

## **Reporting Requirements for University Campus Sexual Assault: Student Perceptions and Issues of Intersectionality**

**Jessica S. Thompson**

**Tara Beard**

**H. Russell Searight, Ph.D., MPH**

Department of Psychology  
Lake Superior State University  
Sault Sainte Marie, Michigan, USA

### **Abstract**

*Title IX in the United States created policies addressing sexual violence on university campuses. However, critics of the policy argue that it is based on a prototype of a sexual assault victim, namely a white, cisgender, middle-class female. This narrow focus fails to acknowledge the complexities of marginalized identities, such as race and economic status. In recent years, intersectionality has become increasingly recognized, with a new category being that of a first-generation university student. Under the Trump administration, existing policies were altered, resulting in less support for victims. Currently, the policy mandates university employees to report incidents of sexual harassment to university authorities without the victim's consent. An anonymous student survey revealed that 75% of students knew the mandatory reporting requirements. However, they also expected their disclosures to faculty to be kept confidential. In addition, students reporting a history of sexual abuse were least likely to support mandatory reporting.*

**Keywords:** Sexual Harassment; Sexual Assault; University Climate; Title IX; Intersectionality

### **Introduction**

In the United States, sexual harassment on university campuses was recognized as a form of discrimination in 2001 under Title IX, which aims to provide equal educational opportunities for all genders (Boschert, 2022). During the Obama administration, campus sexual assault policies were further elaborated upon, and in 2011, the federal government provided a series of directives to universities to address the issue, focusing on internal procedures to adjudicate alleged sexual harassment. These directives included mandatory reporting to the university's Title IX Office and standardized disciplinary hearing processes.

However, these processes have been controversial, partly because nearly all university employees must report knowledge of sexual harassment, which can deter survivors from seeking help and disclosing their experiences. Additionally, sexual assault has been primarily addressed through the lens of gender, failing to account for intersecting identity categories, such as race/ethnicity, socioeconomic status, and LGBTQ+ status.(Anderson, et al., 2023) For example, while heterosexual women experience high rates of sexual assault, women identifying as bisexual also face significant risk (Coulter, et al., 2017).

This paper reviews current policies on how universities are to respond to cases of sexual harassment and explores the intersection of race/ethnicity, as well as the more recently recognized category of first-generation (or "first in family" in the U.K.) university students. The chapter also examines recent Title IX policy changes and their implications for intersectionality. Additionally, the chapter presents the results of a study on students' perceptions of the mandatory reporting policy, highlighting the need for policies designed with survivors' needs and perspectives in mind.

## Background

**A Brief Overview of Intersectionality:** The legal scholar, Kimberlé Williams Crenshaw, is credited with describing the current concept of intersectionality. This concept explains how categories used to define identity (e.g., race, ethnicity, gender, socioeconomic status) can overlap (Crenshaw, 201). As a result, it is possible to see how different forms of inequality often interact and compound the experience of discrimination. For example, racial inequality is typically addressed apart from other disempowered identities such as gender, class, sexuality, or immigrant status.

As a legal scholar, Crenshaw observed that the prevailing view of marginalized categories in the 1980s was artificial (Crenshaw, 2017). Her analysis of several legal cases involving employment discrimination claims revealed that the legal system would only address one category of personhood at a time. In a case where five Black women sued General Motors, the judge concluded that the plaintiffs did not have a case since General Motors had a history of hiring both Black men and White women. However, the more recently hired category of Black women ended up losing their positions. Crenshaw argued that policies addressing gender or race as distinct categories failed to address employees who fell into multiple categories (Crenshaw, 1989). She contended that the court's view of singular categories as the basis for discrimination litigation did not recognize the unique status of Black women as a distinct group where categories overlapped. The result is that "gendered racism is considered invisible" and, in legal contexts (or the "quasi-legal" setting of Title IX disciplinary hearings), "compound discrimination [is] inadmissible" (Carastathis, 2014; p. 306).

Intersectionality is also relevant to campus sexual assault. In a later analysis, Crenshaw described how immigrant women in relationships with abusive partners faced additional obstacles to leaving the relationship (Crenshaw, 2017). In addition to the challenges posed by patriarchal power and economic control, these women, because of their immigrant status, faced further hurdles. If their male partner was a citizen, the women's applications for citizenship required them to remain in the relationship for two years and to have their significant others' sponsorship. This situation demonstrates the intersection of gender, immigrant status, and poverty, highlighting how these overlapping categories contribute to patriarchal violence (Runyan, 2018). A similar dynamic has been described for Black university women who are victims of sexual harassment. The undercurrent of a history of racism cannot be separated from their status as women (Gómez, 2022). Additionally, Indigenous, Black and Latinx students are often first-generation university students, adding another layer of marginalization. (Kuh, et al, 2008).

**Overview of Title IX Policy and Sexual Assault on University Campuses:** Title IX, a U.S. Federal civil rights law, initially passed in 1972, prevents discrimination and restricted access to educational opportunities based on gender. The wording of the original Title IX policy resembled that of previous legislation forbidding discrimination based on race or national origin (Boschert, 2022). Title IX applies to any educational institution receiving federal funds, such as government-backed student loans or funding for local schools. While some institutions are exempt from Title IX policies, such as private and religiously affiliated educational settings, the vast majority of educational institutions are expected to follow these federal guidelines. If these policies are not implemented and carried out as directed, the institution risks; using federal financial support. Most early applications, best known to the general public, were around athletics. A large segment of the general population follows college and university sports in the U.S. . Popular sports such as football and basketball at large universities such as Ohio State and Michigan State Universities are lucrative sources of income. Title IX required parity in men's and women's athletics (Boschert, 2022). The accompanying guidelines stimulated the development of women's and girls' athletics at all educational levels.

However, in the last 20-30 years, title IX personnel have devoted increased attention to the problem of sexual assault on university campuses. In one of the most extensive studies of college sexual assault of its time, Koss et al. (1987) surveyed over 6,000 students from over 30 colleges and universities. Among this sample, 27.7% of women reported being the victims of rape and/or attempted rape, with 7.7% of college men carrying out rape or attempted rape (Koss, Gidycz, & Wisniewski, 1987). A later survey of 1200 male university students found that 10% reported engaging in behavior that met the definition of rape or attempted rape. Of this group, over 60% indicated that they had committed more than one sexual assault, with an overall average of six victims per perpetrator (Boschert, 2022; Lisak & Miller, 2002). These data regarding serial sexual assault likely contributed to the current mandatory reporting policies.

In the 1990s, several legal cases raised questions about educational institutions' degree of protection against sexual assault. For example, after the rape and murder of Jeanne Cleary by a fellow student in a Lehigh University dormitory. The victims' parents found that there had been multiple violent episodes on the Lehigh campus during the preceding years that were not publicized (Boschert, 2022). The result was the 1990 Cleary Act which required U.S. universities to provide an annual report of crimes on campus. In the late 1990s, the U. S. Department of Education's Office for Civil Rights established that universities would be liable if officials knew of gender-related harassment that disrupted a student's education and failed to intervene.

Beginning in 2011, the U.S. Department of Education's Office for Civil Rights initiated an emphasis on Title IX's application to sexual assault prevention in colleges and universities. In a "Dear Colleague" letter conveying policy to university administrators, the Department of Education's Office of Civil Rights broadened criteria to include sexual harassment (Boschert, 2022). In addition, higher education institutions were directed to establish a grievance process allowing students to file formal complaints about sexual abuse or harassment (Jessup-Anger, Lopez, & Koss, 2018).

The Obama Administration took a particular interest in campus sexual assault. The Campus Sexual Violence Act (SaVE) was established during the Obama Presidency. SaVE expanded reporting requirements and strengthened victims' rights. As Vice President, Joe Biden produced a detailed report, including research on the problem of sexual assault with particular attention to college women. A 2014 White House Task Force report included recommendations for preventing and adjudicating campus sexual assault cases (Jessup-Anger et al. 2018).

By the early 2000s, many studies concluded that sexual assault and harassment on college campuses were common. A broader sexual misconduct definition that included sexual harassment became a standard: "...unwelcome sexual behavior in which an individual exerts their will on a person in a less powerful position (Conley et al., 2017; p. 41). In addition, the definition needed to be broad enough to cover circumstances where the victim could not agree to participate in sexual activity. For example, Cantor et al. (2015), based on 150,000 college and university students, found that overall rates of sexual abuse since entering the university were 23.8% for females. Of these women, 6-8% reported nonconsensual penetrative sex under conditions of incapacitation or accompanied by threats of physical harm. As students progressed through the university, these figures increased. Cantor et al. (2015) found that 31.4% of senior female undergraduates reported nonconsensual penetration and/or touching while incapacitated. Those who had been sexually abused before entering college were at greater risk for sexual victimization during their undergraduate years (Conley et al., 2017). Sexual harassment was reported by 62% of women within U.S. universities, with similar figures reported internationally (Anitha & Lewis, 2018; Cantor et al., 2015). In sum, at least 20-25% of women and 4% to 6% of men are subjected to sexual assault while attending U.S. colleges and universities as undergraduates, and relatively few of those assaulted report the offense-the highest prevalence of reporting. 25.6% were for penetrative sex accompanied by physical force, with 16.1% of those penetrated while being incapacitated. (Cantor, et al., 2015).

**Recent Challenges to Title IX Protections:** Early writing and research on Title IX sexual harassment policy focused on legitimizing college women's rights and safety. Under the Trump Administration, Secretary of Education DeVos established changes to Title IX policy (Mancini, et al. 2023). While the Obama-era policy was imperfect, it focused on supporting victims and maintaining their safety. When the victim identifies a perpetrator of sexual violence, universities hold disciplinary proceedings. These hearings have historically been handled internally without involvement from local law enforcement. In some cases, the perpetrator is expelled from the university, while in other instances, restraining orders or variations thereof are put in place to prevent contact between the parties.

In adjudicating sexual assault cases, universities had focused on supporting victims and used the less stringent "preponderance of evidence" standard, which is used for civil rights cases, rather than the more exacting "beyond a reasonable doubt" standard applied to criminal cases in the U.S. (Harper, et al., 2017)

The revised policy, in contrast, allowed cross-examinations of victims and assailants, representation by attorneys, and gave investigators the power to determine which information is relevant without safeguards against implicit bias. Furthermore, the language of the policy has been "sanitized," with the victim now labeled as a "complainant" and the alleged assailant as a "respondent." (Koss, et al, 2014) The term "complainant" implicitly places a burden on the victim to prove their allegations. Additionally, university services are made available to both parties, including the respondent through the "respondent services coordinator," who may be entitled to have a representative present in the adjudication process, including legal counsel who can cross-examine the victim (Harris et al., 2019).

During the Trump administration, Secretary of Education Betsy DeVos argued that the rights of the accused perpetrator had not been adequately protected. (Porter et al., 2023) A standard of "beyond a reasonable doubt" was recommended to universities, and the alleged perpetrator could have legal representation present. Some states pressed for legislation requiring campus sexual assault cases to be reported to local police departments. Among the supporters of this new policy was conservative columnist George Will, who asserted that women falsely claimed they had been sexually victimized. Will went on to claim that women reported cases of sexual assault because it gave them "a coveted status that confers privilege," asking, "where's my survivor privilege?" (Sorkin, 2014). Candice Jackson, who was the interim director for the office of civil rights within DeVos' Department of Education, was quoted in the New York Times dismissing sexual assault accusations, stating, "Rather, the accusations — 90% of them — fall into the category of 'we were both drunk,' 'we broke up, and six months later I found myself under a Title IX investigation because she just decided that our last sleeping together was not quite right.'" (Brown et al., 2017; Cantalupo, 2019).

The Biden Administration has been attempting to roll back the Trump Administration's Title IX guidelines to those present during the Obama administration, with a particular emphasis on protecting and supporting victims. Specifically, the standard of beyond a reasonable doubt was changed back to a preponderance of evidence standard, and procedural protections for alleged perpetrators were reversed. The 2022 revisions also indicated that Title IX protections applied to LGBTQ students, thus being more explicit about conditions of intersectionality. While the DeVos standards narrowed the definition of sexual harassment, effectively limiting Title IX protections to forcible sexual assault, the Biden administration reiterated the previous definition, which included sexual harassment and associated behaviors that would create a "hostile" work/educational environment. The revised guidelines also included sexual harassment and assault that took place off-campus but contributed to hindering a student's ability to benefit from a university education. In addition to the slow pace of change in many universities, some states were considering legislation that would require campus sexual assaults to be referred to local law enforcement. Again this would be mandatory—the victim would have no voice in the decision (Cantalupo 2019; 2020). Many women and members of the LGBT community have had histories of having their complaints given inadequate attention by local law enforcement. In addition, the forensic interviews and medical exams are often traumatic experiences in their own right (Renjula, et al., 2019).

**Intersectionality and University Policies for Sexual Violence:** Critics note that university campuses often function as self-contained cultures with little attention to the social and cultural history of their students, as well as ongoing realities such as discrimination and implicit bias (Searight, 2023) An intersectional perspective highlights the long history of structural violence experienced by minority and immigrant communities in the U.S. (Rami et al., 2023). The "umbrella of sexual discrimination is small," and those charged with investigating Title IX reports of sexual violence typically focus on the narrow category of whether the person is or is not a sexual assault victim, rather than including attention to factors associated with discrimination based on other aspects. Despite the initial focus of Title IX to address discrimination based on sex, investigating officials often separate sexual violence from discrimination based on other factors. (Harris, 2020).

Gender, when discussed in the context of mandatory reporting, is often associated with a prototype of a white cisgender female, leading to the marginalization of women of color, queer women, and queer women of color (Partyka, 2022)). Racial and ethnic minority women are at a higher risk of sexual assault, as Cantalupo (2019) points out. Notably, the subgroup most at risk appears to be multiracial women, who reportedly experience substantially higher rates of sexual harassment and assault (Palmer, et al., 2021)

At the same time, groups such as Black and Indigenous women come from communities with a long history of oppression and harm from White-dominated institutions. For example, the forcible placement of Indigenous children in "Indian residential schools" has led to intergenerational trauma (Wilk, et al., 2017) Similarly, there is a long history of severe abuse and oppression of Native American women. A view of Native Americans as second-class citizens continues to this day with the large number of "disappeared" and murdered Native American women ( Hawes, et al., 2023) that do not receive thorough investigations

The Black community in the U.S. has experienced the historical legacy of slavery and subsequent disenfranchisement, segregation, and discrimination. There is a long history of sexual assault directed toward Black women. Slave owners, viewing these women as property, committed multiple acts of sexual violence. The pre-U.S. Civil War legacy lives on in the form of highly sexualized caricatures of contemporary Black women (Holmes, 2015).

In addition, distrust of law enforcement, which extends to other white-dominated institutions (Searight, 2023), is endemic in the African-American community. African Americans, for example, are more likely to be arrested, receive more severe punishment, and face extended incarceration. Given the current status of suspicion and distrust of law enforcement in the African-American community, making a police report would be unlikely.

Among members of the Hispanic immigrant community in the U.S., interactions with authorities are feared since they could lead to deportation—even if in the country legally. This fear has led to reduced use of the healthcare system and likely extends to the criminal justice system.

The study described below took place at a university in which the student body comprises 60% first-generation university (FG) students. Application of intersectionality to FG students has been somewhat controversial. There is not consistent agreement about the definition of this group. Probably the most common definition are students coming from households in which neither parent completed a four-year university degree (Nguyen & Nguyen, 2015). FG students are often treated as a monolithic group by university programs specifically directed to this student segment because of their higher drop-out risk (Nguyen & Nguyen, 2015). Yet there is considerable variation in this group. FG students illustrate the complexity of intersectionality. For example when examined by race/ethnicity, Hispanic students are most likely to be FG students. With black students close behind both comprising about 40% of FG students in four-year universities. Native American students comprise somewhat less of this group ranging from 16 to 23 percent (Nguyen & Nguyen, 2015). While not a homogenous group, first-generation students are more likely to attend university under economically challenging circumstances with slightly over half having an average family income of U.S. \$25,000 (Nguyen & Nguyen, 2015). Concerns about loss of university-provided financial aid and limited access to medical and mental health resources are likely to be deterrents to reporting sexual violence (Cantalupo, 2019, 2020).

**Mandated Reporting:** Current policies regarding automatic reporting of sexual assault and harassment by responsible employees likely emerged from a 2014 Question and Answer document. In this federal notice, the U.S. Department of Education's Office of Civil Rights indicated that "responsible" university employees (the designation of "responsible" is established by the college or university) are required to report to the Title IX office or other designated university office of sexual assault or "other misconduct" (Lhamon, 2014; cited in Holland, Cortina & Freyd, 2018; p. 258). The critical point is that reporting is mandatory. Once disclosed to a faculty member or university employee, the student has no legal right to prevent disclosure to the university administrative offices (Holland et al., 2018). The policy refers to "responsible employees" as mandatory reporters. In their survey of university policies, Holland et al. (2018) found that close to 70% of universities required all employees to report, with 19% stating that "most employees" are mandated, reporters. For approximately 8% of the institutions, the definition of "responsible employee" was unclear (Holland et al., 2018).

These regulations mirror child abuse reporting laws. Any adult who suspects a child is being abused must report the incident to state child protective service offices. However, the critical difference with college students is that most are age 18 and older and considered adults under the law. Cantalupo (2019), writing from a legal perspective notes that "... mandatory reporting has traditionally provided protection from abuse for children and others who have legal dependencies..." such as elders and adults with developmental disabilities "... neither of which describes a majority of college student victims. Therefore, mandatory reporting we treat student victims as legal children without any legitimate justification for doing so, thus engaging indirect gender discrimination by stereotyping and infantilizing victims the majority of whom are women or gender minorities "(p. 12).

Coupled with the mandatory reporting policy by university employees, if students are aware that reporting sexual harassment/assault the real result in a report to local law enforcement, it they are less likely to do so The data on reporting indicates that young adults retain control over reporting sexual harassment and assault, with the majority choosing not to do so. From a clinical perspective, a student who has been sexually assaulted often already feels that they are powerless and often blame themselves for the assault. Mandatory reporting requirements when a student does not wish to pursue the issue further reduces their sense of control (Holland et al., 2018) and may also intensify symptoms of post-traumatic stress disorder and related conditions.

**Students' Disclosures to University Faculty and Mandated Reporting:** Many students are unaware of the mandatory reporting requirement. A study conducted in 2019 indicated that close to 40% of University studies at one institution were unaware that disclosures of sexual assault would be reported to the Title IX office, even if the student did not want the incident reported ( Beard, 2019). Students often discuss personal problems with university faculty. Research suggests that having a trusted faculty member in whom a student can confide is associated with a greater likelihood of the student completing university (Tinto, 2010). The high prevalence of psychiatric conditions among U.S. college students has been well documented (Lipson, Lattie, & Eisenberg, 2019). Before the COVID-19 pandemic, from 2010 through 2017, the prevalence of lifetime psychiatric diagnoses among large samples of U.S. university students rose from 22% to 36% (Lipson et al. 2019). There is corresponding evidence that help-seeking among university students is also increasing, with some college counseling centers reporting inadequate staffing in the face of growing demands for treatment (Abrams, 2019). Given the difficulty in accessing services at some universities, students with mental health problems may be particularly likely to approach their instructors with personal issues (Gulliver et al., 2018). While university counseling center staff have typically described the role of faculty members as detecting and referring students with mental health problems (Abrams, 2022), "detection" is likely to require a reasonable degree of student self-disclosure. Some universities are responding to the increased demand by providing mental health training to faculty (Abrams, 2022).

Mandatory faculty disclosure of sexual misconduct conflicts with students' expectations of their communication with faculty as confidential. Harris and Dalton (2014) conducted one of the few studies on the topic. They examined students' confidentiality expectations of faculty in two contexts—an after-class encounter and a 1:1 office conversation. Over 85% of university students surveyed reported expecting that information disclosed in both contexts would be confidential (Harris & Dalton, 2014). There was a trend in the perception that a psychology faculty member would be more likely to protect student confidentiality than professors in other disciplines. However, the differences between engineering, psychology, English, and education faculty were minimal. While there was a slight trend for office conversations to be protected compared with an "after-class" conversation, the difference was relatively small. In addition, there was a slight trend for females to have higher confidentiality expectations than male students; However, the gender differences were not statistically significant. Of interest, when the disclosure between a faculty member and the student occurred off campus, most respondents still expected confidentiality. Still, the percentage expecting confidentiality dropped by only about 20% to the high 60% to low 70% range ( Harris & Dalton, 2014).

### **A Student Survey of Perceptions of Sexual Harassment Reporting Requirements**

The authors conducted a survey of university students about their views of sexual assault reporting. The survey had four purposes:: 1. Determine the extent to which university students are aware of the mandated disclosure policy; 2. Measure the extent university students expect personal information disclosed to a faculty member to remain confidential; 3. Determine if there are gender= differences in attitudes towards mandated disclosure policies; 4. Investigate whether a personal history of sexual abuse impacted attitudes towards confidentiality and mandated reporting guidelines.

### **Methods**

**Participants:** The participants in this study were recruited from a small midwestern university and included males (34% ) and females (66%). Their mean age was 20.46 years old. The university from which the sample was drawn reports the following racial/ethnic student computation: Native American, Measures: The authors could not locate an existing standardized scale assessing views of mandated reporting. As a result, measures specific to this study were developed.

Since students' perceptions of compelled disclosure and confidentiality in 1:1 faculty-student interactions were the topics of interest, we approached the assessment with two strategies. First, with the recognition that validity is enhanced when two different approaches to evaluation are employed (Campbell & Fiske, 1959), we wrote a series of vignettes and a set of statements to examine perceptions of the relevant issues in this investigation. We developed vignettes and a rating scale applied to specific statements about student-faculty confidentiality, mandated reporting, and students' attitudes toward protecting the campus at large compared with the well-being of a single student who had been victimized. Students were asked to rate the extent to which they agreed with the action taken in the three vignettes (See Figure 1) and their level of agreement with eight statements related to student-faculty confidentiality and compelled reporting policies (See Figure 2).

**Figure 1: Vignettes -Students' Perceptions of Mandated Sexual Assault Reporting -  
Rate your level of agreement with the action taken**

**Strongly Agree =1 Agree =2 Neutral =3 Disagree =4 Strongly Disagree=5**

1. A female student visits a professor's office after falling behind in coursework. She starts crying while asking for extensions on a homework deadline. The professor asks if she is okay and discloses that she was sexually assaulted at an off-campus party over the weekend. The professor informs the student that the sexual assault must be reported to campus officials for investigation
2. A student visits with a faculty academic advisor to discuss registering for the following semester's classes. The student becomes upset when the advisor suggests registering for a particular course. The faculty academic advisor inquires as to why this specific class is upsetting. The student discloses being sexually assaulted by a prominent athlete of a college campus team and knows the abuser had registered for the suggested course. The student does not want to talk to campus security and rejects the idea of counseling. As per Title IX requirements, the professor informs the student that the sexual assault will be reported to the campus Title IX office.
3. A faculty academic advisor notices that a student who usually gets above-average grades is now failing most coursework and exams. The academic advisor requests an office visit to see if anything can be done to help the student get back on track. The student discloses being sexually assaulted by another student at an off-campus party and explains that the abuser attends the courses in which attendance and grades are low. As per Title IX requirements, the advisor informs the student that the sexual assault will be reported and an investigation will occur without the student's consent.

**Figure 2 Students' Attitudes Towards Confidentiality and Mandated Reporting**

**1=Strongly Agree 2=Agree 3= Neutral 4= Disagree 5= Strongly Disagree**

1. I believe that one-to-one conversations between students and professors should be considered confidential.
2. If I disclosed something personal to a professor, I believe that the content will be held in confidence.
3. I believe universities should handle sexual assault accusations by students even if the alleged sexual assault occurred off campus.
4. I believe a professor should be required to report a student's disclosure of sexual assault to campus authorities even if the student does not wish it to be disclosed.
5. I believe a professor should be required to report a student's disclosure of sexual assault to campus authorities if the student requests that they disclose for them.
6. I believe that a Resident Advisor (R.A.) is a Responsible Employee (a person who is required to report sexual assaults that they hear about that affect student or the campus).
7. One often stated reason for compelled disclosure is that multiple campus sexual assaults are often committed by a single perpetrator. Compelled disclosure policies could possibly prevent future assaults. Do you agree with this reason for compelled disclosure?
8. I believe that the safety of a university campus is more important than the privacy of one individual person

## Results

Of the 180 respondents, 94% reported being familiar with Title IX. Concerning mandated reporting requirements, 74.5% of the respondents indicated they were familiar with that aspect of Title IX policy. While 25.5% reported being a sexual abuse/harassment victim, 20.1% stated that they had disclosed the abuse to someone. Of those reporting abuse, nearly 95% were female. Based on the total number surveyed, 75% indicated that they knew someone who had been a sexual abuse/harassment victim.

The mean and standard deviations for the entire sample and by gender are presented in Table 1. Scenario 1 (college professor and distressed female), students did demonstrate a significant effect, with females scoring more in the direction of disagreeing with the action taken than males;  $F_{1,182} = 3.78$ ;  $p = .03$ . Scenario 2 (faculty advisor and gender unspecified student concerned about being in class with assailant) approached significance  $F_{1,182} = 2.46$ ;  $p = .09$ . Concerning the statements, women were less likely to agree that mandated reporting benefits the campus as a whole by removing a serial offender;  $F_{1,102} = 3.04$ ;  $p = .05$ .

The means and standard deviations for participants with and without a history of sexual abuse are presented in Table 2. When data were analyzed with a history of sexual abuse as the independent variable, participants reporting a history of abuse were more likely to disagree with mandatory reporting in vignette three (a faculty advisor making a mandatory report when the assault occurred off-campus)  $F_{1,183} = 6.04$ ;  $p = .02$  and less likely to agree with statement 8 (viewing safety of the campus as more important than the impact on the victim)  $F_{1,102} = 4.92$ ;  $p = .05$

**Table 1: Means and Standard Deviations for Entire Sample and by Gender**

Scenarios N= 183	Total	Total SD	Male Mean	Male SD	Female Mean	Female SD	p-value.
1	2.24	1.09	1.98	.92	2.35	1.15	.03*
2	2.32	1.01	2.16	1.05	2.39	0.98	.09
3	2.83	1.27	2.59	1.19	2.94	1.30	.13
Statements N=103							
1	2.32	.81	2.39	.90	2.23	0.64	.53
2	2.05	.82	2.03	.92	2.06	0.74	.49
3	2.11	1.04	2.39	1.00	2.03	1.04	.24
4	2.70	1.22	2.58	1.12	2.96	1.36	.25
5	1.67	.69	1.76	.75	1.66	.70	.73
6	2.01	.94	2.03	1.08	1.76	.75	.98
7	2.19	.84	2.00	.71	2.19	.89	.05*
8	2.65	1.10	2.36	1.17	2.74	1.11	.14

## Discussion

In this sample drawn from a university with a population comprised of 60% FG students, most students were familiar with Title IX, but 25% were unaware of compelled disclosure requirements. A survey conducted two years earlier but the authors found that 39.1% of students were unfamiliar with compelled disclosure. This pattern suggests an improvement in students' knowledge of compelled disclosure. In addition, approximately 25% of respondents reported a personal history of sexual assault, consistent with the prevalence in other university samples (Mancini et al., 2016).

Similar to those surveyed by Harris and Dalton (2014), our university sample expected student disclosures to faculty to be maintained in confidence. However, the sample as a whole was not highly disapproving of the required reporting of sexual assault or harassment. On the surface, these responses appear somewhat contradictory. While students generally believed that the content of discussions with faculty members should be prevented from disclosure to another party, the respondents seem to have made an exception when the content is sexual abuse/harassment.



This viewpoint is generally consistent with the intent of Title IX policy that students' confidentiality is usually protected with a few exceptions. It is also compatible with the level of privacy extended to mental health treatment. In the context of receiving therapy, confidentiality is protected except when there is reasonable suspicion of abuse of a minor child or there is concern that a patient may be at risk of harming themselves or an identifiable party (Searight, 1998).

While gender differences in our sample were relatively few, female respondents were less likely to agree with the faculty member's carrying out mandated reporting in vignette 1. While vignette 2 approached significance by gender, the difference was not large, and no significant difference was evident for #3. In examining the details of the scenarios, the first scenario designated the student as female, whereas the other two did not specify gender. The first vignette also clearly designated the recipient of the information as a "professor," with the other two vignettes involving a "faculty advisor." Perhaps, female respondents were more likely to be disturbed by the mandatory reporting of information from a highly distressed female who was recently assaulted. In addition, compared with men, women were less accepting of the utilitarian argument for mandated reporting.

As noted earlier, while research is limited, there are suggestions that a male student committing a sexual assault is likely to have multiple victims providing a rationale for mandated reporting as leading to the prevention of numerous future assaults. Since the majority of the sample consisted of White non-Hispanic students, the pattern of responses may, at least, be partially explained by standpoint theory (Harris, 2014), which is a complementary perspective to intersectionality. Standpoint theory (Harding, 2004), which has influenced feminist scholarship and focuses on power dynamics, describes the interaction between dominant and non-dominant groups. The essence of the standpoint perspective is that marginalized groups (women, ethnic/racial minorities, LGBTQ+ students) not only need to understand their own experience as a marginalized group, but they also need to appreciate the perspective of the dominant group, since these latter groups have power over their lives. The dominant group (White males of Northern European background) does not need to understand any perspective other than their own, as they are the powerful privileged group.

However, as Harris (2014) suggests, the combination of a White victim and a White mandated reporter is associated with a reduced likelihood of interpreting an event as sexual assault. As a result, as is the case with sexual assault in society at large, it is less likely to be reported, despite mandatory university requirements

In the context of the Trump/DeVos modifications to campus sexual violence policy, the reporting mandate may not be triggered unless the victim provides the name of the alleged assailant. Given the victim's vulnerability and the likelihood that no decisive action will be taken against the assailant, this stance is understandable. However, this approach results in the victim being cut off from support mechanisms, such as deferring school assignments and counseling, that are typically available when the assailant is named. This seemingly subtle difference in reporting requirements leads to a paradoxical sequence of actions. "Mandated reporting may paradoxically provide survivors of violence with some control over how the institution responds while also legitimizing a lack of action from the university in cases where survivors want the institution to respond" (Harris, 2016, p. 14).

While compelled disclosure of campus sexual assault is an established policy in most universities accepting federal funds, the evidence supporting this policy is, at best, inconsistent (Holland et al., 2018). Several substantive questions regarding this policy remain unanswered. For example, does mandatory reporting result in a reduction in sexual assaults? Additionally, does this policy make it even more unlikely that students will report being the victim of sexual assault? One of the key obstacles to increasing reporting is accounts of victims who have cooperated with campus authorities (Cipriano et al., 2021). The process of being queried about the abuse, lingering views that the victim was in some way at fault, and the lack of action against those committing sexual misconduct would likely only intensify resistance to victim reports. Descriptions of the experience of graduate students who reported sexual harassment to the university's Title IX office suggest that, in some instances, the absence of action may lead to the victim experiencing further psychological distress (Cipriano et al., 2021).

A commonly reported institutional response to reported sexual harassment was that the alleged behavior was not pervasive, so disciplinary action was not considered appropriate (Cipriano et al., 2021). The narrative accounts from graduate students also suggest that inappropriate sexual behavior, other than direct sexual assault, was not considered to be of sufficient severity to prompt an investigation (Cipriano et al. 2021). Consistent with our sample being drawn from a university with a high proportion of White, non-Hispanic students, it may be difficult to view these behaviors as a type of sexual abuse (Harris, 2016).

The implications of first-generation (FG) student status on reporting and institutional responses to sexual violence have not been widely studied. The intersection of gender and FG status, along with the increased likelihood of minority and immigrant students falling into the FG category, provides multiple points of intersectionality. Title IX offices should consider all of these factors and the accompanying power dynamics when receiving reports. State legislature movements to have all reported sexual assault cases investigated by local law enforcement will not address the multiple violations victims experience. This policy could potentially further reduce the already low numbers of sexual assaults that are reported.

Finally, perspectives on sexual assault taken by those concerned with the victim's well-being and the university's interests may conflict (Holland et al., 2018). While sexual harassment is now a frequently -required topic for continuing education among university employees, documenting Title IX education may protect the university from liability (Holland et al., 2018). However, if the goal is to encourage students to report sexual assaults, compelled reporting requirements may have the opposite effect. (Holland, et al., 2018). Our data suggest that this policy may be particularly troubling to students with pre-existing sexual abuse histories.

## References

- Abrams, Z. (2020). A crunch at college counseling centers. American Psychological Association (July 11). <https://www.apa.org/monitor/2020/09/crunch-college-counseling>
- Abrams, Z. (2022). Student mental health is in crisis. Campuses are rethinking their approach. American Psychological Association (October 12) /[www.apa.org/monitor/2022/10/mental-health-campus-care](https://www.apa.org/monitor/2022/10/mental-health-campus-care)
- Anderson Wadley, B. L., & Hurtado, S. S. (2023). Using Intersectionality to Reimagine Title IX Adjudication Policy. *Journal of Women and Gender in Higher Education*, 16(1), 52-66.
- Anitha, S., & Lewis, R. (2018). *Gender based violence in university communities: Policy, prevention and educational initiatives*. Bristol University Press.
- Beard, T & Searight, H.R. (2019). Title IX policies on sexual assault: Student perceptions and attitudes. Unpublished paper. Lake Superior State University
- Boschert, S. (2022). *37 Words: Title IX and Fifty Years of Fighting Sex Discrimination*. The New Press.
- Campbell, D. T. & Fiske, D. W. (1959). Convergent and discriminant validation by the multi-traits multi-method matrix. *Psychological Bulletin*. 56: 81—105.
- Cantalupo, N. C. (2019). Dog Whistles and Beachheads: The Trump Administration, Sexual Violence, and Student Discipline in Education. *Wake Forest L. Rev.*, 54, 303
- Cantalupo, N. C. (2020). Title IX & the civil rights approach to sexual harassment in education. *Roger Williams UL Rev.*, 25, 22
- Cantor, D., Fisher, B., Chibnall, S. H., Townsend, R., Lee, H., Thomas, G., ... & Westat, Inc. (2015). Report on the AAU campus climate survey on sexual assault and sexual misconduct.
- Carastathis, A. (2014). The concept of intersectionality in feminist theory. *Philosophy compass*, 9(5), 304-314.
- Cassino, D., & Lytle, R. D. (2023). Politics, knowledge, and sexual assault: public perceptions of Trump-era Title IX proceedings. *Journal of Crime and Justice*, 46(1), 85-101.
- Cipriano, A. E., Holland, K. J., Bedera, N., Eagan, S. R., & Diede, A. S. (2022). Severe and pervasive? Consequences of sexual harassment for graduate students and their Title IX report outcomes. *Feminist criminology*, 17(3), 343-367.
- Conley, A. H., Overstreet, C. M., Hawn, S. E., Kendler, K. S., Dick, D. M., & Amstadter, A. B. (2017). Prevalence and predictors of sexual assault among a college sample. *Journal of American college health*, 65(1), 41-49.
- Coulter, R. W., Mair, C., Miller, E., Blosnich, J. R., Matthews, D. D., & McCauley, H. L. (2017). Prevalence of past-year sexual assault victimization among undergraduate students: Exploring differences by and intersections of gender identity, sexual identity, and race/ethnicity. *Prevention Science*, 18, 726-736.
- Crenshaw, K. (1989). Demarginalizing the intersection of race and sex: A black feminist critique of antidiscrimination doctrine, feminist theory and antiracist politics. *u. Chi. Legal f.*, 139.
- Crenshaw, K. W. (2017). *On intersectionality: Essential writings*. The New Press.

- Gómez, J. M. (2022). Campus sexual harassment, other violence, and racism, Oh my! Evidence from Black Women undergraduates for a culturally competent university approach to Title IX. *Feminist criminology*, 17(3), 368-383.
- Gulliver, A., Farrer, L., Bennett, K., Ali, K., Helsing, A., Katruss, N., & Griffiths, K. M. (2018). University staff experiences of students with mental health problems and their perceptions of staff training needs. *Journal of Mental Health*, 27(3), 247-256.
- Harding, S. G. (Ed.). (2004). *The feminist standpoint theory reader: Intellectual and political controversies*. Psychology Press.
- Harris, G. E., & Dalton, S. (2014). University Student Expectations of Confidentiality When Disclosing Information to Their Professors. *Higher Education Studies*, 4(1), 43-50.
- Harris, K. L. (2017). Re-situating organizational knowledge: Violence, intersectionality and the privilege of partial perspective. *Human Relations*, 70(3), 263-285.
- Harris, S., & Johnson, K. C. (2019). Campus courts in court: The rise in judicial involvement in campus sexual misconduct adjudications. *NYUJ Legis. & Pub. Pol'y*, 22, 49.
- Hawes, M. B., Slakoff, D. C., & Anguelov, N. (2023). Understanding the Missing and Murdered Indigenous Women Crisis: An Analysis of the NamUs Database. *Criminal justice policy review*, 34(2), 184-207./
- Hillman, J. (2020). Intimate partner violence among older LGBT adults: Unique risk factors, issues in reporting and treatment, and recommendations for research, practice, and policy. *Intimate partner violence and the LGBT+ community: Understanding power dynamics*, 237-254.
- Holmes, C. M. (2016). The colonial roots of the racial fetishization of black women. *Black & Gold*, 2(1), 2.
- Holmes, C. M. (2016). The colonial roots of the racial fetishization of black women. *Black & Gold*, 2(1),
- Jessup-Anger, J. E., Lopez, E., & Koss, M. P. (2018). History of sexual violence in higher education. *New Directions for Student Services*
- Koss, M. P., Gidycz, C. A., & Wisniewski, N. (1987). The scope of rape: incidence and prevalence of sexual aggression and victimization in a national sample of higher education students. *Journal of consulting and clinical psychology*, 55(2), 162.
- Koss, M. P., Wilgus, J. K., & Williamsen, K. M. (2014). Campus sexual misconduct: Restorative justice approaches to enhance compliance with Title IX guidance. *Trauma, Violence, & Abuse*, 15(3), 242-257.
- Kuh, G. D. (2009). What student affairs professionals need to know about student engagement. *Journal of college student development*, 50(6), 683-706.
- Lhamon, C. (2014). Questions and answers on Title IX and violence. Washington DC: United States Department of Education
- Lipson, Sarah Ketchen, Emily G. Lattie, and Daniel Eisenberg. "Increased rates of mental health service utilization by U.S. college students: 10-year population-level trends (2007–2017)." *Psychiatric services* 70, no. 1 (2019): 60-63.
- Lisak, D., & Miller, P. M. (2002). Repeat rape and multiple offending among undetected rapists. *Violence and Victims*, 17(1), 73-84.
- Mancini, C., Cassino, D., & Lytle, R. D. (2023). Politics, knowledge, and sexual assault: public perceptions of Trump-era Title IX proceedings. *Journal of Crime and Justice*, 46(1), 85-101.
- Mancini, C., Pickett, J. T., Call, C., & Roche, S. P. (2016). Mandatory reporting (MR) in higher education: College students' perceptions of laws designed to reduce campus sexual assault. *Criminal justice review*, 41(2), 219-235.
- Nguyen, T. H., & Nguyen, B. M. D. (2018). Is the "first-generation student" term useful for understanding inequality? The role of intersectionality in illuminating the implications of an accepted—yet unchallenged—term. *Review of Research in Education*, 42(1), 146-176.
- Oswalt, S. B., Lederer, A. M., Chestnut-Steich, K., Day, C., Halbritter, A., & Ortiz, D. (2020). Trends in college students' mental health diagnoses and utilization of services, 2009–2015. *Journal of American college health*, 68(1), 41-51.

- Porter, K. B., Levitsky, S. R., & Armstrong, E. A. (2023). Gender Equity and Due Process in Campus Sexual Assault Adjudication Procedures. *The Journal of Higher Education*, 94(2), 200-226.
- Rami, F., Searight, H. R., Morrissey, M. B., Charvonja, A., Indart, M., & Brown, L. M. (2023). Health inequities and social determinants of health in refugee and immigrant communities. *American Psychologist*, 78(2), 160.
- Renjunal, Y., Shehata, S. A., Treesa, J. T., Hagra, A. M., & Vinod, N. (2022). Medico-legal history taking from the victims of sexual assaults: the role of nurse examiners. *Egyptian Journal of Forensic Sciences*, 12(1).
- Riley, K. (2017). Education Dept. Civil Rights Head: 90% of Campus Sexual Assaults Amount to 'We Were Both Drunk' Time Magazine (online) <https://time.com/4855492/betsy-devos-candice-jackson-campus-sexual-assault-accusations/>
- Rothman, E. F., Exner, D., & Baughman, A. L. (2011). The prevalence of sexual assault against people who identify as gay, lesbian, or bisexual in the United States: A systematic review. *Trauma, Violence, & Abuse*, 12(2), 55-66.
- Runyan, A. S. (2018). What is intersectionality and why is it important?. *Academe*, 104(6), 10-14.
- Searight, H. R. (1998). The Tarasoff Warning and the duty to protect: Implications for family medicine. *Journal of aggression, maltreatment & trauma*, 1(2), 153-168.
- Searight, H. R. (2023). The Pre-existing Conditions Influencing COVID-19's Impact. In *Covid-19: Health Disparities and Ethical Challenges Across the Globe* (pp. 19-50). Cham: Springer International Publishing.
- Sorkin, A. (2014). George Will's Coveted Sexual-Assault "Privilege" New Yorker (June 10)
- Tinto, V. (2010). From theory to action: Exploring the institutional conditions for student retention. In *Higher education: Handbook of theory and research* (pp. 51-89). Springer, Dordrecht.
- Worthen, M. G., & Wallace, S. A. (2017). Intersectionality and perceptions about sexual assault education and reporting on college campuses. *Family relations*, 66(1), 180-196.