sexual assault allegations are seen as ruining the college football experience comes from *The Washington Post* article, “Minnesota Boycott Reveals Complexity of Sexual Assault Probes on Campuses” (Maese, 2016). This piece covered the University of Minnesota football team’s refusal to practice and play until members who had temporarily been suspended during a sexual assault investigation were allowed back. In the article, the team was quoted, “‘We, the united Gopher football team, issue the statement to take back the reputation and integrity of our program and our brothers that have faced an unjust Title IX investigation without due process,’ he said” (Maese, 2016, n.p.). The rhetoric in this piece may contribute to a social belief that men are unfairly treated when accused of sexual violence, centering themselves as victims. Readers may assume an overemphasized importance of football in the collegiate setting because the team assumes that if they refuse to participate, the University will meet their demands because of their significance.

There was a clear emphasis on college football throughout the mainstream publications I analyzed for this study, which perpetuated a social belief that the University is its football program. The prevalence and significance of NCAA Division I football programs in the media reinforces social expectations surrounding competitive, male-dominated athletics in higher education. Additionally, the invaluable nature of college football was upheld through rhetoric centering the athletic talent of football players who had been accused of sexual assault and the discussions of negative impacts of allegations on the college football experience.

## Conclusion

Overall, I identified three key ideologies underlying media coverage of sexual assault and its adjudication in the Obama-Biden Administration. I analyzed articles from *The New York Times*, *The Washington Post*, *USA Today*, and *The Wall Street Journal* to represent rhetoric from mainstream journalism and *The Chronicle of Higher Education* to consider coverage within the field of higher education. These five periodicals all ideologically reflected violence as the problem and solution, money motivates action, and that preventing sexual assault is up to everyone, except perpetrators.

First, the violence as the problem and solution ideology was characterized by rhetoric emphasizing that sexual assault was an issue that needed to be addressed violently and physically, as if wrestling or grappling. Also, articles often used war and/or battle language to show conflict between two sides regarding campus sexual assault. Processes to adjudicate sexual assault were commonly depicted as violent for both complainants and respondents in the higher education setting.

Next, I found a belief that money motivates action underpinning media discussions of college sexual assault. It was commonly suggested that institutions prioritized maintaining a positive public image over student safety because of the implications on recruitment and their bottom line. Additionally, language reflected both compliance *and* non-compliance with Title IX as being fiscally prohibitive for universities. In many instances, financial language was used metaphorically to show that being sexually assaulted should not be a cost of attendance for female-identified students.

The last key ideology I identified across all five publications was preventing sexual assault is up to everyone, except perpetrators. Predominantly, this belief was

reflected through reporting how often sexual assault happens *to* college women, but never *by* anyone; erasing perpetrators from the narrative. Media often used language affirming that “boys will be boys,” suggesting that men, in particular, are less responsible for their behavior because of gender norms. It was also common for articles to uphold that universities engage in victim blaming and expect that women are responsible for preventing their own assaults. Media coverage often included discussions about the federal “It’s On Us” campaign and other bystander intervention programs. While bystander intervention is a popular sexual assault prevention strategy, it still decenters the responsibility of perpetrators to not assault others. Lastly, the idea that everyone is responsible for preventing assault, except perpetrators was supported by coverage suggesting that being accused of sexual assault is as bad as being assaulted.

I also identified one key ideological finding differentiating *The Chronicle of Higher Education* from mainstream journalism. Specifically, I found that mainstream media conveyed a belief that in higher education, the University is its football program. *The Chronicle of Higher Education* did not place significant emphasis on college football. Mainstream publications relied on language about the athletic talents of accused, male-identified students when discussing campus sexual assault. Furthermore, mainstream media supported this ideology through coverage of stakeholders’ dissatisfaction with sexual assault allegations interfering with football culture.

Underlying each of the key findings, violence as the problem and solution, money motivates action, *the responsibility of preventing sexual assault belongs to everyone except perpetrators*, and the University is its football program, is a reliance on social dichotomies which uphold one-dimensional narratives and experiences. In Chapter Five,

I discuss my four ideological findings through poststructural feminism and explore each through intersectionality. To enrich this critique and enhance the trustworthiness and rigor of this study, I include excerpts from my researcher journal with reflections from my peer debriefer. Following this discussion, I provide implications and recommendations for future consideration.

## CHAPTER V

### DISCUSSION AND CONCLUSIONS

This study intended to uncover ideologies underscoring news media's discussion of Title IX and sexual assault adjudication in higher education during the Obama-Biden Administration, and identify ideological differences between mainstream and higher education-specific media in this arena. In this section, I present poststructural feminist and intersectional analysis of key findings, followed by excerpts from my researcher journal. The featured sections of my researcher journal reflect discussions and ongoing conversations with my peer debriefer. Lastly, based on the findings and discussion presented, this chapter outlines implications of this study, both inside and outside higher education, recommendations for practice, and ongoing considerations.

#### **Research Questions**

This study addressed the following research questions:

- Q1     What ideologies underscore the national news media's discussion of Title IX and sexual assault adjudication in higher education throughout the Obama-Biden Administration?
  
- Q2     How do ideologies underpinning Title IX and sexual assault adjudication presented vary among periodicals in and outside higher education?

The salient themes presented in the previous chapter led to the development of the analysis, implications, and recommendations that follow.

## **Discussion**

Each of the four underpinning ideologies I found were perpetuated through the language of media and assumptions of socially-constructed binary oppositions. The reliance on exclusive dichotomies by the mass media uphold one-dimensional narratives and experiences, reproducing dominant knowledges in our collective understanding (Peters & Burbules, 2004). Intersectionality, as a theoretical framework, provides a way to contextualize, understand, and analyze human complexity (Collins & Bilge, 2016). To engage in intersectional critique of my findings, I considered “inequality, relationality, power, social context, complexity, and social justice,” as outlined by Collins and Bilge (2016, p. 25). In this section, I engage in poststructural feminist and intersectional critique of the ideologies violence as the problem and solution, money motivates action, *the responsibility of preventing sexual assault belongs to everyone except perpetrators*, and the University is its football program. As part of each ideological discussion, I provide excerpts from my researcher journal, including reflections with my peer debriefer.

### **Violence as the Problem and Solution**

The underpinning ideology violence as the problem and solution was upheld in the print news media through language like *force, pressure, push, threat, struggle, grapple, trample, combat, fight, battle, and war* in coverage of campus sexual violence. Weedon (1997) wrote, “If little girls should look pretty and be compliant and helpful while boys should be adventurous, assertive, and tough, these social expectations are not unrelated to girls’ and boys’ future social destinations within patriarchal societies” (p. 73-74). Weedon’s quote identifies that socially, violence is a masculine construction.

Because higher education represents a gendered organization and inequality regime within the cisheteropatriarchal society of the U.S. (Acker, 2006; Eddy & Ward, 2017), the gendered expectations surrounding toughness and assertiveness for boys versus compliance and attractiveness for girls carries into the university setting. In U.S. higher education, these expectations are carried academically through gendered fields of study (e.g. male-dominated science and engineering programs and female-dominated, “nurturing” fields like nursing and education), as well as socially through their relationships with peers. In dating and sexual relationships, it is reinforced that men should be the seekers and conquerors of sex and women regulate men’s access to it, rather than being equal participants in consensual sexual activity. The media conveyed discourses upholding violence as the problem and solution through dichotomous assumptions of masculine/feminine gender roles, in conjunction with binaries such as winner/loser, aggressive/passive, and good/bad to create social understanding.

While this language may have been used by media to show the severity of campus sexual violence and a call to action to address it, the rhetoric is also rooted in gendered expectations about aggression and conquering (a historically masculine trait) as the solution to issues. Discourse surrounding sexual assault adjudication protocols in higher education supported a belief that processes result in one winner and one loser, which oversimplifies sexual violence cases, in terms of emotional impact and power dynamics at play. Alarming, violent language surrounding conflict and competition may socially validate aggression as the only way to resolve issues through toxic masculinity—a belief that underpins perpetration of sexual assault. The reproduction of violence as the problem and solution reflects the micro-level dynamics of a sexual assault, at the same

time as our macro-level acceptance of violence and one overpowering the “other”, socially (Wijeyesinghe & Jones, 2014).

The violence as the problem and solution ideological discourse can be examined considering multiple tenets of poststructural feminism and intersectionality. Throughout the discourse, violence is presented as a means to reproduce dominance, both literally and rhetorically. The pervasiveness of the violence as the problem and solution discourse normalizes violence as response. Because violence and aggression represent masculine-dominant traits (Weedon, 1997), patriarchy is replicated as the dominant social structure. To disrupt violence as the problem and solution being normalized, rhetoric would have to shift away from physical aggression, battle, and conquering toward collaboration, equity, and mediation. The media presentation reinforces that masculine knowledges and experiences are those that “count” and are accepted as socially valid (Peters & Burbules, 2004; Weedon, 1997). We can tell that violence as the problem and solution is socially validated, because it is not problematized in the media coverage (Davies & Gannon, 2009).

The media replicates violence as the problem and solution through setting up juxtapositions of one group versus another to create understanding (Brown, 2000; Peters & Burbules, 2004). To highlight the gender dynamics of physically aggressive language throughout discussions of campus sexual assault, I discuss an excerpt from *The Chronicle of Higher Education*, below. The article upholds violence as a masculine trait and battle and aggression were centered through language suggesting a gender war. In the example, “Presumed Guilty” journalist Robin Wilson (2014b) included,

An increasing number of undergraduate men are now fighting back [against their universities]--with the help of parents, lawyers, and a new national advocacy group. "Fundamental fairness has become a pawn in the gender wars," says Judith E. Grossman, a mother who helped found the group, Families Advocating for Campus Equality. (n.p.)

This quote serves as an example of how the media serves the continuation of patriarchal dominance, as outlined by Meyers (1997). The quote explicitly mentions "gender wars," which juxtaposes undergraduate men as subject, being right and fighting back because they have been mistreated. Universities are presented as wrong, because due process has been manipulated by them to advantage women to "win" against men. The media coverage of this issue contributes to non-nuanced social understanding of campus sexual assault, as if anyone "wins" or "loses." By centering men as subject, their feelings of being denied access to higher education affirms to the public that the injustice they are experiencing is real (Peters & Burbules, 2004), and white, masculine knowledges are legitimized (Grzanka, 2014). The quote demonstrates that men began "fighting back" against their universities because the system of higher education, an institution designed to benefit and "place a higher value" on them (Ely & Meyerson, 2000, p. 115), instead held them accountable.

It should not need to be stated, but campus sexual assault *also* serves to limit women and marginalized individuals' educational access. In this context, the question becomes, what are women trying to win in this so-called gender war, besides the freedom to attend college without being sexually assaulted? If that is the case, then it also suggests men would be the "losers" because consent for sexual activity would be socially

expected of them—they would lose the freedom to perpetrate sexual violence without consequence.

**Violence as the problem and solution—Researcher Journal Excerpts.** The following discussions on the violence as the problem and solution ideology are excerpted from my Researcher Journal. Researcher Journal excerpts include my words followed by responses from my peer debriefer, denoted in italics. This format was selected for clarity and flow.

*Violence as the Problem and Solution Excerpt 1.* For how much I have realized the problematic nature of framing my work and scholarship through an aggressive lens throughout this research, how often do I describe myself or still feel like I am in “battle” mode? What does this mean for how I approach scholarship and my work? The language I use to describe my own feelings of being “under fire” or “battle fatigue” are rooted in the same masculine assumptions of violence and resolution. Ultimately, I believe this is one of the ways I have experienced my own limitations through socialization, experience, and language, which I have become more aware of through researching in a poststructural feminism paradigm. Even though I may not have another way to name it, the feelings of battle fatigue and exhaustion that come with engaging in sexual violence on multiple levels are a reality for me throughout my approach to this topic. I also believe that if I am not tired, to an extent, I am doing something wrong.

*Scholarship in survival mode... you found the topic of our next, next book. I think there are two possible reasons for feeling like you are constantly in battle mode (but you would know better than I would): (1) there is literally no boundary between your work and your research, and (2) there's an aspect of battle fatigue that emerges from resisting*

*the patriarchy, and your work and scholarship are both about the Resistance. I think being in battle mode can be a really powerful impetus for work and for scholarship, keeping us going when we want to give up. It can also be really taxing. How do we self-care when engaged in scholarship that is both intellectual and emotional labor? And can those outside of it, those whose work is not enmeshed in trauma, specifically trauma emerging from sexual misconduct, ever understand?*

***Violence as the Problem and Solution Excerpt 2.*** It is taxing to constantly have your work and scholarship questioned by people who subscribe to archaic ideas about gender, sexual violence, and rape culture, especially when those individuals believe that they have the “right” answer to best support victims (for the record, I believe there is no such thing). Mid-data analysis, I was in a work meeting where a female-identified faculty member in an area of the humanities adamantly argued that self-defense classes for women and letting only police handle campus sexual assault cases are the best approaches to address and prevent sexual violence. This person wholly believes that they are a champion of their female-identified students, and that the resources and response I can provide in my professional capacity fails survivors *because* we don’t teach self-defense as a sexual assault prevention strategy, or exclusively defer every case to the criminal justice system. I sit in these meetings during my workday, and then go back to data analysis—and realize that the collective understanding of sexual assault on campus, even by objectively well-educated women, closely mirrors the attitudes conveyed by the media in my study. The internalization of white cisheteropatriarchy and socialization to fight violence by asserting physical or social dominance runs deep everywhere. I leave feeling exhausted and infuriated. The reminder is sobering.

*People are inculcated into a cisheteropatriarchal understanding of the world that must be challenged. I imagine there are many faculty (and administrators) who think this way, unfortunately, just as there are many in the public who criticize our work for being a “kangaroo court” led by professionals who are “untrained” in the ways of sexual assault adjudication. \*sigh\**

*There is a quote in Altheide’s (2002) book, **Creating Fear**, that resonates for me here. He is discussing the media’s role in creating a culture of fear or “the risk society”:*

*More is involved in media socialization than content and images of certain characters and story scenarios. It is the way popular culture is organized and presented, including its underlying logic and formats, that shapes audience expectations, preferences, and ability to recognize one type of program rather than another, one type of action is “credible” rather than another. Because popular culture is so pervasive and the entertainment orientation infuses virtually all forms of public communication, it is important to be aware of underlying organizational principles. (p. 32)*

*All media are responsible for perpetuating rape culture, and I feel that media is the single most powerful form of socialization that exists in the world today because it is so easily accessed and, as we have discussed, it is difficult to determine what is good information or bad because most people never learn to become critical consumers.*

*That’s the power of your study – it’s challenging us to think about the way media shape our understanding of campus sexual assault rather than assuming that the media magically knows what it’s talking about.*

*Violence as the Problem and Solution Excerpt 3.* I find myself struggling when articles are framed as though institutions and administrators are equally (or more) responsible for aggression than perpetrators of sexual violence. There have been a few articles during data analysis that even just their titles have made me roll my eyes because they seem to over simplify the complex issue of sexual violence in higher education by simply framing universities as the “bad guy.” Throughout this process, I have to remind myself that *everyone* thinks they are the “good guy.” How awful and cold faculty and administrators can be...that’s real—I’ve experienced it personally—but if I want to be part of real change, I have to listen and breathe and listen again. Sitting in the harm I may cause because of the system I represent is part of that—but it is worth it because I can apply what I’ve learned and share it with colleagues. I believe that going through a challenging, reflexive process makes me a more inclusive scholar-practitioner, and committed to the work at a deeper level.

*We have to hear out why people think institutions are to blame. As painful as it is to listen to the rhetoric, there is some truth to it. I appreciate that you are using this process as a way to grow and develop. I’d be interested in hearing about how this experience has shaped your Title IX practice and perhaps see an article about the process of critical self-reflection as the lines of scholar-practitioner are blurred.*

I understand in my professional capacity, I may be an aggressor, at times, because of the power I have in my role, as part of the gendered system I work in. The same could be said about scholarship. As researchers, we have the ability to create new knowledges, and there is power in that. The choices we make in scholarship can either disrupt oppressive systems, or replicate it. Individually, I can subscribe to doing no harm

as a scholar and practitioner, but at the same time, what does it mean to show up every day and work within these systems? Knowing their history? What does it mean to do this work and research as my whole self? What do I inadvertently support/uphold because of my biases and positionality and who do I inadvertently harm while trying to do good in the system?

*Do no harm is an ethic of aspiration I find almost impossible to meet.*

*Unfortunately, our work is placed in a system that necessitates the causing of harm in some way or another, as this is the inevitable outcome of a retributive justice model. Our work is impartial, but the product of our work is not. I think we do the best we can to work within the confines we are given and challenge them from the inside so we can eventually (maybe) find a better way.*

I think these questions relate to my reactions when reading pieces that frame victims exclusively opposed to their institutional aggressors. I am the institution at the same time I'm not. And here's where I've landed. Higher education HAS aggressed our students, historically. We are not without blame. We need to be accountable for our failures. Those who are marginalized and victims of sexual assault have not traditionally been supported in the white, cisheteropatriarchal, ableist, classist system. If we as higher education had taken risks, historically, to disrupt these intersecting systems of violence, we would not have ever needed Dear Colleague Letters to center the lack of support for survivors. AND, I maintain that while institutions are aggressors, we are secondarily so, in many of these cases. Adjudication is a reactive process, and it is inappropriate for us to support the erasure of perpetrators and their actions. In many of the articles presented, we see this ambiguously referenced "he" as a perpetrator and female-identified victim

squaring off against senior level administrators because a process failed them. We as a field need to own our process failures because our failures uphold attitudes that support violence. We, however, did not rape someone. Our inaction is egregious, but our adjudication process would not be necessary if ambiguous “he” didn’t rape “her” to begin with. A shift in higher education toward prevention would minimize our potential to violate students in our processes, but the problem is, by the time students get here, they have already been socialized in sexual violence. They already have the experiences of perpetrators and victims. We perpetrate harm via a system that upholds dominance.

*Yes, we do. And with that awareness, how do we live with the consequences?*

*Does an awareness of oppressive social structures/socialization help us do better?*

*I think we are doing the best we can, given our legal framework and policy confines to do a terribly impossible job with little support from our institutions. Is there a process that would not fail people, any people that would get away from the win-lose dichotomy? Or rather, as I’ve been feeling lately, the “lose”-“lose more” dichotomy, as no one is ever fully satisfied with the outcome.*

*Yes, institutional inaction is egregious, as are the actions/inactions of institutional actors our students encounter before they even come to the university. Prevention only works if it’s done with a lifespan approach. We need to talk about consent from birth. We need to resist oppressive social structures in every venue. And this feels daunting and exhausting. I bet that’s why so few do prevention work in this way.*

I think as scholars and practitioners, we live with the consequences of potentially doing harm by engaging in reflexivity and using the skills we have to disrupt in the best ways we are able. Not every approach will work for every student; however I do believe

that there is the opportunity for us to do better by challenging our colleagues, professional organizations, and institutions. Scholarship is one of the primary ways we can challenge in these spheres, with the broad reach of new knowledges being created and shared. I don't think we will be able to completely get away from win/lose (or lose/lose worse, as the case may be), but conscientiously moving toward social justice (philosophically and practically) is the least we can do, as individual scholar-practitioners.

*Violence as the Problem and Solution Journal Excerpt 4.* Socially, we are so tied to violence and aggression as ways to resolve conflict and disagreement. To win we must overpower “the other.” Which also means there must BE an “other” to defeat. This is why punitive, and punishment-oriented adjudication measures won't ever prevent sexual assault on their own. Power is exerted over the victim by a perpetrator. Then, the institution (assuming the perpetrator is actually held accountable) exerts power over the perpetrator. When considering a poststructural feminist approach, power being leveraged by one over another gets us no closer to dismantling systems of oppression...and certainly no closer to healing. I keep coming back to human value, and how eventually, we believe in arbitrary social dichotomies that justify someone “other” receiving less consideration or grace than we do. How did we end up where someone had to lose so someone else could win as a priority?

*Dichotomies are the life-blood of the United States. They are the simplest way to create and manage mental categories. They also have a polarizing effect complicated by the capitalist world system and its focus on finite resources and exploitation. I agree with*

*you that this is not sustainable, and that we have to find a better way to make social change... I wish I knew better what that was.*

The other big struggle I had to check during data analysis is the idea that everyone's opinion on campus sexual assault adjudication is somehow equally valid. I don't believe they are...specifically, affluent, white, cis het politicians who are motivated by remaining in power, and whose own experiences in higher education are likely vastly different from those of our current students. Many of those individuals advocate for universities to not address sexual violence, and that police should be the sole individuals responsible for sexual assault accountability. The so-called law and order approach may leave these politicians feeling great about votes from the public safety crowd, but how convenient it is void of any self-reflection about their own privilege. Police brutality is real. Criminalization of people of color is real. To say that the criminal justice system should handle sexual assault and universities should stay out of it is to say that Brock Turner serving a three-month sentence for rape is an appropriate response.

Throughout data analysis, I've had visceral reactions to pieces suggesting that higher education has "no business" holding perpetrators accountable for sexual assault. People may disagree with existing systems or guidance to do so, **but to say higher education does not have a reason to adjudicate sexual assault is to say that women shouldn't go to college.** Is it "how dare colleges hold perpetrators accountable?" or "How dare we hold men accountable for their behavior, ever?"

*Higher education has a legally sound basis aside from Title IX to adjudicate sexual assaults on campus. People seem to miss this point. It's literally the legal basis for addressing all other prohibited conduct. The (lack of) logic is astounding. I agree with*

*you that not everyone's opinion is valid, and yet everyone seems to have an opinion. How can the news media do better about acknowledging that not everyone's opinion is worthwhile, and others' opinions need to be centered and lifted up?*

I think the most obvious way media could show that some opinions on sexual violence are not as valid, is by not giving them a platform to begin with. On social media, consumers already experience this information free-for-all where the well-informed voices of experts are indistinguishable from baseless opinions. Rather than amplifying social media conversations as national news, journalists should provide a level of scrutiny and analysis to what they are covering. First Amendment protections for freedom of the press were to allow the press to punch up against power, and specifically provide the public with a level of transparency about the government. However, capitalism has really disincentivized this role of the press, because of profit generation potential for media owners. Do most members of the public even realize the interconnectedness between media, politics, and corporate America? Many opinions on campus sexual assault should be centered...however it seems less and less likely to come to fruition.

***Theoretical connections to Researcher Journal Excerpts—Violence as the Problem and Solution.*** The Journal Excerpts above provide several connections to poststructural feminism, intersectionality, and the nature of higher education as an inequality regime. I believe the examples above show some of my own acceptance of violence as a masculine-centric solution through the language I use to describe my work. For example, I described feeling “battle fatigue,” even though I have some consciousness of how that language replicates and normalizes aggression, and therefore perpetuates

patriarchal dominance (Weedon, 1997). My understanding of self, as it relates to feeling exhausted by the work of addressing sexual violence as a scholar-practitioner, is partially constructed through comparisons to masculinity, through analogies of war and aggression (Brown, 2000). The idea of myself as a woman in battle is counter to performative expectations of my own gender identity and expression as a ciswoman, which also shows gender's salience in developing consciousness (Lather, 1992).

Fatigued or not, my own work as someone who addresses sexual violence in higher education may reinforce social beliefs of sexual assault as a "women's issue" (Cochrane, 2013) and is consistent with work deemed appropriate for me in the context of an inequality regime (Acker, 2006; Ely & Meyerson, 2000). The journal excerpts also show some awareness of how I am capable of perpetuating harm in a position of power, who holds multiple privileged identities. While problematizing inequality, I need to self-examine dynamics such as these to encourage social change and be accountable for harm (P. H. Collins & Bilge, 2016; Wijeyesinghe & Jones, 2014). As an individual within the higher education system (and all other social systems I'm attached to), questioning what I believe to be real (Peters & Burbules, 2004) and naming who is being erased in discussions and in our environments (P. H. Collins & Bilge, 2016; Crenshaw, 1991, 2014) (Grzanka, 2014), are essential.

**Concluding analysis.** Largely, the ideology violence as the problem and solution was perpetuated through news media coverage of campus sexual assault during the Obama-Biden Administration. Language reflecting violence, such as *battle*, *war*, *wrestle*, *fight*, and *grapple*, contributed to normalization of aggression as the way to address sexual assault. Aggressive language was also used to show the harm student

complainants and respondents experienced, caused by institutions and administrators as part of their response to incidents of sexual violence on campus.

Aggression as the primary way to address issues is rooted in gendered expectations of dominance and oppression, and relies on the belief that resolution exists when there is one clear winner and one clear loser in a given situation. Historically, boys and men are socialized to manage conflict through aggression and physical toughness while women are expected to be passive and nurturing (Weedon, 1997). This socialization occurs within the context of binary gender and heterosexual relationships that are dominant in the white, cisheteropatriarchal culture of the U.S.

The aggressive language used to discuss campus sexual assault adjudication under Title IX in the media upholds the same social beliefs that support rape culture and the perpetration of sexual violence in the higher education setting, foundationally. Specifically, dynamics of power and oppression conveyed through masculine/feminine rhetoric and the explicitly stated identities of the individuals whose stories were told in the media, contribute to social understanding of campus sexual assault and how it is addressed by universities. Within the context of higher education as a social system and an inequality regime (Acker, 2006; Eddy & Ward, 2017), furthering narratives through the rhetoric of aggression supports the existing dominant structures, rather than disrupting and dismantling them.

### **Money Motivates Action**

My second ideological finding, *money motivates action*, was supported by media coverage of campus sexual assault throughout the Obama-Biden Administration through the emphasis on fiscal impact and the literal and figurative “costs” of a college education.

When employed by the mass media, rhetoric relying on financial gains and losses signals values and priorities to the general public. Dichotomous assumptions such as institutions having good/bad public images, being elite/inferior, unsafe/safe, and the value of higher education as private/public good contributed to this ideological finding. Language and signification supporting money motivates action may resonate with readers in the U.S. because of the dominant culture of capitalism.

Fundamentally, capitalism as an economic system contributes to social stratification based on socioeconomic status, and upholds existing wealth and power through the exploitation of labor (Collins & Bilge, 2016; Weedon, 1997). Higher education as a white cisheteropatriarchal social institution contributes to the reproduction of power, and maintains capitalism as the dominant economic structure of the U.S. because of the role universities have in socialization of language and meaning for students (Weedon, 1997). By regularly discussing campus sexual assault and how to address it in terms of financial burden, the media supports capitalism and the prioritization of accruing financial wealth in society (Uscinski, 2014).

In the context of higher education in the U.S., the money motivates action ideology manifests as an adherence to academic capitalism. Academic capitalism describes the commodification of higher education, and how universities operate as quasi-commercial entities in a market economy, where they are pressured to compete for students as customers (Slaughter & Rhoades, 2004). Academic capitalism contributes to social stratification by creating conditions where those who have privilege through identities they hold (race, gender, sexual orientation, ability, social class, socioeconomic status, nationality, etc.) have greater access to higher education than individuals with

marginalized identities. This stratification may lead to more homogenous students attending universities, and reinforces higher education as an inequality regime centered on dominance (Acker, 2006).

The news media's tendency to discuss cost, reputation, and branding alongside Title IX compliance and campus sexual assault reinforces public opinion on the role of higher education in society (McCombs et al., 2011; Uscinski, 2014). Through poststructural feminist critique, we can consider that the dominant discourse of capitalism is presented as exclusively rational (Davies & Gannon, 2009), so it carries to public opinion that universities are only concerned with profitability, over education, safety, or any other priorities. Below, I use an example from the dataset to contextualize my analysis.

The article, "Sexual Violence at Colleges Framed as a Civil Rights Issue" (Anderson, 2014a), provides multiple points to critique from poststructural feminist and intersectional perspectives. In reference to a presentation about OCR's list of institutions under investigation for Title IX compliance, the piece stated,

Lhamon hastened to point out that the release of the list did not mean any of the 55 schools broke the law. But in a higher-education market sensitive to public perceptions, with schools constantly angling to get noticed through one national ranking or another, this is one list they want to avoid. 'What colleges have today that's most valuable for their franchise is their brand,' said James R. Marsh, a New York attorney who represents sex-assault victims. When sexual-violence questions hang over a school, he said, it 'seriously undermines and hurts the brand.' (n.p.)

This selection highlights that the list of institutions under investigation by OCR (here represented by Catherine Lhamon), does not indicate whether or not the institution had done anything illegal. Regardless, the rest of the excerpt relies on clear connections between higher education and capitalism in the United States. In this instance, institutions concerned with reputation are “bad” and those that are not are “good,” because of the assumed inverse relationship between reputation and safety—the rhetoric perpetuated through media sets up an expectation that institutions can have a positive public image *or* be “safe.” This argument is reliant upon mutually exclusive binaries to create shared understanding (Peters & Burbules, 2004).

In the context of this study, “safe” meant fewer instances of affluent, white, cisgender, heterosexual, able-bodied/minded women being sexually assaulted at elite, affluent, predominantly white institutions. The stark absence of a diverse group of survivors presented in the media through language (i.e. in-text descriptions) and signification (i.e. photos) contributes to the social invisibility of women and trans/gender nonconforming people who experience multiple, compounding marginalizations (Collins & Bilge, 2016; Crenshaw, 1991, 2014). Without their narratives being presented in the news media, their experiences are not represented or validated as part of how we collectively understand sexual assault (Grzanka, 2014).

The lack of representative coverage of survivors with marginalized identities can contribute to rape myths that lead to them being disbelieved when reporting assaults and make it more difficult to hold perpetrators accountable (Franiuk, Seefeldt, & Vandello, 2008). It is relatively clear that students with social capital and access to financial resources are whose stories were told in media coverage of Title IX and sexual assault

adjudication. Whether individuals were identified as survivors seeking recourse or alleged perpetrators “fighting back” at their institutions, they were students who had knowledge of university systems (a reflection of social class) and/or financial and time resources to pursue their concerns publicly, with assistance. Beyond sexual violence narratives, the lack of representation of students with marginalized identities in the media also works to normalize who belongs in higher education and who does not.

It is congruent that money motivates action would be a common ideological discourse replicated in the news, given that the institutional types covered were primarily large, elite universities with NCAA Division I athletics and large endowments. These universities, as inequality regimes (Acker, 2006; Ely & Meyerson, 2000) are powerful entities that reproduce power through social capital. The news media’s affirmation of elite institutions as the norm perpetuate a dominant discourse that is not the reality for most students in higher education, and create a public consciousness of universities’ brands and images being important for profitability in the new economy (Slaughter & Rhoades, 2004).

**Money Motivates Action—Researcher Journal Excerpts.** To highlight my own subjectivities that influenced the development of my second finding, money motivates action, I have included multiple excerpts related to this finding from my Researcher Journal. My thoughts are presented below alternating with responses from my peer debriefer in a dialogue format. Reflections from my peer debriefer are italicized to delineate them from my own.

***Money Motivates Action Excerpt 1.*** To me, this finding is rooted in an overly corporate view of higher education, which is incongruent with my own belief that higher

education contributes to the public good. Throughout my own development as a higher education scholar and practitioner, I have grown up with the Wisconsin Idea that the bounds of the University are the bounds of the state (and beyond, due to innovation in technology and delivery methods). Higher education is uniquely positioned to better society and our collective quality of life, not just the lives of individual graduates. The belief that higher education benefits anyone beyond individuals who attain degrees is almost completely lost in the rhetoric employed through the news media featured in this study. In my experience, I have found that yes, institutions are motivated by enrollments—without students coming in, it becomes difficult to fulfill an educational mission. To suggest though that universities are not interested in the safety and wellbeing of their students, unless it hurts their financial bottom line is silly to me. I feel as though the public has missed out on the notion that universities are SCHOOLS based on the rhetoric, and somehow it is lost that educating people is a priority—and part of that education is creating a community that is conducive to teaching and learning. The rhetoric reflects immense skepticism that universities are interested in anything other than funding, but the public (and Ronald Reagan) created that belief to begin with, by suggesting that the value of higher education should be measured in job preparation (and successful contributions to capitalism). I don't believe that the purpose of higher education is to further capitalism, but I don't find that belief reflected in the rhetoric.

*Is higher education still a public good? Is it a public good if the public does not think it is?*

I think that even if members of the public do not believe that higher education has a value beyond individuals' learning (or labor contributions), there remain measurable social outcomes connected to a more-educated populous.

***Money Motivates Action Excerpt 2.*** Throughout this study, I have noticed myself reacting to financial rhetoric throughout the data because socially, we have commodified trauma. Individuals (lawyers, for example) see victims and accused students as relative cash cows. They use fear to capitalize on a representation fee on the backs of our students. They charge ridiculous amounts to “win” against the “bad guy” (most often, the university) without consideration for an ethic of care.

*Yes. Again, this is another book. There is one law firm in Orlando that seems to represent more than its fair share of Respondents, and their goal is to become a one-stop-shop for students who are engaged as defendants in campus, criminal, and civil processes. They're nice people, but bleh... they are making their money on the pain and suffering of others, and that feels gross to me.*

As a society, we also put victims in the place of having to fully expose their trauma to prove that they are worthy of our belief, in ways that other criminal accusations never need to be justified. Their trauma becomes currency. To be heard, to be validated, and to be treated with dignity (which, even when all the trauma is put on the table, only works if you're sympathetic enough to the general populous by being a white damsel in distress.) You pay your trauma to buy sympathy, dignity, and respect. The world feels like you owe your story and all your trauma to them. Really, I believe that the world owes more to victims. We owe them our empathy and a commitment to do better, and

it's not too "costly." I'm worried that as a collective in the U.S., we have forgotten what it means to be motivated by care.

*There's a "prove it" element even in a preponderance standard case. The only way to potentially "win" one's case is for one to put their trauma on full display. What would adopting a real ethic of care do to our processes?*

I think an ethic of care could be reflected in institutions unprecedentedly investing in meaningful prevention. To uphold due process protections for all involved, I think thoughtful questioning to ensure thoroughness is reasonable, if an institution is taking steps to hold perpetrators accountable. However, when accountability is conflated with healing (as it is often oversimplified in the narratives presented in the media), it makes sense that many victims/survivors do not feel cared for by their institutions.

Beyond universities, I am concerned about the commodification of trauma in the criminal justice system. It makes politicians look good to pass laws that are tough on crime—which mainly fuels political goals, and centers dominant voices and individuals. Narratives are used to advance interests of those in power when convenient for them, rather than out of care and concern for victims of sexual violence.

*"When convenient" indeed. Campus sexual assault, like many other social issues, is only politically advantageous in the "right moment" where there is collective outrage about something. Sure, Clery was passed decades ago, and VAWA has been amended, but really politicians were largely silent on the issue of sexual misconduct, let alone college campus sexual misconduct, until it was financially lucrative and politically advantageous to be "outraged".*

*Theoretical connections to Researcher Journal Excerpts—Money Motivates*

**Action.** Reflecting on my Researcher Journal Excerpts through poststructural feminist and intersectional lenses allows me to further examine the theoretical connections to the money motivates action discourse. My initial entry discussing the Wisconsin Idea and the public benefits of higher education is a contradiction to the culture of capitalism in the U.S., and the situation of universities as corporate entities in academic capitalism (Slaughter & Rhoades, 2004). In the second excerpt, I returned to a negative reaction toward capitalism, because of opportunistic lawyers seeking to exploit the pain of students in order to personally profit. A capitalist system continues through the consolidation and replication of wealth/power, and cannot exist without the exploitation of the oppressed by the powerful (P. H. Collins & Bilge, 2016).

In my Researcher Journal, I also introduced the idea of a commodification of trauma, which parallels capitalism, except trauma is leveraged as currency. I presented a scenario about survivors needing to share detailed accounts of their personal trauma to individuals in power (administrators, law enforcement, attorneys, etc.) in exchange for assistance. The power dynamics at play in these situations may make survivors feel as though they “owe” an explanation, and those in power do not typically have to justify what asking “costs” the other person. Those “costs” may be associated with privacy, safety, and survivors are exposed to feeling dismissed and/or abnormal (Davies & Gannon, 2009; Grzanka, 2014) That “cost” is inherently tied to social identities and subjectivities. This scenario also presents a dynamic where power is making decisions on behalf of those who are marginalized, counter to feminist principles (Brown, 2000; Cochrane, 2013; Weedon, 1997).

**Concluding analysis.** The belief that money motivates action, commonly underpinned media discussion of sexual assault adjudication under Title IX, in the articles I analyzed for this study. Rhetoric focused on institutional public image, financial burden of compliance and non-compliance, and the “costs” students experience related to sexual assault in higher education characterized this ideological finding. Language typically used to discuss finance may have been used by journalists to convey to the public the problem of sexual violence in higher education by trying to quantify adverse impacts, as though analogous to financial cost.

Money motivates action reflects a prioritization of profit maximization over other goals in higher education, and is inherently connected to social beliefs about who higher education benefits. The regular emphasis on higher education’s overwhelming concern with institutional brand and public image was placed at direct odds with universities being concerned with the safety of their students. The rhetoric and representation throughout the dataset consistently suggested that higher education is a corporatized entity intended to privately benefit affluent students at elite institutions. Because of this, when media consumers consider campus sexual assault and how incidents are addressed in the university setting, what they see are students from privileged backgrounds with access to financial resources capable of making change on their campuses, while others cannot.

Foundationally, the money motivates action ideology represents and reproduces the inequalities generated by capitalism in the U.S. Considering higher education’s history in the U.S. as a gendered organization and inequality regime created by and for affluent white men, existing dynamics of power and oppression in this

cisheteropatriarchal system are replicated rather than disrupted. Because of gendered expectations of the division of labor (men as breadwinners versus women's responsibility to take care of the home), intersections of class and gender inequality are upheld through capitalism, which permeates the culture of the U.S. As a social institution, higher education upholds marginalizations based on sex and gender, interconnected with economic inequalities created by capitalism (Weedon, 1997).

In the context of sexual violence adjudication, this is significant because it emphasizes that for women and individuals from other marginalized groups to pursue higher education (as a possible equalizer of social class), they also must be able to “afford” the possibility of being victimized in ways that their peers do not. In sexual assault cases, the victimizations may be both systemic failings of institutions to provide recourse in addition to the individualized violence that occurred. Overwhelmingly in the media, the female-identified survivors who were featured as activists taking on their institutions were those able to afford it, reinforcing that social class differences dictate what resources and recourse are available to students.

### **Preventing Sexual Assault is up to Everyone, Except Perpetrators**

Preventing sexual assault is up to everyone, except perpetrators was the third ideology I found conveyed throughout print media considered for this study. This finding was characterized by the regular use of passive voice to describe who sexual assault happens *to*, as if not perpetrated *by* anyone and the emphasis on bystander intervention as the ideal prevention strategy. The language and signification used in the articles I analyzed contributed to perpetrator-less narratives of sexual violence. Frequently, assumptions about whose responsibility it is to prevent sexual assault were conveyed

through language framing individuals as good/bad, guilty/innocent, and dichotomous expectations of sex and gender.

The belief that preventing sexual assault is up to everyone, except perpetrators is steeped in assumptions that can be examined through poststructural feminist and intersectional critique. Primarily, the erasure of perpetrators from media coverage of sexual assault reflects the cisheteropatriarchal power in social systems such as higher education and news media (Meyers, 1997; Peters & Burbules, 2004; Weedon, 1997). It becomes impossible to question the manifestation and replication of power in sexual assaults when perpetrators and their behaviors are never mentioned. This reflects the victim as an object being acted upon, with no subject engaged in perpetration (Peters & Burbules, 2004), as well as a higher value being placed on men's experience in an inequality regime (Ely & Meyerson, 2000).

When alleged perpetrators were subjects in the news media, they were often presented as having been the "real" victim in the situation, either by being mistreated by their universities or by being "falsely accused." It is relatively common for male-identified individuals claiming they had been falsely accused to focus on themselves as the victim. Perpetrators frequently try to minimize their actions by downplaying the severity of the incident, framing the victim as a liar, or taking on a victim stance (Freyd, 1997; Harsey, Zurbriggen, & Freyd, 2017). The media also contributes to this minimization, and ensures the replication of masculine dominance as a result. One example of this rhetorical tool is for media to present men as being aggressed by their female-identified "accuser". This changes the dynamic of the situation to victim as actor,

instead of perpetrator as actor, likely shifting public opinion to empathize with the perpetrator.

The news coverage of campus sexual assaults serves to normalize sexual violence as something that happens to female-identified victims as the default scenario. When female-identified survivors who conform to socially accepted gender roles are featured in articles, they are afforded the innocent victim monolith, while those who do not are subject to more victim blaming rhetoric (Meyers, 1997). This tendency contributes to social conditions where survivors who hold non-dominant identities are less likely to be believed about their experiences (because society does not accept their narratives as “real” ((Peters & Burbules, 2004)), and their perpetrators are less likely to be held accountable for their actions. Survivors with marginalized identities being disbelieved or framed as more responsible for their own assaults than women from dominant groups is an example of the compounded burden of oppressions that Intersectionality helps describe (Collins & Bilge, 2016; Crenshaw, 1991, 2014).

Below, I provide an example from the dataset to contextualize further poststructural feminist and intersectional critique of the preventing sexual assault is up to everyone, except perpetrators ideology. Michael Winerip’s 2014 article, “Stepping Up to Stop Sexual Assault” (Winerip, 2014) provides several examples of sexual assault prevention strategies that still uphold social dynamics of power and oppression rooted in cisheteropatriarchy. The article is framed overall positively, showcasing bystander education programs featured at an institution. However, many of the strategies articulated rely on centering dominance for bystanders and potential victims to keep themselves safe. The detrimental attitudes upholding cisheteropatriarchal dominance

where women are “less than” are the same ones that support a culture where sexual violence can occur. At the article’s face, it seems to promote feminist aims—specifically, the eradication of sexual assault is a goal of feminism (Cochrane, 2013). However, the way the rhetoric is applied serves to ultimately preserve and replicate dominance through the amplification of rigid gender roles, keeping women in their “place,” as cautioned by Weedon (1997).

One common way that bystander intervention programs, like the one featured in Michael Winerip’s 2014 article, “Stepping Up to Stop Sexual Assault” (Winerip, 2014) uphold white cisheteropatriarchy is through examples consistently reiterating that women are damsels in distress, and in need of rescuing, consistent with Meyers’s (1997) assessment of the portrayal of women in the media who adhere to socially accepted gender roles. Winerip (2014) featured an example from a female-identified student participant in a bystander education session who shared that, “at about half a dozen parties a semester she [the participant] has girlfriends who get drunk and need rescuing” (n.p.). This case emphasizes the vulnerability of women (especially when under the influence of alcohol) and focuses on women’s behaviors while erasing those of potential perpetrators, who are typically men (Hong, 2017).

In the article, Winerip (2014) also discusses the “success” of a bystander intervention program facilitated by a female-identified individual, Ms. Stapleton. Stapleton shared one of her favorite strategies provided during a training by a student participant to interrupt a possible sexual assault scenario, involving a drunk friend. The article stated,

One of her [Stapleton's] favorites came from a young woman who approached her drunken girlfriend and said, loudly, "Here's the tampon you asked for." A definite mood killer, says Ms. Stapleton. (Winerip, 2014, n.p.)

This quote highlights a female-identified facilitator celebrating an "effective" bystander intervention strategy to prevent sexual assault, provided by a female-identified participant. On the surface, the suggestion to interrupt an exchange between a possible perpetrator and a vulnerable friend may be perceived as positive and comical on its face, even though it is deeply problematic. This is yet another example of how perceivably feminist actions still serve to preserve patriarchal dominance (Weedon, 1997). This strategy, amplified and celebrated by the media, is reflective of the burden on women to protect themselves from sexual assault, and using internalized misogyny to do so. The bystander offering her friend a tampon in front of a possible perpetrator and Stapleton affirming it as a "mood killer" reinforces the subordination of people who menstruate because it reinforces that menstrual periods are "gross" and should be hidden. Menstrual periods can only *be* framed as gross because they are "abnormal" to the socially dominant group, cisgender men (Davies & Gannon, 2009). The facilitator and the media both reinforce social beliefs by presenting the example in this way. Overall, the rhetoric in this example normalizes that women are responsible for keeping themselves safe and it promotes internalized misogyny as effective strategies to do so, legitimizing masculine ways of knowing and being (Grzanka, 2014), which uphold a society where sexual violence is accepted.

**Preventing Sexual Assault is up to Everyone, Except Perpetrators —**

**Researcher Journal Excerpts.** Below, I include excerpts from my Researcher Journal related to my third ideological finding, preventing sexual assault is up to everyone, except perpetrators. The featured discussions between my peer debriefer and myself are presented to show some of my reflections while developing this finding. In the sections below, responses from my peer debriefer are italicized, for clarity.

***Preventing Sexual Assault is up to Everyone, Except Perpetrators Excerpt 1.***

The hurt seems to be never ending—the #MeToo campaign and hashtag are blowing up on social media. It’s interesting to see some of the public acknowledgement of harmful rhetoric that has been used by individuals who feel they are supportive of all victims. Lots of male-identified individuals try to create empathy among peers by asking, “What if it were your wife/daughter/sister?” who was victimized...but no one seems to asks “what if it were your father/son/brother?” who perpetrated. Even when we do talk about sexual violence, the passive voice is rampant, and we further a perpetrator-less narrative about violations against fellow humans. Sexual violence “happens to” women and girls, and socially, it’s framed as a “women’s issue”—but the identities of those who commit violations remain hidden. #MeToo as an awareness campaign is compelling for individuals who doubted that sexual harassment is so pervasive. To make real change, it might take a different campaign (in my mind, the more compelling) #MeToo (I know a perpetrator and/or was a perpetrator campaign.) How does #MeToo #ItsonUs turn into cishet men asking themselves, “What if it were my son? What if it were ME?”

*I’ve found it troubling that there has been so much response to #metoo from (cishet) men saying, “well I can’t even talk to a woman because she’ll accuse me of*

*harassment!” I call bullshit. Be a good person! The narrative isn’t that all men are perpetrators, but rather that we (men) have a responsibility for doing better, for treating women better, for holding each other accountable. I for one would love to see a campaign take a more active stance on perpetration and the responsibility of perpetrators than on victimization.*

I’ve been thinking a lot about this in conjunction with a Jackson Katz quote: (Zarya, 2017)

‘We talk about how many women were raped last year, not how many men raped women. We talk about how many girls in a school district were harassed last year, not about how many boys harassed girls. We talk about how many teenage girls in the state of Vermont got pregnant last year, rather than how many boys and men impregnated teenage girls.’ Katz then proceeds to point out how, simply by using passive language, we absolve men of all responsibility: ‘Even the term ‘violence against women’ is problematic...It’s a bad thing that happens to women, but when you look at that term, ‘violence against women,’ nobody is doing it to them. It just happens to them...Men aren’t even a part of it.’ (n.p.)

Erasure is dangerous, it’s what allows us to believe rape myths and “train our daughters” in problematic ways, but never our sons. The erasure of perpetrators from the narrative contributes to victim blaming—focus on who things happen “to” and not “by.” Men are the most common perpetrators. We erase men from the problem of sexual assault and shift the responsibility of preventing it onto literally *anyone* other than perpetrators.

Sexual assault is something that “just happens” and we support rape culture, as if it’s a phenomenon no one has any control over.

*The passive voice is awful and minimizes the human actors in sex crimes. I think this is one of your more poignant findings. The ways in which we communicate about sexual violence as somehow perpetratorless or “perpetrator as abstraction” shifts the burden to the victim to save themselves from this shadow in the night. It fuels the self-defense class as the best way to teach women how to fight back against the evils that lurk instead of addressing the evils of sexual violence and those who perpetrate. If the perpetrator is abstract, then the only actual party in the situation is the victim.*

***Preventing Sexual Assault is up to Everyone, Except Perpetrators Excerpt 2.*** In our current social and political context saying “I think sexual violence is bad” has become a partisan, politicized statement. As a Title IX administrator, I think about my responsibility to conduct a fair and impartial investigation, but I am not neutral to the issue of sexual violence, regardless of the identities held by parties involved. If I were to post “I think sexual violence is bad” in my office, I can imagine men feeling as though the process is biased against them. This is an interesting sticking point to me, because I think it leads us to the next question about men’s self-perceptions connected to sexual violence as a social issue. How do men see themselves in relation to sexual violence? If a statement like, “sexual violence is bad” prompts defensiveness, does it show that men can’t see themselves as possible victims?

*I want you to post it in your office and see what happens. I appreciate your questioning the self-perceptions of men, and think this could warrant further exploration.*

*Do men believe that naming sexual violence as egregious is somehow naming the men as egregious? Does this make manhood and sexual violence interchangeable?*

I don't think manhood and sexual violence are interchangeable. I think toxic masculinity upholds sexual violence, and at the same time, reinforces tough, non-emotional masculine gender performance. If someone is hesitant to say sexual violence is egregious, what kind of relationships are they trying to protect? Again, I worry that the socialization of men and boys into toxic masculinity prevents men from seeing themselves as vulnerable humans, so not only do they fail to empathize with female victims of sexual violence, but socially, we may be teaching them that they can only be aggressors.

*I still cannot wrap my mind around how sexual violence became a partisan issue. There's a universal moral reprehensibility to sexual assault.*

It has become partisan, and I think socially, the argument that institutions violate due process in Title IX adjudication has been framed exclusively for due process of the accused. In my professional role, I believe in the importance of due process for *both* parties. That means, when a woman reports to me that she has been assaulted, I believe that she has reported in good faith and needs assistance. Regardless of whether or not there is a policy violation, I can honor the hurt, pain, and do my due diligence to follow through. If a man reports to me as a victim, I will not minimize his experience, or make assumptions that masculinity negates the pain of assault or changes our expectations about what constitutes a violation. Gender and sexuality do not change trauma response. Penetrative assault is not automatically "worse" than other types of assault—how much

do we see it that way because of heteronormative assumptions about sex and gender roles?

*I appreciate you for naming this, as I do not believe this is a commonly held view point.*

***Preventing Sexual Assault is up to Everyone, Except Perpetrators Excerpt 3.***

In media coverage of campus sexual assault, even when men are conveyed as perpetrators, they still aren't allowed to be depicted as monoliths. Their promise, talent, athletic achievements, wealth, etc. must still be mentioned/celebrated. Women, on the other hand, are not afforded such presentation. All they get is angry activist survivor, or damaged damsel in distress. Journalism does not reflect any of their interests, talents, dreams, or personalities. A female-identified victim's withdrawal from an institution is not presented as a loss of her career ambitions or goals. Instead, she becomes a sexual assault activist and a survivor in the media. That's it.

*Absolutely. And this is another manifestation of privilege. Men (perpetrators) get to be more complex than women (victims).*

***Preventing Sexual Assault is up to Everyone, Except Perpetrators Excerpt 4.***

I absolutely think that addressing sexual violence is “on us”—all of us—just not all of us equally. As a scholar practitioner, I find myself in this space frequently—where I want to encourage others to be involved in addressing sexual violence, because it feels better to share the load. I think doing this dissertation alongside my professional work is indicative of this. I want people to understand the struggles and take up some of the labor—because if we don't do this as a community, we won't get anywhere.

*YES! It is on us, but more on some of us. I think it's fair to say that men have more accountability in addressing/preventing sexual assault than women based upon the statistics of perpetration. Also, doing the work as a community also means recognizing that because of some individuals' experiences as victims they can opt out of some/all of the work.*

Throughout data analysis, I have found that when articles focused on the hardships of men who have been accused of sexual assault, it can be hard not to roll my eyes. My skepticism is not about men facing the stress of going through an investigation—I do think it is hard for them. I struggle with the media presentation of it being some sort of “hot take,” further centering dominance. In my mind, it falls flat like the “All Lives Matter” response to the Black Lives Matter movement—when a marginalized group says “we’re hurting” and a dominant group responds “we all are”—even if that is true, it sucks to co-opt the movement and silence those speaking out against oppression that they experience in unique ways. This isn’t the same as actually *listening* and seeking to understand.

***Theoretical connections to Researcher Journal Excerpts— Preventing Sexual Assault is up to Everyone, Except Perpetrators.*** Reflections from my Researcher Journal on the preventing sexual assault is up to everyone, except perpetrators ideological finding can be further contextualized by engaging in poststructural feminist and intersectional critique. My initial exploration of the passive voice setting up “perpetrator-less” examples is inherently connected to media’s centering of patriarchal dominance and the feelings of men so much, that they are accepted as “normal” and default (Davies & Gannon, 2009). I also identified and problematized that when men engage in

conversations intended to affirm the experience of survivors and develop empathy, often they result to asking other men, “What if it were your wife/daughter/sister?” who had been victimized. This rhetoric still contributes to the erasure of men as perpetrators from the narrative, upholds the belief that women are only valued in terms of their relationship to men in their lives, and reflects a men as subject, women as object/“other” orientation, which can be identified through poststructural feminist analysis (Brown, 2000; Peters & Burbules, 2004).

Additionally in these Excerpts, I consider how men’s self-perception (as informed by adherence to rigid gender roles) impacts their ability to see themselves as possible victims of sexual assault. Acceptance of rigid, mutually exclusive, binary gender roles ultimately shifts our shared understanding of who can perpetrate and who can be victims (Peters & Burbules, 2004), making it more difficult for male-identified survivors of assault to name and share their experiences. This is an area that brings into focus how the continuation of white cisheteropatriarchy is also detrimental to men.

**Concluding analysis.** The belief that preventing sexual assault is up to everyone, except perpetrators was regularly upheld through rhetoric in the news coverage of Title IX and campus sexual assault during the Obama-Biden Administration. Throughout the publications and articles I analyzed as part of this study, this ideology was perpetuated through emphasis on bystander intervention efforts to prevent sexual assault, rigid gender roles, and the erasure of perpetrators from sexual assault narratives. Preventing sexual assault is up to everyone, except perpetrators, reinforces cisheteropatriarchy, because it shows an unwillingness/inability to focus on the responsibility men have to not perpetrate sexual assault, even though they commit the majority of sexual assaults against women

and other men, in the U.S. (Smith et al., 2017). Rather than focusing on men's behaviors, the emphasis is instead placed on how victims and bystanders can keep themselves from being harmed by changing their behaviors, upholding victim blaming and rape myths.

As gendered organizations and inequality regimes (Acker, 2006; Eddy & Ward, 2017) institutions of higher education intrinsically uphold cisheteropatriarchy. Whether intentionally or not, the erasure of male-identified perpetrators from sexual assault narratives and the types of prevention programming supported by universities contribute to this existing structure of dominance, where male fragility and masculine ego remain undisturbed. Higher education's failure to name men's responsibility to help prevent sexual violence may be rooted in fear of alienating individuals, and potentially damaging to institutional brand, as presented in other findings of this study.

In many instances, the repeated discussion of bystander intervention may have been intended as a collective call to action, centering sexual violence as a serious issue that we have a responsibility to address, socially. However, it also minimizes the responsibility of perpetrators to not perpetrate. In totality, the pervasive use of passive voice, reliance on archaic gender roles, and the presentation of arguments focused on survivors pitted against their universities erase men from the discourse. Ultimately, this language preserves and replicates patriarchy, because of its failure to challenge toxic masculinity and rape culture directly.

### **The University is its Football Program**

My last ideological finding, the University is its football program, was reflected throughout mainstream media publications considered for this study, but less so in *The Chronicle of Higher Education*. Throughout *The New York Times*, *The Wall Street*

*Journal*, *The Washington Post*, and *USA Today*, NCAA Division I football programs involved in sexual assault allegations, like those at Florida State University, Baylor University, and the University of Montana, were frequently discussed. In mainstream publications, a University's existence was determined by their football team. The belief that the University is its football program was upheld through oppositional binaries like winner/loser and elite/inferior.

Throughout this underpinning ideology, language and signification clearly signaled the value placed on athletic talent, and the culture of collegiate football in the U.S. Often, sexual assault allegations against high-profile athletes or accusations that coaches and athletic administrators knowingly engaged in cover-ups were portrayed as annoyingly inconvenient to the fan base. In the dataset, many journalists argue the injustice created when institutions value their football programs over holding individuals accountable for their behavior. At the same time, media selectively publishes campus sexual assault narratives featuring high-profile football players at elite institutions; thus, upholding the inherent social value of athletics and profitability over human welfare, and shaping public opinion on the role of men's athletics in higher education.

Examining the University is its football program ideological finding through poststructural feminism and intersectional lenses is appropriate in the context of this study, given the intrinsic connections among men's collegiate athletics, masculine dominance, and sexual violence (Crosset, 2016). Crosset (2016) said, "male athletes on campus spend much of their time and energy engaged in a sex-segregated, male-dominant, and sometimes violent activity—the very characteristics that are also the foundation of rape-prone subcultures" (p. 88). Multiple studies support that men's

participation in collegiate athletics connects to hypermasculinity and contributes to their acceptance of rape myths and self-reports of sexual aggression (Murnen & Kohlman, 2007). According to Murnen and Kohlman (2007), hypermasculinity involves attitudes of sexual callousness, male dominance, and acceptance of aggression. These attitudes can combine to legitimize the use of violence against women” (p. 153).

The findings outlined above make clear connections between the attitudes of collegiate football players and the hypermasculine subculture that is sustained. This is unsurprising, given the competitive nature of football programs within the inequality regime of higher education (Acker, 2006; Ely & Meyerson, 2000). In considering the media’s role in the formulation of public opinion (McCombs et al., 2011; Uscinski, 2014), and the saturation of athletics in the mainstream media coverage of sexual assault in higher education, we should expect the dominant hypermasculine culture associated with collegiate football to be amplified and accepted, socially (Meyers, 1997).

Below, I provide examples from the dataset to solidify theoretical connections to the rhetoric employed to sustain the University is its football program ideological discourse. *The New York Times* article, “Ex-College Quarterback is Acquitted of Rape in Montana” (Robbins, 2013), is focused on sexual assault allegations between a male-identified quarterback and a female-identified victim. The article stated, “One of his defense lawyers, Kirsten Pabst, said that the woman wanted to be with the ‘star quarterback,’ and when she realized that a relationship was not part of the deal, she turned on him.” (p. A12). This quote relies on multiple gender-based assumptions of sex and dating, that support rigid, binary gender roles as truth (Grzanka, 2014; Peters & Burbules, 2004).

First, the quote suggests that the female-identified victim pursued the male-identified individual because of his status as a “star quarterback,” a symbol of social class privilege. The argument relies on the pervasive women as “gold diggers” trope, reinforcing social attitudes that women are inclined to manipulate men to access their power. This notion acknowledges that social class exists as a privilege, and the “gold digger” stereotype serves to preserve patriarchy and class privilege by framing the alleged perpetrator as victim of women’s manipulation, (a common tactic used to discredit victims) (Harsey et al., 2017; Ward, Hudson, & Marshall, 1995).

In another example focused on the multitude of allegations stemming from the University of Montana football team (Robbins, 2013), the article stated,

“We've had sex assaults, vandalism, beatings by football players,” said Pat Williams, a former congressman and a member of the Montana Board of Regents. “The university has recruited thugs for its football team, and this thuggery has got to stop.” (p. A18)

On the surface, this excerpt may seem to show that a powerful stakeholder is willing to name the problematic actions committed by members of the University of Montana football team. However, it is clear that Williams’s disappointment is in who the University had recruited to the football team, because it reflects poorly on the institution. This statement is void of any connection to systemic issues or conditions that support violence, like the hypermasculine subculture of men’s collegiate athletics (Murnen & Kohlman, 2007), and higher education, in itself (Acker, 2006). The rhetoric serves to distance and “other” the individual bad actors (who Williams referred to as “thugs”) because their notoriety has the

potential to tarnish the institutional brand through public questioning. This questioning makes people in power uncomfortable because of its potential to disrupt the replication of white cisheteropatriarchal privilege that the institution supports.

“Thug” and “thuggery” are racialized descriptors in the U.S., usually reserved for discussing Black men, when their behaviors do not align with the expectations set by white America. The term “thug” has developed as “the platform to dismiss Black life as less valuable” by perpetuating a “negative and criminal connotation” (Smiley & Fakunle, 2016, p. 351). The use of this language to describe football players accused of sexual assault reinforces stereotypes of aggressive Black men as common perpetrators of sexual assault against white women (Crenshaw, 2014). The attitudes reflected by using “thug” and “thuggery” are the same ones that justify Black men being brutalized by law enforcement in the U.S.—a reality that many white people refuse to believe exists. White people can invalidate this experience because it is outside of the dominant, white experience which is socially legitimized (Grzanka, 2014).

**Researcher Reflections on The University is its football program.** Below, I provide some sample discussions from my Researcher Journal, regarding my fourth finding, the University is its football program. While developing my findings, I engaged in regular conversations and writing cycles with my peer debriefer. For clarity, reflections from my peer debriefer are denoted in italics

*The University is its Football Program Excerpt 1.* While developing this finding, I noted the intersections of sports and competitions with sex. Maybe we can’t

stop reporting sex and sports together because they are continually connected in analogies and dynamics of winners/losers, dominance/subordination, predator/prey, and men's athleticism alongside physical strength and aggression. Sex and sports both represent "arenas" where dominance is celebrated. Sports as a war analogy and sex as a conquest are connected through masculinity.

Overall, I love sports. Personally, I'm motivated by competition and I think it has the potential to bring out our best, at times. By and large, when I have interacted with student athletes as a practitioner in higher education, they have been responsible, dedicated, and motivated. They exhibit discipline, loyalty, and community in powerful ways that many of our students lack. (And lets be real, some discipline I would love to have.) NCAA Division I football is an ethical dilemma for me. Athletics scholarships are alluring and allow so many students of color to access higher education that may not normally be able to. And, Division I football is a form of modern slavery, because institutions generate revenue on the backs of many male students of color who are unpaid and/or underpaid for their efforts on and off the field. Very few athletes receive full ride scholarships, but many students sacrifice so much to receive one. Student athletes are used as recruitment tools and brand ambassadors for their universities and institutions tell them they can't publicly complain or negatively portray the institution—expectations that are far beyond their non-athlete peers.

*I admire student-athletes – their lives are not easy. I've seen the practice schedules and the academic roundtable and tutoring requirements of some of our teams, and wow... how productive would I be if my life had that much structure! Also, the tradeoff is a lack of freedom. They have to appear, perform, and win at the beck and call*

*of their coaches (e.g. the institution). If the team loses, they are collectively a failure and have let their entire university down. If a player has a bad day, they let their team and their coaches down. I do not think I'd do well with that kind of stress. Expectations for student athletes to represent universities to the extent they do abridges their speech/expression. How does this contribute to their compliance in / how they navigate Title IX cases?*

I haven't considered before how student athletes' limitations of speech/expression contributes to how they navigate Title IX cases. In my professional experience as a Title IX Administrator, male-identified student athletes, and especially men of color, have been forthcoming in adjudication processes. Often, they articulate a fear of what might happen, and a deep sense of what they have to lose (scholarships, time, letting family down, etc.), if they are not participative in a Title IX process. I could absolutely see a football player serving as a possible witness may be hesitant to provide information incriminating coaches and/or other teammates out of fear and loyalty. I think it depends on how individuals see their team as part of the university community, or separate from it. Competition can be motivating and positive, but it can also normalize some really problematic things, and the closed community of collegiate athletic programs may limit students from accessing resources or seeking support that their non-athlete counterparts can. One downside to allegiance to the team, is that students may feel trapped in a toxic environment.

***The University is its Football Program Excerpt 2.*** In the media rhetoric, sports are presented as a battle analogy, and so is sex. Discussion conveys a sense of excitement in the conquest, and victory at the end. Doing this research has really made

me consider—so many articles focus on sexual assault allegations involving football players. How does this reinforce (even subliminally) that sex is a game? A conquest? A reinforcement of those in power getting what they want by having the upper hand? Let alone, the ongoing belief that Men of Color are aggressors, animalistic predators, and more violent than white men.

*Sex as sport... there are so many layers to unpack here. And complicated by the intersecting identities held by the perpetrators. The “Black men rape white women” (e.g. Scottsboro Boys) myth pervades. Our football players are socialized to be “warriors” on and off the field.*

***Theoretical connections to Researcher Journal Excerpts— the University is its Football Program.*** The Journal Excerpts above provide insights into how my processing can connect the University is its football program ideology to poststructural feminist and intersectional concepts. Primarily, I think it’s interesting that most of my reflections excerpted from my researcher journal focus on the individual determination of students, rather than contextualizing these individuals within the hypermasculine subculture of collegiate men’s teams (Murnen & Kohlman, 2007), or their universities as inequality regimes (Acker, 2006). Although my reflection on experiences with male-identified student athletes focuses on positive attributes, that does not mean that they are incapable of causing harm or subscribing to problematic attitudes that the environments they are in ultimately supports.

My Journal also addressed media coverage normalizing that “student athletes” are men—typically football or basketball players, and may identify as people of color. Through language and signification, female student athletes are erased from the discourse

because they are reflective of gender performance considered to be “abnormal” for women (Davies & Gannon, 2009). Women who are physically tough and competitive are considered deviant, as opposed to those who adhere to more socially accepted gender roles (Weedon, 1997). When individuals who hold marginalized gender identities engage in activities outside of what is prescribed for them, those in power try to deny their social access and silence them, through things like pay inequity, stereotyping (i.e., female athletes must be lesbians), or current debates about transwomen competing as being detrimental to ciswomen.

**Concluding analysis.** The significance of college football was reinforced throughout the news media coverage of campus sexual assault during the Obama-Biden Administration. From my analysis, I named this underpinning ideology, the University is its football program. The prevalence of this attitude throughout *The New York Times*, *The Wall Street Journal*, *The Washington Post*, and *USA Today* was so pervasive that largely, it seemed if an institution does not have NCAA Division I football it is not part of the collective consciousness of higher education culture in the U.S.

The discourse surrounding the University is its football program reinforces dynamics of power and oppression related to race and gender, in particular. Notably, when male-identified student athletes were accused of sexual assault perpetration, the case could not be discussed without discussing their athletic talents in conjunction with the accusations. Athleticism is celebrated in masculine-dominant culture because of socialized expectations for men and boys to be physically tough and violent, and competitive (Weedon, 1997). These gender dynamics were reflected throughout media coverage of college sports, even through the simple use of the phrase “student athlete” as

synonymous with “male student athlete”—female athletes are not the norm because athleticism is not consistent with their socially-assigned gender roles. The overwhelming news coverage around Jameis Winston, a Black, male-identified college football player accused of sexual assault, contributes to social normalization about who perpetrators can or cannot be, based on race.

By situating this study in a poststructural feminist paradigm, I was able to contextualize my examination of ideological discourses perpetuated by news media and identify dynamics of power and oppression influencing our collective understanding of campus sexual assault. Through poststructural feminism, I focused my critique on the language of print news during the Obama-Biden Administration and the social expectations underlying prevalent discourses. Applying intersectionality as a theoretical framework provided a lens for me to interrogate the representation (or lack thereof) of diverse individuals reflected in the media, and consider compounding sociopolitical impacts for people who hold multiple marginalized identities.

### **Implications and Recommendations**

This study sought to uncover ideologies surrounding sexual assault and its adjudication in higher education under Title IX. Uncovering ideological discourses as reinforced by news media can contribute to a better understanding of social attitudes and beliefs about campus sexual assault and universities’ response. By examining articles from print news media, I was able to consider whose experiences were centered in the dominant discourses, and whose were not. Having a deeper understanding of the discourses of Title IX and campus sexual assault adjudication upheld in the media can inform practices of stakeholders in higher education and prompt individuals to create

meaningful social change. To echo Harris and Linder (2017), “Intersectionality theory must frame educators’ approaches to sexual violence on college campuses” (p. 236). In the following section, I provide selected theoretical implications and recommendations, followed by implications and recommendations for higher education practice based on each of my four ideological findings.

### **Theoretical Implications and Recommendations**

Approaching this study through a poststructural feminist perspective allowed me to consider the inherent relationship among language, power, and knowledge (Peters & Burbules, 2004; St. Pierre & Pillow, 2000; Weedon, 1997). Specifically, I examined how this relationship relates to our collective understanding of campus sexual assault and its adjudication through the discourses reproduced in print news media. By applying intersectionality as a conceptual framework to data collection and analysis, I was able to identify the general lack of individuals with marginalized identities represented in the dataset and consider what that lack of representation means.

This erasure from print news media becomes problematic because of the media’s influence on forming social perceptions of reality (van Dijk, 1983). As such, a primary implication of this study is that the erasure of individuals with marginalized identities from the rhetoric restricts our ability to collectively understand complex and nuanced experiences of sexual violence and the impact it has. By journalists focusing almost exclusively on dominant narratives related to campus sexual assault, laws and policies are almost assuredly designed to support individuals with privilege because of news media’s relationship to public opinion and law/policy formulation (McCombs et al., 2011; Uscinski, 2014).

The lack of representation in the news media of survivors who hold marginalized identities may contribute to them not being believed when they disclose an assault—making it more difficult to hold their perpetrators accountable (Franiuk et al., 2008). But also, the dominant rhetoric leads us to believe that all survivors would be interested in “accountability” as defined by the dominant culture, which may not be the case (Kalof et al., 2001). As previously stated, survivors of color may be hesitant to report sexual assault perpetrated by someone in their same racial/ethnic group or seek recourse through social institutions because of a perception of being disloyal to their community (Crenshaw, 2014). Additionally, when considering the experiences of survivors of color at predominantly white institutions, victims may be concerned with being alienated from their primary source of social, academic, and emotional support if their perpetrator were to be removed from the institution, as a result.

Ultimately, survivors may be silenced in order to preserve their sense of belonging within a *counterpublic* within higher education, another implication of this study. Counterpublics tend to emerge in response to marginalized individuals being excluded from the “public,” when they do not see themselves reflected in dominant discourses (Fraser, 1990; Warner, 2002). Counterpublics develop their own discursive fields and social norms, which can empower individuals toward self-authorship and activism to promote social change (Daum, 2017). By engaging in counterpublics students experiencing compounded oppressions may create a greater sense of belonging within the larger institution.

In response to these theoretical implications of this study, I recommend that scholars continue to apply intersectionality as a conceptual framework in higher education research. As stated by Museus and Saelua (2014),

If higher education research aims to increase understanding of all students in higher education and inform ways to maximize the likelihood that they will thrive, it is important for postsecondary education scholars to seek to excavate the voices of all marginalized populations and generate authentic understandings of these groups. (p. 68)

Without conscientious attention to intersectional oppression in higher education scholarship, researchers may continue to silence individuals even while attempting to further equity and inclusion initiatives, such as sexual violence prevention.

When studying sexual violence in the higher education environment, engaging in intersectional scholarship becomes even more critical. Intersectionality allows us to examine (1) who may be excluded from the rhetoric influencing higher education, (2) the root cause of that exclusion, and (3) how the exclusion is being systemically perpetuated in the university setting (Harris, 2017). Scholars and practitioners in higher education have the opportunity to expand discursive fields and broaden social understanding of sexual violence by supporting and amplifying counterpublics. By extension, practitioners and scholars in higher education should also consider how existing policies and processes employ rhetoric which may contribute to further oppression and silencing of sexual assault survivors.

## **Violence as the Problem and Solution**

As previously discussed, the underpinning ideology violence as the problem and solution, is rooted in notions of dominance and aggression associated with masculinity (Weedon, 1997), and reinforced through the pervasive culture of white cisheteropatriarchy. This reinforcement is troubling because it replicates social conditions in which violence is accepted and sexual violence continues to occur without perpetrators being held accountable for their violations. When rhetoric centered on violence is presented in the news media as the normalized response to sexual violence on campus, it influences policy making as well as public opinion (McCombs et al., 2011; Uscinski, 2014).

The possible implications of violence as the problem and solution discourse being perpetuated in U.S. higher education are vast. Most notably, this rhetoric supports higher education as non-emancipatory and an inequality regime, by design (Acker, 2012). For higher education to become the equalizer of social access that many espouse it to be, sexual violence cannot be normalized. As I reflected in my Researcher Journal, if universities continue to fall short in creating inclusive communities, those free from sexual violence, we are telling victims—primarily women and those from other marginalized groups—that higher education is not for them. Without developing consciousness of rhetoric that normalizes violence, it is likely that the language used in higher education policies and practices will also carry this same ideological discourse, as identified in the news media through this study.

In this regard, I recommend that higher education leadership responsible for the development of institutional policies and procedures engage in critical reflection of

discourse surrounding sexual violence, and question if violence is being upheld through our language and signification. Each individual involved should have an awareness of their own positionality and consider how their own biases are influencing policy construction and implementation (Iverson, 2017). Policy development is inherently non-neutral because of these dynamics and its cookie-cutter application will continue to underserve historically marginalized groups. Focus should be placed on making policies accessible to all students and providing “differentiated resources, support services, prevention programming, and articulation of rights for respondent and complainant” (Iverson, 2017, p. 227). Higher education needs to accept individuals do not experience safety or healing in the same ways, so providing students a wide variety of confidential and non-confidential resources and as much agency as possible to choose what suits them is a more supportive approach and still maintains compliance with Title IX. Survivors of sexual assault should be able to seek healing and recourse through their institutions in ways other than unnecessarily combative and aggressive procedures developed exclusively by cishetero- white men in power.

Higher education leaders who are responsible for compliance and policy development on their campuses should be proactive in crafting intersectional policies and procedures for sexual assault adjudication. Centering experiences of students from marginalized populations is key to developing inclusive policy. Administrators need to thoroughly interrogate those whose narratives are not represented, and as a result, whose experiences are being erased. According to Iverson (2017) to craft inclusive policy, administrators must “disrupt the dominant construction of the perfect victim” and “problematize dichotomous language that situates individuals as victims or survivors, as

passive or resistant, or as victimized or empowered” (Iverson, 2017, p. 226). To avoid replicating dominance, groups responsible for the development of policies and procedures to address sexual assault should have diverse representation. Decision makers in higher education need to avoid representing others without hearing their experiences and making decisions without their input (Brown, 2000). By applying intersectional approaches to policy development, hopefully universities can improve educational access to students who have been impacted by sexual violence, reduce harm to students, and disrupt the replication of a pervasive culture of “fighting fire with fire.”

### **Money Motivates Action**

My second finding, *money motivates action*, was conveyed through discourses in the news media that relied on financial analogies to describe the cost and/or value of individuals’ experiences with campus sexual assault adjudication. This belief is grounded in capitalist assumptions that permeate U.S. culture, including the higher education realm. Often, the media coverage of campus sexual assault and its adjudication reinforced public perceptions of higher education as a private good and academic capitalism. This positions universities as competitors for students in a market economy, concerned with branding and profitability (Slaughter & Rhoades, 2004). Financial cost metaphors may provide accessible, shared language for the public to understand the burdens associated with campus sexual assault. However, these analogies may also be detrimental because they make it seem costs are only real and significant if they are monetarily quantifiable.

One possible implication of upholding a belief that money motivates action as it relates to sexual violence in higher education is the commodification of trauma. As noted

in my Researcher Journal, I worry this discourse carried throughout the media contributes to a pervasive view that trauma can be quantified and used as currency in terms of monetization (e.g. court settlements, lawsuits, fines) and how it is used as social capital. In nearly every facet of Title IX adjudication, there is an example of trauma being leveraged to someone's advantage, including as a survival strategy for victims to access recourse through their institutions. For example, survivors may feel compelled to disclose specific and private details about their sexual assault that they should not have to in order to seek assistance from their university. In another regard, the predominately white, female-identified survivors represented in the news coverage of Title IX in the timeframe of this study were able to press the issue of campus sexual assault on a national scale, but only when they were willing to go public with their personal traumatic experiences.

The trauma of sexual assault has also been commodified by politicians, lawyers, and consultants. To garner media attention and advocate for law and policy changes, politicians use the stories of—primarily white, female-identified—victims of sexual assault. Lawyers and consultants are often hired reactively by students and universities to “fix” issues. In many of the news articles I analyzed, the individuals that were quoted as “experts” in Title IX are affluent white men who have made career gains by selling sexual violence “solutions” to universities. Not only have these consultants and lawyers been financially compensated to address the hurt that others have experienced, but they are then praised for being “good men” and “doing the work”. The professionalization of Title IX is a response to the commodification of trauma, to an extent, initiated through the bureaucratic actions required by the 2011 Dear Colleague Letter on Sexual Violence.

The money motivates action discourse permits the commodification of trauma and devalues the harm that people have experienced, unless it can be translated to monetary terms. In doing so, institutions reinforce the idea that they are interested in financial gains over safety and educational access. One of the primary ways the media reinforces higher education's privatization is through the emphasis on institutional reputation and public image, which then shifts public opinion on universities' role in society.

In response to my money motivates action finding, I recommend that leaders in higher education take steps to disrupt the idea that trauma can be commodified, and instead, reinforce to the public that institutions have an interest in addressing sexual violence to maintain a suitable learning environment. This is indicative of an overall focus on education over profitability. To do so, universities' narratives shared with the media regarding sexual assault should go beyond Title IX as a compliance obligation, and rather, focus on the moral imperative of learning in an environment free from sexual violence. The news media I analyzed as part of this study conveys substantial skepticism regarding higher education's motivations to address sexual assault fairly and thoroughly. Institutions must articulate and implement initiatives centering students' success over public image, and work to address the underlying attitudes that uphold perpetration, such as toxic masculinity.

Although higher education has become increasingly privatized and financially motivated, as educators and scholars, we have the opportunity to diversify scholarship related to sexual violence. In the current sociopolitical context, higher education should resist playing into public relations games and push for ethical, fact-checked information, as well as embrace the challenge of conveying complex and intersectional narratives in

publications regardless of financial threat. To do so, colleges and universities, especially public institutions, must recommit to the principle of higher education as a social good and distance themselves from being pigeonholed as capitalist entities beholden to employers in the private sector. Universities should support diverse creation and sharing of knowledges, deviating from dominant discourses, and embrace what it means to be an essential source of knowledge to shift public perceptions of sexual violence.

### **Preventing Sexual Assault is up to Everyone, Except Perpetrators**

The ideological discourse preventing sexual assault is up to everyone, except perpetrators was upheld throughout the news media: Largely by erasing perpetrators from sexual assault narratives and encouraging bystanders and victims themselves to take responsibility for sexual violence prevention. Statistically, perpetrators of sexual violence are most often men (Hong, 2017). In erasing perpetrators from news coverage on sexual assault, this discourse serves to uphold patriarchy by failing to critique the behaviors of men who engage in predatory behaviors. News media's replication and reinforcement of this ideology normalizes victim blaming and rape myths in society.

A social acceptance of rape myths contributes to hostile environments for survivors (Burt, 1980). An environment hostile to sexual assault survivors can be characterized by victims being framed as liars, blamed for their assaults, and ultimately discouraged from coming forward (Franiuk et al., 2008). The primary implication of the preventing sexual assault is up to everyone, except perpetrators ideological finding is that it inhibits perpetrators from being held accountable for their behavior and upholds the continuation of sexual violence overall.

Within U.S. higher education, the laws and policies to address sexual assault predominately focus on how institutions should respond *after* an assault occurs, rather than on prevention. The confluence of rape myth acceptance, and universities' reactive means to address sexual assault, contributes to survivors being socially conditioned into silence and a failure of higher education to disrupt the cycle of sexual violence. Sexual assault does not exist in a vacuum—it is a symptom of a systemic issue and toxic ideology, rather than disconnected standalone incidents (Harris & Linder, 2017). There is “insufficient information” to suggest the common two-part strategy of holding perpetrators accountable and providing supportive assistance to survivors has led to fewer incidents of campus sexual assault occurring (Hong, 2017, p. 26). It is inappropriate for educators and administrators to assume that reactively addressing student sexual assault cases on an individual level will create meaningful cultural shifts without dismantling oppressive systems of social stratification that uphold sexual violence (Hong, 2017). The perpetuation of a belief that preventing sexual assault is up to everyone, except perpetrators overemphasizes the role of any individual in sexual assault prevention and avoids addressing detrimental social attitudes.

As such, I recommend that leaders in higher education refocus on the development of proactive institutional practices to address sexual assault. If universities' leaders have an understanding of higher education as a social structure, it is possible to leverage institutional power in ways that work toward ending sexual violence through both educational *and* administrative means. It is essential for universities to resource prevention education (beyond bystander intervention education) and offer an array of

opportunities for survivors to seek support and healing, in addition to providing a sexual assault reporting and accountability structure.

Throughout this study, bystander intervention education was frequently presented as the standard in prevention education, often as an institutional point of pride and an example of making positive change. And while some studies have shown positive outcomes stemming from bystander education for students (Henricksen, Mattick, Kelsey, & Fisher, 2016), these trainings may be problematic because they typically place the burden of sexual assault prevention on all students equally, and erase the role and decisions of perpetrators. Also, bystander intervention programs are traditionally based on cis- and hetero-normative examples, and delivered in groups separated by sex, which contributes to erasure and marginalization of transgender and gender nonconforming students. Prevention education on campuses should be nuanced, intersectional, and well-resourced to address the root causes of sexual violence, such as toxic masculinity, while acknowledging that every occurrence of sexual assault “has differential impacts on individuals and communities because of the realities of how intersecting identities shape lives.” (Hong, 2017, p. 36).

### **The University is its Football Program**

The national news publications I analyzed as part of this study (*The New York Times*, *The Wall Street Journal*, *The Washington Post*, and *USA Today*) all upheld the University is its football program ideological discourse. The media coverage from these publications around Title IX and campus sexual assault was concentrated on incidents involving male-identified football players. This ideological prevalence reaffirms to the public that NCAA Division I football is representative of higher education in the U.S. and

that football players represent who is accused of sexual assault. When male-identified football players were featured in the news media as alleged perpetrators of sexual violence, their athletic talent was central to the rhetoric.

Widespread ideological acceptance of the University is its football program may contribute to a variety of implications in and outside higher education. As a scholar-practitioner in higher education, one I find of particular salience is the focus on football in the national news media decenters the academic and educational interests of universities. As shaped through news media, institutional identity becomes intertwined with that of the football team. The media coverage that universities with NCAA Division I football receives contributes to their overall brand recognition. The idea of this publicity serving as a tool to recruit students contributes to the corporatization of higher education and reinforces academic capitalism, as though universities operate within a market economy—similar to private businesses serving customers (Slaughter & Rhoades, 2004). In this regard, NCAA Division I football players (a large proportion of whom are men of color), may be exploited for labor to generate revenue for universities. Institutional brands tied to the prominence of their respective football teams reinforces to the public the value of universities is how competitive their football programs are, rather than educational benefits.

In addition to the reification of academia as a corporate entity, the University is its football program ideological discourse also contributes to rape myths and stereotypes about men of color. When the news coverage surrounding Title IX and campus sexual assault adjudication predominately feature Black male-identified football players as perpetrators of sexual violence, the public is conditioned to believe that rapists look like

Jameis Winston, rather than affluent white men. The overrepresentation of Black men as alleged perpetrators in the media creates a disparate impact on African American men because of the social stereotype of them as aggressors of white women (Crenshaw, 2014), and serves to uphold white supremacy. Systemic racism contributes to men of color being disproportionately held accountable for sexual assault compared to their white counterparts.

In response to this ideological finding, I recommend that institutional leaders responsible for public relations and athletics media coverage are trained on cultural competency, in order to avoid the perpetuation of racialized stereotypes in the media. If media is covering allegations of sexual assault involving a student athlete, the focus should be on the actions of the alleged perpetrator, rather than their athletic accomplishments. While impossible for universities to control external media coverage, a communication plan that allows for institutional leaders to provide comments and responses that are equity-minded to media is necessary. Presidents and other senior leadership should be empowered to publicly name sexual assault as a problem and call out injustices and biases, in alignment with creating an educational environment free from discrimination.

As previously mentioned, men's athletic teams can be described as hypermasculine communities, where rape myth acceptance and sexual aggression are reported at higher rates than among college men who are non-athletes (Murnen & Kohlman, 2007). University leadership should be educated on hypermasculine communities like those that exist in fraternities and men's athletic teams (Murnen & Kohlman, 2007), and tailor sexual assault prevention education to these groups to disrupt

dominant narratives and attitudes that support sexual aggression. In addition to targeted prevention strategies, institutional responsibility for investigating and adjudicating allegations made against student athletes should be housed in an impartial office without administrative oversight from Athletics staff to avoid potential conflicts of interest.

### **Conclusion**

Through this study, I sought to uncover the underpinning ideologies conveyed through print news media coverage of campus sexual assault during the Obama-Biden Administration. During their time in office, January 20, 2009 through January 20, 2017, the Administration bolstered institutional requirements to address sexual assault in higher education under Title IX (U.S. Department of Education, Office for Civil Rights, 2011). Introduced in 1972, Title IX simply prohibited sex discrimination in educational institutions receiving federal funding (Equal Rights Advocates, n.d.). However, in 2011, the Obama-Biden Administration took unprecedented steps to support student survivors of sexual assault through the issuance of the Dear Colleague Letter on Sexual Violence, which pushed institutions to strengthen grievance procedures, mandatory reporting expectations, and dedicate additional resources to sexual violence prevention and response (U.S. Department of Education, Office for Civil Rights, 2011).

The efforts made during this timeframe to address campus sexual assault were celebrated as progressive victories in support of feminist interests (Katuna & Holzer, 2016). Yet, given the sociopolitical context of the U.S. and higher education as a social institution within it, shared attitudes underlying sexual assault and its adjudication under Title IX may not be as enlightened as they seem on the surface. Historically, there has been resistance to Title IX's applications among lawmakers and groups like the NCAA

(Hoffman et al., 2010) and given higher education's nature as a gendered organization and inequality regime (Acker, 2006; Eddy, Khwaja, & Ward, 2017; Eddy & Ward, 2017), resistance to action toward sex and gender equity is unsurprising.

To uncover social attitudes underlying campus sexual violence during the Obama-Biden Administration, I chose to analyze print media through a Critical Discourse Study (Wodak & Meyer, 2009, 2016), situated within poststructural feminist thought (Peters & Burbules, 2004; St. Pierre & Pillow, 2000; Weedon, 1997). Poststructural feminism allows for nuanced study of language and signification because of the emphasis on reproduction of knowledges through determined social dichotomies based in power and oppression (Peters & Burbules, 2004). Although poststructural feminist critique aims to deconstruct social dynamics of power and oppression based on sex and gender, it is not limited to these issues (Cochrane, 2013; Crenshaw, 1991; Lotz, 2007; Moore, 2007). Poststructural feminism provides an underlying framework to examine relationships among language, power, and subject by accepting that human understanding is limited by the confines of our language to articulate our experiences (Weedon, 1997).

In conjunction with poststructural feminism, I applied intersectionality as a theoretical framework to this analysis. Intersectionality allows researchers to consider the complex interactions of structural inequalities based in social identities (Collins & Bilge, 2016). Specifically, intersectionality was developed to understand the compounded marginalizations of race, gender, and class experienced by Women of Color (Crenshaw, 1991, 2014).

To deconstruct rhetoric surrounding campus sexual violence, intersectional analysis is appropriate because of the focus on racialized and gendered oppression upheld

in institutional systems, such as higher education (Collins & Bilge, 2016). As a social issue, sexual violence is also inherently gendered and racialized because of harmful stereotypical assumptions, such as Black men being common perpetrators of sexual assault against white women or Women of Color being perceived as hypersexual (and less sympathetic as sexual assault victims) (Crenshaw, 2014). Even though bisexual and lesbian women are more likely than heterosexual women to be sexually assaulted during college (Martin et al., 2011) and women within the African American, Alaskan Native, and American Indian communities are raped at higher rates than white women (Murphy, 2015), narratives of white, heterosexual women were those most often presented in media coverage of campus sexual assault.

As part of this Critical Discourse Study, I chose to analyze the underlying ideologies conveyed through print news media because of media's relationship to public opinion. The media serves as both a conduit of laws and policies to the general populous and as a representation of public opinion to politicians (McCombs et al., 2011; Uscinski, 2014). Through discourses, the media is likely to influence the collective understanding of campus sexual assault in the U.S., and influence national policy decisions.

Print news media provided a robust data source to examine discursive structures and social attitudes regarding sexual violence in higher education and its adjudication under Title IX. I collected and analyzed 340 articles featured in *The New York Times*, *The Wall Street Journal*, *The Washington Post*, *USA Today*, and *The Chronicle of Higher Education* on Title IX and sexual assault from January 20, 2009 through January 20, 2017. I selected *The New York Times*, *The Wall Street Journal*, *The Washington Post*, and *USA Today* as mainstream media data sources because of their national reach and

readership. I also selected articles from *The Chronicle of Higher Education* for analysis to provide a comparison between ideological discourses featured in a higher education-specific publication and those in mainstream publications with a national audience.

I was able to identify four ideologies underlying news media's discussions of Title IX and sexual assault adjudication in higher education through the use of Critical Discourse Study, as a methodology. Critical Discourse Study is ideal for revealing dynamics of power and oppression conveyed through language and signification (Wodak & Meyer, 2016). Through this study, I identified three key ideological findings across all five sources of journalism (*The New York Times*, *The Wall Street Journal*, *The Washington Post*, *USA Today*, and *The Chronicle of Higher Education*) and one notable finding represented in the national, mainstream media sources, that was largely absent from *The Chronicle of Higher Education*.

My first finding, violence as the problem and solution, was represented throughout the data via language surrounding violence, physical conflicts, and battle. By suggesting a violent approach to addressing sexual assault as an issue, or that adjudication processes on campus are violent toward students, media may be attempting to convey a sense of harshness and severity to readers. However, by upholding the belief that violence as the problem and solution, media is also reinforcing traditionally masculine dominance over feminine subordination. Historically, men are socialized to be tough, assertive, and physically strong while women are socialized to be passive and nurturing. A social belief that violence as the problem and solution reinforces dominance through violence and winning, rather than deconstructing how change could occur in non-violent or more collaborative ways to end sexual violence.

Money motivates action, my second ideological finding, was shown through discussions of the costs of sexual assault and its adjudication under Title IX. “Cost” both referred to literal, financial costs of sexual assault prevention and response, as well as the metaphorical “costs”, such as the emotional repercussions of being a survivor of sexual assault. Language throughout the dataset reinforced that universities are motivated by profit over student experience. Rhetoric emphasizing the costs related to campus sexual assault may resonate with readership because of capitalism as the dominant economic system in the U.S. The belief that money motivates action reinforces stratification based on socioeconomic status—essentially some students, because of the identities they hold, are able to “afford” wellbeing and/or fundamental fairness in higher education while others are not.

My third key ideological finding, preventing sexual assault is up to everyone, except perpetrators, was perpetuated through the consistent use of passive voice to describe the frequency in which sexual assaults occur, and who they happen to—as though they are perpetrator-less incidents. The minimization of the role of perpetrators as actors of sexual violence, was also supported by common discussion of bystander intervention educations as the best—or only—campus sexual assault prevention strategy. Although media presentation of prosocial bystander engagement behaviors reflect collectivist values and intersectional feminist principles, erasing perpetrators from sexual assault metanarratives puts the burden on victims and bystanders to prevent themselves from being harmed. This contradicts the fact that in the U.S., all types of sexual violence against women are most commonly perpetrated by men, and men commit the bulk of completed or attempted rapes against male victims (Smith et al., 2017). The erasure of

men as perpetrators in media depictions of sexual violence upholds cisheteropatriarchy by centering dominance through the preservation of masculine ego. It has been socially normalized that we question women's behaviors in incidents of sexual assault, but we cannot and do not question men's because often, they are not even part of the discussion.

The three previous ideological findings were reflected throughout all five publications I analyzed, as part of this Critical Discourse Study. My last key finding, the University is its football program, was prominent in mainstream media publications (*The New York Times*, *The Wall Street Journal*, *The Washington Post*, and *USA Today*), but not in *The Chronicle of Higher Education*. Mainstream media publications in the dataset frequently focused on sexual assault cases involving NCAA Division I football programs, which may overemphasize the role and value of football as part of the higher education environment. Male-identified football players accused of sexual assault were always discussed in conjunction with their athletic achievements and their teams were presented as beyond reproach. Defining universities by their NCAA Division I football programs upholds higher education as an inequality regime, sustained by masculine dominance. Football is a hyper-masculine activity, characterized by aggression and physicality. Winning teams are broadly celebrated socially, showing the influence and value created by performing masculine norms.

Although the Obama-Biden Administration may have been celebrated in many feminist circles for their action to end campus sexual assault, my findings reinforce that social attitudes related to sexual violence during their time in office may not be so progressive. Ideological discourses upheld in the print news media of the time, including violence as the problem and solution, money motivates action, preventing sexual assault

is up to everyone, except perpetrators, and the University is its football program support social stratification through dynamics of affluent, white cisheteropatriarchal values and norms being dominant over others. Our collective reliance on these oppositional, binary social categories reproduces power and oppression in our social institutions. Our reliance on these dichotomies which reflect our own biases, limitations, and attitudes, ultimately support a culture in which sexual violence can occur.

For individuals—and by extension, the social institutions of which we are a part—to create meaningful strides in ending sexual violence, we have to engage in reflexive practice to understand how underlying dynamics of power and oppression influence our actions and our environments. For those of us with the privilege to do so, we need to take on the challenge of disrupting the social reproduction of power in our spheres of influence. As leaders in higher education, we need to embrace the role of higher education as a catalyst for social change and not shy away from telling our own stories to the broader public. Creating sustainable social change requires a nuanced and contextualized understanding of students' experiences, as well as an articulation of values integrated throughout institutional policies and procedures. Rather than thinking about incidents of campus sexual assault as outliers and interruptions to the educational experience, we should consider how the existing higher education environment is at best, inadvertently upholding sexual violence, and at worst, actively supporting it.

### **Epilogue**

Although this study focused on the news media coverage of Title IX and sexual assault in higher education during the Obama-Biden Administration, the national conversation surrounding the issue certainly continued past January 20, 2017 and

transitioned with the changing the social and political context of the U.S. During the Obama-Biden Administration, the pendulum seemed to swing toward the rights of sexual assault survivors through the Administration's unique emphasis on the prevention of campus sexual assault (Eilperin, 2016a; Gerstein, 2014; Stratford, 2014; The White House, Office of the Vice President, 2010, 2011) and their support for survivors in politically unprecedented ways; for example, by explicitly naming sexual assault as a violation of women's civil rights (Larkin, 2016, n.p.). In the Title IX realm, the election of Donald Trump in November 2016 signaled a clear swing toward protecting the rights of alleged perpetrators of sexual assault and limiting universities' responsibility to respond to and investigate complaints (Larkin, 2016; New, 2016).

Betsy DeVos was narrowly confirmed as Secretary of Education under the Trump-Pence Administration in February 2017 (Huetteman & Alcindor, 2017), and quickly began to dismantle civil rights protections in education that were issued during Obama's presidency. On February 22, 2017, the Department of Education issued a new Dear Colleague Letter rescinding requirements for transgender students to be allowed to use restrooms consistent with their gender identity in public schools. In September 2017, the Department rescinded the 2014 Questions and Answers on Title IX and Sexual Violence document and the 2011 Dear Colleague Letter on Sexual Violence, and DeVos announced there would be new requirements forthcoming for universities to address campus sexual assault (Kelderman, 2018). DeVos's rhetoric emphasized "restoring fairness" to university sexual misconduct processes in the wake of "political overreach" from the Obama-Biden Administration.

In October 2017, #MeToo went viral on social media after national attention was placed on several high profile incidents of sexual misconduct in Hollywood involving Harvey Weinstein (Johnson & Hawbaker, 2019). Although actress Alyssa Milano prompted individuals to share stories of survivorship with the hashtag (resulting in over 12 million responses) (Brookes, 2018), the “Me Too” Movement was started by activist Tarana Burke in 2006 to support Black women and girls who had survived sexual violence (“‘Me Too’ History & Vision,” n.d.). According to the Me Too website, “because of the viral #metoo hashtag, a vital conversation about sexual violence has been thrust into the national dialogue” (“‘Me Too’ History & Vision,” n.d., para. 2). In December 2017, Time Magazine named the “Silence Breakers” of Me Too as 2017 Person of the Year (Johnson & Hawbaker, 2019), reflecting the cultural significance of the Movement at the time.

In July 2018, Brett Kavanaugh was announced as a nominee to the Supreme Court to fill the vacancy left by Anthony Kennedy’s retirement. In response to this announcement, Dr. Christine Blasey Ford wrote a letter to Senator Dianne Feinstein alleging that Kavanaugh had sexually assaulted her when she was in high school. These allegations were kept private at Ford’s request until she came public with them in September 2018 during Kavanaugh’s confirmation hearing (Bowden, 2018; Brown, 2018). Specifically, Ford detailed that Kavanaugh was intoxicated and pinned her down and groped her while a friend of his watched (Brown, 2018). Kavanaugh denied the allegation, but in the following weeks, two more women came forward saying that Kavanaugh had engaged in sexual misconduct (Bowden, 2018). Kavanaugh testified before the Senate Judiciary Committee in an explosive hearing on September 27, 2018,

where Kavanaugh yelled and became visibly agitated regarding the sexual misconduct allegations. In October 2018, Kavanaugh was confirmed to the Supreme Court “by one of the slimmest margins in American history” (Stolberg, 2018, para. 1).

In the wake of #MeToo and the Kavanaugh confirmation hearings, DeVos finally announced the new proposed Title IX regulations, over a year after the 2011 DCL on Sexual Violence was rescinded. While complainants and respondents had always been afforded equitable rights throughout a Title IX process, the proposed rules would require institutions to allow respondents to cross-examine their accusers, and reduce institutions’ liability by relaxing reporting requirements and limiting the scope of incidents that would require an investigation. During the open comment period on the proposed regulations, people submitted 124,087 comments to voice their opinions (Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 2018). Public comments largely focused on the negative impact on survivors’ willingness to report and making it more difficult for institutions to hold individuals accountable for violations.

In response to the timing of the proposed Title IX regulations following #MeToo and the Kavanaugh confirmation, Kreighbaum (2018) wrote, “For many advocates for survivors on campus, it seems like a bitter irony that as American society’s awareness of the prevalence of sexual misconduct grows, DeVos is curbing protections they’d fought for and won years before” (n.p.). Kreighbaum’s assessment of this dynamic certainly resonates with me as the author of this study and as someone who has been immersed in news coverage on sexual violence for years. The clear articulation of how we are exposed to what seem to be symbols of progress at the same time we feel a dismantling

of existing protections becomes a mental exercise of how to navigate in society with hold those “truths” at the same time.

It is common knowledge that Trump was still elected after a recording of him talking about grabbing women “by the pussy” hit the national news in October 2016 (“Transcript: Donald Trump’s taped comments about women,” 2016, n.p.), and it is hardly a secret that he has been accused of sexual misconduct by at least 23 different women (Relman, 2019), without consequence. But, the privilege afforded to white, cisgender men in power and their problematic behavior is hardly limited to Trump or other right-leaning politicians. Even Joe Biden, presented as a vocal champion of women’s rights by the media (Larkin, 2016), has touched multiple women in ways that made them feel uncomfortable. While Biden publicly committed to being “more mindful” (Hayes, 2019) of personal space and boundaries in the future, it is difficult to his response is in the context of his 2020 presidential bid.

It is not surprising that through this study, I identified several discourses underlying news coverage of Title IX and campus sexual assault that were rooted in dynamics of white cis-hetero hegemony, even though the timeframe mirrored that of a “progressive” presidential administration in the U.S. We should expect that existing attitudes and power structures so ingrained in U.S. culture will persist, unless social institutions are radically disrupted. While the election of Trump and the policies implemented by his administration came as a shock to many, we really should not be surprised—the same prejudices have always existed. Some language and attitudes that are being overtly stated and celebrated in the national discourse may have been more concealed in the past, but they are decidedly not new. From my perspective, individuals

who feel as though these are new attitudes attributed to Trump's presidency have largely been shielded from them because of their own positionality and privilege. If anything, Trump's election should solidify that looking to men in power to achieve justice is misguided—those in power have an interest in maintaining the status quo.

When I consider what I have learned throughout this study, I think of assumptions we make about progress towards justice as reflected in discourses. Over the course of time, we may experience symbols of progress that are veneers, rather than evidence of real change. Ultimately, I think it is important for us to engage in self-reflection and enough critical questioning of power and language to know the difference between the two.

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**APPENDIX A**

**AUDIT TRAIL OF PRELIMINARY DATA COLLECTION**

Table A1

## Preliminary Data Collection

Search	Date	Database	Publication	Search Terms	Total
1	7/3/17	LexisNexis	NYT	"title ix" AND "sexual assault"	25
2	7/3/17	LexisNexis	NYT	"title ix" AND "sexual violence"	51
3	7/3/17	LexisNexis	NYT	"sexual assault" AND "college"	28
4	7/3/17	LexisNexis	NYT	"sexual violence" AND "college"	9
5	7/3/17	LexisNexis	NYT	"sexual violence" AND "universities"	9
6	7/3/17	LexisNexis	NYT	"sexual assault" AND "universities"	22
7	7/3/17	LexisNexis	NYT	"title ix" AND "universities"	34
8	7/3/17	LexisNexis	NYT	"title ix" AND "college"	37
9	7/3/17	LexisNexis	USAT	"title ix" AND "sexual assault"	14
10	7/3/17	LexisNexis	USAT	"title ix" AND "sexual violence"	23
11	7/3/17	LexisNexis	USAT	"sexual assault" AND "college"	10
12	7/3/17	LexisNexis	USAT	"sexual violence" AND "college"	5
13	7/3/17	LexisNexis	USAT	"sexual violence" AND "universities"	3
14	7/3/17	LexisNexis	USAT	"sexual assault" AND "universities"	3
15	7/3/17	LexisNexis	USAT	"title ix" AND "universities"	15
16	7/3/17	LexisNexis	USAT	"title ix" AND "college"	17
17	7/3/17	LexisNexis	WASHP	"title ix" AND "sexual assault"	27
18	7/3/17	LexisNexis	WASHP	"title ix" AND "sexual violence"	52
19	7/3/17	LexisNexis	WASHP	"sexual assault" AND "college"	30
20	7/3/17	LexisNexis	WASHP	"sexual violence" AND "college"	25
21	7/3/17	LexisNexis	WASHP	"sexual violence" AND "universities"	20
22	7/3/17	LexisNexis	WASHP	"sexual assault" AND "universities"	23
23	7/3/17	LexisNexis	WASHP	"title ix" AND "universities"	18
24	7/3/17	LexisNexis	WASHP	"title ix" AND "college"	20
25	7/5/17	LexisNexis	CHRON	"title ix" AND "sexual assault"	39
26	7/5/17	LexisNexis	CHRON	"title ix" AND "sexual violence"	54
27	7/5/17	LexisNexis	CHRON	"sexual assault" AND "college"	31
28	7/5/17	LexisNexis	CHRON	"sexual violence" AND "college"	14
29	7/5/17	LexisNexis	CHRON	"sexual violence" AND "universities"	8
30	7/5/17	LexisNexis	CHRON	"sexual assault" AND "universities"	22
31	7/5/17	LexisNexis	CHRON	"title ix" AND "universities"	21
32	7/5/17	LexisNexis	CHRON	"title ix" AND "college"	37
33	7/5/17	ProQuest	WSJOnline(2010-2017)	"title ix" AND "sexual assault"	115

Table A1 (continued)

## Preliminary Data Collection

Search	Date	Database	Publication	Search Terms	Total
34	7/5/17	ProQuest	WSJOnline(2010-2017)	"title ix" AND "sexual violence"	28
35	7/5/17	ProQuest	WSJOnline(2010-2017)	"sexual assault" AND "college"	246
36	7/5/17	ProQuest	WSJOnline(2010-2017)	"sexual violence" AND "college"	66
37	7/5/17	ProQuest	WSJOnline(2010-2017)	"sexual violence" AND "universities"	43
38	7/5/17	ProQuest	WSJOnline(2010-2017)	"sexual assault" AND "universities"	156
39	7/5/17	ProQuest	WSJOnline(2010-2017)	"title ix" AND "universities"	95
40	7/5/17	ProQuest	WSJOnline(2010-2017)	"title ix" AND "college"	133
41	7/5/17	ProQuest	WSJ(2009-2017)	"title ix" AND "sexual assault"	43
42	7/5/17	ProQuest	WSJ(2009-2017)	"title ix" AND "sexual violence"	14
43	7/5/17	ProQuest	WSJ(2009-2017)	"sexual assault" AND "college"	161
44	7/5/17	ProQuest	WSJ(2009-2017)	"sexual violence" AND "college"	38
45	7/5/17	ProQuest	WSJ(2009-2017)	"sexual violence" AND "universities"	26
46	7/5/17	ProQuest	WSJ(2009-2017)	"sexual assault" AND "universities"	100
47	7/5/17	ProQuest	WSJ(2009-2017)	"title ix" AND "universities"	58
48	7/5/17	ProQuest	WSJ(2009-2017)	"title ix" AND "college"	88
49	7/5/17	ProQuest	CHRON	"title ix" AND "sexual assault"	112
50	7/5/17	ProQuest	CHRON	"title ix" AND "sexual violence"	62
51	7/5/17	ProQuest	CHRON	"sexual assault" AND "college"	259
52	7/5/17	ProQuest	CHRON	"sexual violence" AND "college"	113
53	7/5/17	ProQuest	CHRON	"sexual violence" AND "universities"	82
54	7/5/17	ProQuest	CHRON	"sexual assault" AND "universities"	195
55	7/6/17	ProQuest	CHRON	"title ix" AND "universities"	120
56	7/6/17	ProQuest	CHRON	"title ix" AND "college"	169
57	7/6/17	ProQuest	NYT(2011-2013)	"title ix" AND "sexual assault"	11
58	7/6/17	ProQuest	NYT(2011-2013)	"title ix" AND "sexual violence"	3
59	7/6/17	ProQuest	NYT(2011-2013)	"sexual assault" AND "college"	155
60	7/6/17	ProQuest	NYT(2011-2013)	"sexual violence" AND "college"	23
61	7/6/17	ProQuest	NYT(2011-2013)	"sexual violence" AND "universities"	6
62	7/6/17	ProQuest	NYT(2011-2013)	"sexual assault" AND "universities"	19
63	7/6/17	ProQuest	NYT(2011-2013)	"title ix" AND "universities"	40
64	7/6/17	ProQuest	NYT(2011-2013)	"title ix" AND "college"	105

**APPENDIX B**

**EXAMPLE OF DATA COLLECTION/ANALYSIS AUDIT TRAIL**

Table B1

<b>Article 2</b>	Newman, J., & Sander, L. (2014, April 30). Promise unfulfilled? The Chronicle of Higher Education. Retrieved from <a href="https://www.chronicle.com/article/Promise-Unfulfilled-/146299">https://www.chronicle.com/article/Promise-Unfulfilled-/146299</a>				
<b>Unit No.</b>	<b>Data Unit in Context</b>	<b>Data Unit</b>	<b>Concept</b>	<b>Discourse Structure</b>	<b>Interpretation</b>
2-1	“On Tuesday, a White House task force released a set of stringent guidelines meant to help colleges combat rape on campus”	Combat	Fight forcefully and violently, like in war	Activities/ Calls to Action	Rape on campus is an issue that requires violent action, like physical battle, to address it effectively
<b>Notes:</b>	Frames a “victims versus campus” dichotomous position--focuses on women as victims, reinforces gender binary, cis- and hetero- normative. Frames Title IX as a promise--something morally kept, consistently--conveys skepticism about Title IX being that powerful or making changes that victims, in particular, seek.  Subtopics: elite institutions				

**APPENDIX C**

**RELEVANT SUBTOPICS**

Table C1

*Frequency of Relevant Subtopics*

<b>Subtopics</b> <i>(listed alphabetically)</i>	<b>Frequency</b>
Activism/Victims Advocacy	32
Affirmative Consent	20
Alcohol	14
Division I Athletics	80
Elite Institutions	132
Fraternities	48
Student Athletes	100
Surveys	27

**APPENDIX D**

**JOURNALISTS**

Table D1

*Most Frequently Contributing Journalists (those with five or more articles)*

<b>Publication</b>	<b>Journalists</b>	<b>Number</b>
Washington Post	Anderson, Nick	28
Chronicle of Higher Education	Wilson, Robin	19
New York Times	Perez-Peña, Richard	12
USA Today	Axon, Rachel	11
New York Times	Tracy, Marc	10
Chronicle of Higher Education	Brown, Sarah	9
Chronicle of Higher Education	Mangan, Katherine	9
Chronicle of Higher Education	Sander, Libby	9
Wall Street Journal	Vilensky, Mike	9
Wall Street Journal	Cohen, Ben	8
Wall Street Journal	Bauerlein, Valerie	6
New York Times	Kaminer, Ariel	6
Wall Street Journal	Korn, Melissa	6
Chronicle of Higher Education	Lipka, Sara	6
Wall Street Journal	Phillips, Erica E	6
Wall Street Journal	Bachman, Rachel	5
Wall Street Journal	Belkin, Douglas	5
Wall Street Journal	Reagan, Brad	5
New York Times	Steinhauer, Jennifer	5

**APPENDIX E**

**FREQUENTLY MENTIONED INSTITUTIONS AND INDIVIDUALS**

Table E1

*Top five most frequently mentioned institutions across all publications*

<b>Institution</b>	<i>The Chronicle of Higher Education</i>	<i>The New York Times</i>	<i>USA Today</i>	<i>The Wall Street Journal</i>	<i>The Washington Post</i>	<b>Total</b>
Baylor University	11	114	97	117	22	<b>361</b>
Florida State University	23	27	74	127	11	<b>262</b>
University of Virginia	81	35	2	68	48	<b>234</b>
Yale University	42	72	2	77	8	<b>201</b>
Harvard University	76	46	3	37	35	<b>197</b>

Table E2

*Top five most frequently mentioned institutions by The Chronicle of Higher Education*

<b>Publication</b>	<b>Institution</b>	<b>Frequency</b>
<i>The Chronicle of Higher Education</i>	Brigham Young University	98
	University of Virginia	81
	University of Montana	80
	Harvard University	76
	Amherst College	59

Table E3

*Top five most frequently mentioned institutions by The New York Times*

<b>Publication</b>	<b><i>Institution</i></b>	<b><i>Frequency</i></b>
<i>The New York Times</i>	Baylor University	114
	Yale University	73
	Stanford University	56
	Harvard University	50
	Columbia University	47

Table E4

*Top five most frequently mentioned institutions by USA Today*

<b>Publication</b>	<b><i>Institution</i></b>	<b><i>Frequency</i></b>
<i>USA Today</i>	Baylor University	97
	Florida State University	74
	University of Tennessee	12
	College of Southern Idaho	8
	Duke University	7

Table E5

*Top five most frequently mentioned institutions by The Wall Street Journal*

<b>Publication</b>	<b><i>Institution</i></b>	<b><i>Frequency</i></b>
<i>The Wall Street Journal</i>	Florida State University	127
	Baylor University	117
	Yale University	77
	University of Virginia	68
	University of Oregon	44

Table E6

*Top five most frequently mentioned institutions by The Washington Post*

<b>Publication</b>	<b>Institution</b>	<b>Frequency</b>
<i>The Washington Post</i>	Stanford University	52
	University of Virginia	48
	Harvard University	35
	Dartmouth University	30
	The Ohio State University	24

Table E7

*Top five most frequently mentioned individuals across all publications*

<b>Individual</b>	<i>The Chronicle of Higher Education</i>	<i>The New York Times</i>	<i>USA Today</i>	<i>The Wall Street Journal</i>	<i>The Washington Post</i>	<b>Total</b>
Jameis Winston	37	70	85	133	7	<b>332</b>
Barack Obama	47	69	16	37	69	<b>238</b>
Kenneth Starr	2	42	4	36	23	<b>107</b>
Brett Sokolow	85	7	1	5	7	<b>105</b>
Claire McCaskill	10	10	23	11	28	<b>82</b>

Table E8

*Top five most frequently mentioned individuals by The Chronicle of Higher Education*

<b>Publication</b>	<b>Individual</b>	<b>Frequency</b>
<i>The Chronicle of Higher Education</i>	Brett Sokolow	85
	Barack Obama	47
	Jennifer Freyd	38
	Jameis Winston	37
	Laura Dunn	37

Table E9

*Top five most frequently mentioned individuals by The New York Times*

<b>Publication</b>	<b>Individual</b>	<b>Frequency</b>
<i>The New York Times</i>	Jameis Winston	70
	Barack Obama	69
	Kenneth Starr	42
	Andrew Cuomo	30
	Joe Biden	29

Table E10

*Top five most frequently mentioned individuals by USA Today*

<b>Publication</b>	<b>Individual</b>	<b>Frequency</b>
<i>USA Today</i>	Jameis Winston	85
	Claire McCaskill	23
	Art Briles	20
	Barack Obama	16
	Annie Clark	12

Table E11

*Top five\* most frequently mentioned individuals by The Wall Street Journal*

<b>Publication</b>	<b>Individual</b>	<b>Frequency</b>
<i>The Wall Street Journal</i>	Jameis Winston	133
	Andrew Cuomo	40
	Jack Montague	40
	Art Briles	38
	*Barack Obama (tied)	37
	*Emma Sulkowicz (tied)	37

Table E12

*Top five most frequently mentioned individuals by The Washington Post*

<b>Publication</b>	<b>Individual</b>	<b>Frequency</b>
<i>The Washington Post</i>	Barack Obama	69
	Catherine Lhamon	30
	Claire McCaskill	28
	Joe Biden	27
	Faith Ferber	27

**APPENDIX F**

**REPRESENTATIVE ARTICLES**

**Article 1**—*The Chronicle of Higher Education*

Sieben, L. (2011, April 4). Education Dept. issues new guidance for sexual-assault investigations. *The Chronicle of Higher Education*. Retrieved from <https://www.chronicle.com/article/Education-Dept-Issues-New/127004>

**Article 2**—*The Chronicle of Higher Education*

Newman, J., & Sander, L. (2014, April 30). Promise unfulfilled? The Chronicle of Higher Education. Retrieved from <https://www.chronicle.com/article/Promise-Unfulfilled-/146299>

**Article 3**—*The New York Times*

Tracy, M. (2016, July 16). Punishments, but no paper trail. The New York Times. Retrieved from <http://www.nytimes.com/2016/07/16/sports/ncaafotball/baylor-sexual-assault-report-no-paper-trail.html>

**Article 4**—*The New York Times*

Winerip, M. (2014, February 9). Stepping up to stop sexual assault. The New York Times. Retrieved from <http://www.nytimes.com/2014/02/09/education/edlife/stepping-up-to-stop-sexual-assault.html>

**Article 5**—*USA Today*

Armour, N. (2016, May 27). Baylor case must be turning point; Safety of women on campus should never be compromised by athletics. *USA Today*, p. 1c.

**Article 6**—*USA Today*

Madhani, A., & Axon, R. (2014, April 29). White House tackles college sexual assaults. *USA Today*, p. 3A.

**Article 7**—*The Wall Street Journal*

Cohen, B. (2014, September 4). Florida State opens student-conduct investigation into Jameis Winston; Inquiry is related to alleged sexual assault in December 2012. *The Wall Street Journal*. Retrieved from <https://www.wsj.com/articles/florida-state-opens-student-conduct-investigation-into-jameis-winston-1409864656>

**Article 8**—*The Wall Street Journal*

Taranto, J. (2013, December 6). An education in college justice; Under pressure from the Obama administration, a university tramples the rights of the accused. *The Wall Street Journal*. Retrieved from <https://www.wsj.com/articles/behind-the-auburn-curtainbehind-the-auburn-curtain-1385756706>

**Article 9**—*The Washington Post*

Eilperin, J. (2014, December 31). Harvard to adjust policies on sex assault, harassment. *The Washington Post*, p. A03.

**Article 10**—*The Washington Post*

Anderson, N. (2016, December 1). Lawsuit alleges that school's inaction on rape led to another. *The Washington Post*, p. A09.