

TITLE IX AND THE COLLEGE EMPLOYEE: A PHENOMENOLOGICAL STUDY

by

Jessica Jean Necessary

Liberty University

A Dissertation Presented in Partial Fulfillment

Of the Requirements for the Degree

Doctor of Philosophy

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## ABSTRACT

The purpose of this transcendental phenomenological study was to understand employee perceptions of Title IX through participants' lived experiences at Small Public College. The transcendental phenomenological design for this study was grounded in the phenomenological approach of Moustakas (1994) as it enables the researcher to investigate the lived experiences of participants related to a central phenomenon. The central research question guiding the study was what are the employee perceptions of Title IX at Small Public College? The study utilized three instruments: interviews, focus group, and document analysis. Fifteen participants were interviewed. Six participants were in the focus group. Data collection took place in March 2021. Interviews and focus group sessions were recorded during collection and later transcribed. Data analysis consisted of memoing followed by axial and lean coding. The study yielded four themes: questioning knowledge, training, retaliation, and reporting and compliance. The experience a college employee gains directly influences their perceptions of Title IX. Their experiences consist of the Title IX training, the distributed Title IX materials they see, and the information they hear. Employees were not confident in their knowledge of Title IX. College employees were entirely without knowledge of Title IX-related campus jurisprudence procedures. Their training lacked pertinent and updated examples. Student retaliation was a fear of college employees; however, college employees thought that Small Public College is compliant with Title IX. Future research is recommended into different educational institution demographics as well as studies that explore college employee perceptions of Title IX and campus jurisprudence.

*Keywords:* Title IX, employee, perceptions, phenomenology

**Copyright Page (Optional)**

### **Dedication**

I dedicate my dissertation to my two beautiful children, Henry and Scarlett. They are the lights of my life. I cannot express the happiness and joy they bring me. It is my hope that the completion of this dissertation and doctoral degree will enable me to help make their lives better. In addition, I hope it shows them that if I can complete a monumental task such as this, they can do anything they choose in life.

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### **List of Abbreviations**

American Association of Universities (AAU)

American Association of University Professors (AAUP)

Bureau of Justice Statistics (BJS)

Campus Sexual Violence Elimination (SaVE)

Collaborative Institutional Training Initiative (CITI)

Department of Education (DOE)

Department of Justice (DOJ)

Family Educational Rights and Privacy Act (FERPA)

Institutional Review Board (IRB)

Lesbian, gay, bisexual, transgender, and questioning (LGBTQ)

Office of Civil Rights (OCR)

Post-traumatic Stress Disorder (PTSD)

Science, technology, engineering, and math (STEM)

## **CHAPTER ONE: INTRODUCTION**

### **Overview**

Equal opportunity for men and women in federally funded educational programs is a topic that has come to the forefront of the media in recent years. Over 7,000 post-secondary institutions receive federal funding towards their educational programming (National Center for Education Statistics, 2019). Title IX of the Education Amendments of 1972 is ambiguous legislation that presents the possibility of misinterpretation of the law by educational institutions. Moreover, many employees of these institutions are not sufficiently equipped with knowledge of Title IX other than mandatory reporting requirements that address possible fears of misunderstandings or false accusations of Title IX violations by students or other employees. The purpose of this transcendental phenomenological study was to understand employee perceptions of the professional development and experiences regarding Title IX through participants' lived experiences and perceptions at small public college. This chapter will begin by presenting an overview of Title IX starting with the rationale behind the implementation of the Title IX statute and detailing the historical, social, and theoretical context. Later, the chapter will identify the problem, significance of the study, research questions, and definitions of related concepts.

### **Background**

Title IX is the federal statute that requires equal opportunity between genders in federally funded educational programs (Carle, 2016). Over time, this statute has evolved to include and address acts such as sexual harassment and sexual violence, which affects one in four women in the United States, a large portion of whom are undergraduate students (Yung, 2016). Consequently, colleges and universities are expected to train students and are focusing

their efforts on increased training for students, faculty, and staff to enforce and comply to this statute (Meyer, Samoza-Norton, Lovgren, Rubin, & Quantz, 2018).

Listed below are the typical Title IX procedures.

1. The disclosure of an alleged Title IX violation is made to the Title IX Coordinator (Henry et al., 2016; McGowan, 2017).
2. The Title IX Coordinator files a report for the complainant and provides written notice to both complainant and respondent detailing each alleged policy violation. If an Order of No Contact indicating neither party can speak to one another is required, that is made at this time (Henry et al., 2016; McGowan, 2017).
3. The Title IX Coordinator interviews all parties and witnesses involved in the alleged incident and collects all available evidence (Henry et al., 2016; McGowan, 2017).
4. The parties may present questions to the Title IX coordinator to ask the other party. Questions are asked at the Title IX Coordinator's discretion (Henry et al., 2016; McGowan, 2017).
5. The parties are allowed to review the collected evidence and given the opportunity to address the allegations (Henry et al., 2016; McGowan, 2017).
6. The Title IX Coordinator writes a final report of findings. For some colleges, this is the last step and the Coordinator decides upon the guilt or innocence of the accused based upon the preponderance of the evidence standard (Henry et al., 2016; McGowan, 2017). If the respondent is deemed guilty, consequences such as suspension, expulsion, employment termination, etc. are given (Henry et al., 2016; McGowan, 2017). The respondent may appeal. In other institutions, a judiciary panel hears the case, interviews witnesses, and reviews evidence to make a finding instead of the Title IX Coordinator

(Henry et al., 2016; McGowan, 2017). Still other colleges use both Title IX Coordinator and judiciary panel. After the Coordinator makes a final report, the judiciary panel hears the case and makes a finding based on the evidence (Henry et al., 2016; McGowan, 2017).

Despite the required training procedure, universities and colleges tend to increase students' knowledge and understanding of Title IX rights and provisions. However, focusing on the increase of student knowledge does not necessarily lead to developing the employee's knowledge of the appropriate procedures for Title IX. Moreover, it does not alleviate potential employee fears or provide support to employees. The way the college handles Title IX and distributes information and training helps shape employee perceptions. Most available literature reflects a quantitative summary of the knowledge of students, employees, and Title IX investigators.

### **Historical Context**

Gender equality in education was not a viable concept in early American history. In the Colonial period, it was believed that women only needed enough education to make them proper wives and mothers, and much of this took place in their parent's home (Noltemeyer, Mujic, & McLoughlin, 2012). After the American Revolution came the idea that women's role should be educators of the Republic's values by teaching their children to defend the country's newfound independence as well as teaching civic virtue. Consequently, girls had the opportunity to be educated in literacy and other valuable skills in addition to becoming a "good" wife (Noltemeyer et al., 2012). Unfortunately, women were still thought be inferior to men both intellectually and socially, though (Noltemeyer et al., 2012). In the 1800s, common schools were established, and there was an increased acceptance to educate women. Female enrollment increased, however,

most were from privileged families that could afford an education for their daughters (Noltemeyer et al., 2012). In 1836, a baccalaureate degree was established for women at Georgia Female College, a private institution. Oberlin College, also a private college, was the first institution to confer degrees to both men and women graduating within the same program (Noltemeyer, et al., 2012). The first three women to graduate with the men in their program were awarded degrees in 1841. In 1855, the University of Iowa became the first state college to enroll women (Noltemeyer et al., 2012).

Even though education opportunities were progressing for women, they still did not have equal rights with men (Noltemeyer et al., 2012). Until the Nineteenth Amendment to the U.S. Constitution, women were not allowed to vote. Additionally, until 1964 and the establishment of Title VII of the Civil Rights Act employment discrimination was banned (Noltemeyer et al., 2012). Employment discrimination still existed and women were still pressured to work in fields that were “proper” for women (Noltemeyer et al., 2012).

In 1972, the Title IX statute was founded in an effort to make gender equality in education possible in federally funded educational institutions (Noltemeyer et al., 2012). The Title IX statute of 1972 states that “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.” After the statute was enacted, there was a dramatic increase in women’s participation in athletics within these institutions, stemming from the need of equalized funding and opportunities for females. Moreover, the number of female administrators increased and sexist stereotypes began to disappear from textbooks and other coursework (Noltemeyer et al., 2012).

In 1977, sexual harassment was first recognized as sexual discrimination under Title VII (American Association of University Professors, 2016). In the case of *Alexander v. Yale University* (1977), there was an alleged Title IX violation involving sexual harassment, which was heard by the federal Second Circuit Court of Appeals (AAUP, 2016). Plaintiffs Ronni Alexander, Margery Reifler, Pamela Price, Lisa Stone, and Ann Olivarius were students of Yale University. Alexander and Reifler alleged their instructor and coach, Keith Brion, sexually harassed them. Price alleged an instructor stated she would receive an “A” in her course if she would engage in a sexual relationship with him. Stone alleged she was distressed by conversations with another sexually harassed female student, which robbed her of the benefits of an atmosphere in which she could be successfully educated. Olivarius spent much time and money investigating to help other students who had been sexually harassed because Yale University had not established procedures for such matters. She alleged that she was threatened by the individuals she was investigating, and the college failed to protect her from those threatening her. Plaintiffs did not seek damages, however, they fought for the university to establish grievance procedures for cases involving sexual harassment. The Court held for the defendant because the plaintiffs failed to present enough evidence in support of their claim; however, the fact that a federal Court heard the case encouraged the use of sexual harassment as sex discrimination. On appeal, the plaintiffs’ case was rendered moot as Yale University had already established grievance procedures (AAUP, 2016).

In the 1980s, Title IX expanded to include sexual harassment and misconduct as university feminists and the National Advisory Council on Women’s Educational Programs continued their campaign for equal rights (AAUP, 2016). Because Title VII already covered the sexual harassment of college employees, the main concern that the National Advisory Council on

Women's Educational Programs addressed became students' rights because faculty and student relationships are unequal in power and students have the right to a sexual harassment-free environment since they are paying for their education (AAUP, 2016).

The Clery Act, established in 1990 due to the rape and murder of Jeanne Clery, is federal law that goes "hand-in-hand" with the Title IX statute. This legislation requires that all colleges and universities must not only collect crime statistics for all crimes including those related to sexual misconduct on or around a campus, but there must be a campus publication that relays this information to the public—victims' personal information remains confidential (Holland et al., 2018; Newins et al., 2018). Failure to do so results in a large fine and possibly loss of federal funding. In addition, there must be Campus Security Authorities (Title IX Coordinator or institution designee) tasked with reporting responsibilities (Holland et al., 2018).

In 1992, the American Association of University Women stated that there were still gender biases and achievement gaps within the curriculums of mathematics and science. Furthermore, there was a lack of representation of women's issues in the curriculum as well. They argued that this resulted in a decrease of self-esteem in women (Noltemeyer et al., 2012).

To ensure the interpretation of the Title IX statute, President Bill Clinton created the position of Title IX Investigator in 1990. In this position, Norma Cantu found over 240 schools did not have any documentation of Title IX violations that she subsequently investigated (Carle, 2016). She found that the Office of Civil Rights (OCR) had under-investigated the civil rights violations. These schools were Title IX violation-free as there were no records of civil rights complaints, which prompted Cantu to further investigate these schools through her task force (Carle, 2016). The number of Title IX complaints from institutions began to increase with this investigation. In 1996, "Dear Colleague Letters," documents that provide additional guidance on

Title IX compliance for educational institutions, were issued to all educational institutions requiring the institutions to probe each reported instance of sexual assault or harassment (Carle, 2016; U.S. Department of Education, 2019). President Obama shaped society's view on Title IX further in 2011 by appointing Russlynn Ali as this Title IX enforcer (Carle, 2016; Holland, Cortina, & Freyd, 2018). Ali also sent a Dear Colleague letter to institutions, which specified the need for thorough investigations of all complaints related to sexual assault despite any surrounding circumstances (Carle, 2016; Holland et al., 2018). As a result, campus judiciary panels were formed to hear Title IX complaints. Unfortunately, the members of these panels were not properly trained in Title IX guidelines nor forensics or evidentiary hearing procedures; they were only trained in campus sexual misconduct grievance policies (Carle, 2016; Dudley, 2016). Therefore, defendants who were accused of Title IX violations were denied rights to evidence, rights to silence, and rights to challenge plaintiffs. Presumption of innocence and due process for the defendant were suspended but the "preponderance of evidence" standard was permitted by the judiciary panels (Carle, 2016; Dudley, 2016). Though this standard was allowed, the OCR's previous guidelines made it likely for an innocent person to be found guilty of Title IX violations and colleges had no choice but to follow the guidelines or face the consequences of losing federal funding. Therefore, there was an injustice and ineffectiveness in jurisprudence of Title IX (Carle, 2016).

In April 2012, the OCR sent a Dear Colleague letter that specified institutional duties for addressing sexual harassment and sexual assault encountered on campus. Primarily the obligation of nonconfidential employees to act for disclosing victims was relayed. Employees were required to report any knowledge of student victims of sexual harassment or assault to the Title IX Coordinator (Newins, Bernstein, Peterson, Waldron, & White, 2018). Prior to that 2011

letter, institutional requirements under Title IX were mostly determined using case law (Newins et al., 2018). Prior to that 2011 letter, institutional requirements under Title IX were mostly determined using case law (Newins et al., 2018). Additional Dear Colleague letters were then mailed to colleges and universities with 270 letters sent in 2012 alone (Carle, 2016).

Later in 2013, Title IX knowledge became more “muddied” with a Department of Justice (DOJ) “findings” letter to the college president of the University of Montana, which introduced a contradicting definition for sexual assault to that of the Supreme Court (Carle, 2016). The Supreme Court designated the following words to describe sexual harassment Title IX violations: targeted actions that are “severe, pervasive, and objectively offensive” (Carle, 2016, p. 248) and discriminatory in nature. The Department of Justice findings letter details sexual assault to be “any unwelcome conduct of a sexual nature and writes that such actions or speech don’t have to be ‘offensive’ according to reasonable standards and objective evidence” (Carle, 2016, p. 448), further adding to the confusing nature of Title IX. This letter was ambiguous and required the investigations of all undesirable sexual speech. However, this “sexual speech” was left to the alleged victim to decide if it was unwelcome leaving any conversation open to interpretation and possible misunderstanding (Carle, 2016). These expansive interpretations of the Title IX allow for an overzealous implementation of the statute, which could affect due process, free speech, and academic freedom (AAUP, 2016).

In 2013, the Campus Sexual Violence Elimination (SaVE) Act was passed by President Obama as an amendment to the Cleary Act, which mandates employee and student training (to include comprehensive Title IX reporting requirements, awareness, prevention, and related resources) and institutional disciplinary response in addition to crime statistic recording and publishing (D’Enbeau, 2017; Newins et al., 2018). He also formed the White House Task Force

to Protect Students from Sexual Assault near the same time the Campus SaVE Act was introduced (D'Enbeau, 2017). Together, these forces promoted bystander education and incorporated surrounding communities (McMahon et al., 2015). California and Virginia, with other states indicating they may follow suit, have taken this to the next level and passed laws that provide for certain types of incidents to be reported to local police as well as Campus Security Authorities, which will expand the reach of reporting making thorough knowledge of Title IX a requirement (Holland et al., 2018; Newins et al., 2018).

In 2014, a Dear Colleague letter defined “Responsible Employee,” indicating any employee outside of Campus Security Authorities and the Title IX Coordinator had a duty to disclose any knowledge of Title IX violations, potential or otherwise (Holland et al., 2018). Under this duty, if a victim discloses any information to a Responsible Employee, he or she cannot retract their statement or deny consent in reporting; the employee must report (Holland et al., 2018). The same year, the White House recommended campus climate surveys to be given to measure sexual assault on campuses (de Heer & Jones, 2017). The Association of American Universities (AAU) and Bureau of Justice Statistics (BJS) created sexual assault specific surveys assessing female college student responses. The AAU found 13.4 percent of females were sexually touched without consent during their time at college as opposed to 10.3 percent found by the BJS. In addition, the AAU found 6.9 percent of female college students experienced sexual penetration without consent compared to the 4.1 percent found by the BJS (de Heer & Jones, 2017). Moreover, the DOJ sent the University of New Mexico a letter in 2016 that “a college or university ‘carries the responsibility to investigate’ all speech of a sexual nature that somebody subjectively finds unwelcome” (Carle, 2016, p. 448).

Colleges must comply with Title IX legislation or face the potential loss of federal funding (Sarkozi, 2017). The OCR has the responsibility of enforcing the regulations. Colleges are encouraged to voluntarily comply with the legislation (Sarkozi, 2017). Should Title IX compliance be neglected by a college, the OCR must seek aid from the DOJ in beginning prosecution of the negligent college, which is the first step in the termination of federal funding (Sarkozi, 2017). To date, the OCR has not utilized its power to withhold federal funding to punish a college for its lack of Title IX compliance as the threat of doing withholding is enough to compel colleges to comply with the legislation (Sarkozi, 2017). Furthermore, the Department of Education (DOE) handles the enforcement of the Campus SaVE Act. Complaints of violations under the Campus SaVE Act may be filed with the DOE's Clery Act Compliance Division, which may deliver either warnings or fines to colleges found negligent in compliance (Sarkozi, 2017). Fines of up to \$35,000 may be incurred by the negligent institution. The threat of losing federal funding under Title IX through the DOJ along with the possibility of fines of up to \$35,000 by the DOE creates the possibility of further institutional confusion, multiple investigations, and conflicting verdicts (Sarkozi, 2017).

Today, there is still apparent inequality among sexes in schools. However, women's education has become a priority for federally funded institutions, especially in science, technology, engineering, and math (STEM) fields (Noltemeyer et al., 2012). The threat of educational institutions losing federal funding if found negligent in providing gender equality as required by Title IX may have progressed this attentiveness to women's rights in education. Despite the fact that women have consistently earned over half of conferred degrees at the bachelor's and master's levels and over a third of doctoral degrees, males held 86 percent of all administrative positions in colleges in 2012 and 75 percent of full-time professorships (Parker,

2015). In 2015, the percentage of female college presidents totaled 30 percent as opposed to 26 percent in 2011 (Bartel, 2018). The percentage of female full-time professors in 2015 was 32 percent, and the female population comprising governing boards in higher education has remained stagnant, totaling up to 30 percent (Bartel, 2018).

### **Social Context**

As previously stated, Title IX is an educational issue that has become increasingly crucial for campuses across the U.S. today. Also, before the passage of the Title IX statute, gender equality in federally funded programs was not a priority with few athletic and programmatic opportunities for women as well as few prospects in the academic workforce (Lieberwitz et. al, 2016). With previous anti-discrimination laws, each academic institution was autonomous and did not need to be held to government standards and intrusion (Lieberwitz et. al, 2016).

Due to the increasing number of established colleges across the United States during the 1960s, the need for a social change of adding more female faculty to teach students began (Lieberwitz et. al, 2016). At this time, a feminist movement began with one of its goals being the removal of sex discrimination in higher education (Lieberwitz et. al, 2016). Their efforts culminated in the signing of Title IX into legislation by President Richard Nixon in 1972. This legislation instigated a focus on gender equality in athletics, which was prominent in the 1980s and 1990s (Lieberwitz et. al, 2016). Title IX constituted a binding contract between the federally funded educational institutions and the U.S. Government, conditioning federal funding as leverage for the institution's adherence to Title IX and corresponding gender equality (Lieberwitz et. al, 2016). This leverage forced educational institutions to comply with Title IX regulations and is still a driving force today (Lieberwitz et. al, 2016).

Unfortunately, there is a steady increase of sexual misconduct on college campuses. Recent statistics show that one in five women and one in 71 men will be victims of rape (National Sexual Violence Resource Center, 2018). To date, there is an average of 20% to 25% women and 15% of men on college campuses are victims of rape, 27% of college student women are victims of sexual violence, and two thirds of college students are victims of sexual harassment (National Sexual Violence Resource Center, 2018). In addition, 90% of the victims fail to disclose sexual assault and over 63% of men surveyed at a campus in 2002 reported they had committed or attempted to commit rape and had done so repeatedly (National Sexual Violence Resource Center, 2018). These statistics reflect poorly on campus culture (i.e., campus safety initiatives, campus policies and procedures, and educational institutions as a whole). To minimize these assaults, many colleges manipulate and relabel terms to avoid unwanted publicity. For example, the term “rape” is changed to “nonconsensual sex,” thereby minimalizing the harsh truth of the issue that one’s sexual rights were violated (Yung, 2016). This changing of words helps shift the negative issues into a different perspective, which is counterproductive to Title IX initiatives.

Despite relabeling, employees of colleges fear the possibility of Title IX accusations made by students and even peers (Nicks, 1996). A high-profile example of this is the 2010 incident at Pennsylvania State University. At that time, Jerry Sandusky was a coach who was accused of sexually abusing students. These charges led to his termination from Penn State and evidence was found that showed additional employees had prior knowledge of the offenses for years without coming forward. Because they had knowledge of the incidents and failed to report the Title IX violations, they also were considered to have committed Title IX violations. The employees were afraid of reporting the incidents because of possible retaliation from Sandusky

and felt they had no control over the situation (Yung, 2016). Events such as this instance cause employees to question what is considered activism versus ethical behavior (Knight & Auster, 1999; Staurowsky & Weight, 2013). In other words, are one's actions furthering a political stance or are their actions supporting the wellbeing of others? This question is partially addressed by the "responsible employee" policy enacted at most institutions. "See something, say something" has become a popular campaign that helps to guide employees and students alike.

A 2009 study was conducted surveying 229 university employees regarding their concerns for personal safety when on campus (Bryden & Fletcher, 2009). Various reports of Title IX violations were received involving inappropriate questions of a sexual nature by students, stalking, sexual touching, and obscene phone calls (Bryden & Fletcher, 2009). Employees were afraid to be alone after dark when walking to their cars or even being alone in their respective campus buildings for fear of being victim of a Title IX incident or being accused of committing a violation (Bryden & Fletcher, 2007; Bryden & Fletcher, 2009).

An example of a Title IX accusation is Patti Adler, professor of sociology at the University of Colorado at Boulder, who was accused in 2013 of making a student feel uneasy during a role-playing activity in class. The activity which analyzed the global sex trade had been used by the professor for over 20 years. The Title IX violation led to Adler's discharge from the university because the university regarded her as a possible risk (Carle, 2016).

In 2015, film professor Laura Kipnis was accused of a Title IX violation creating a hostile environment by two female students at Northwestern University. The professor published an article in a journal that condemned the ambiguity of the "findings" letter's sexual harassment definition and suggested students' sense of vulnerability on campus held them back from succeeding in education (Carle, 2016; Kipnis, 2015). During the Title IX hearings, Kipnis was

denied an attorney but the Faculty Senate President was able to speak to the panel in support of Kipnis. Unfortunately, his support of Kipnis led to another Title IX investigation into him (Carle, 2016).

The Title IX federal statute was originally created for equal opportunities in education for men and women (Carle, 2016). Over time, it has evolved to include sexual harassment and sexual violence. Colleges and universities have increased their focus on Title IX training for students, faculty, and staff (Meyer, Samoza-Norton, Lovgren, Rubin, & Quantz, 2018). However, the focus is primarily on the increase of knowledge and understanding among students while faculty and staff receive training that is student-focused (Holland & Cortina, 2017). Students are not fully informed of the intricacies of Title IX reporting and investigations, but they are informed of their rights, how to report, and available support systems. In general, the information and examples used in employee training are student-related. For example, there is information given on being a responsible employee. Questions like “what is the procedure if a student comes to you and says they were raped?” or “what should you do if you hear about a faculty member taking advantage of or harassing a student?” are given. However, this does not fully inform faculty and staff about the reasoning behind the policies nor campus jurisprudence of violations under Title IX. Court cases such as *Doe v. Mercy Catholic Medical Center* (2017), *Jackson v. Birmingham Board of Education* (2005), *Vivyan v. Diaz* (2018), and *Woytowicz v. George Washington University* (2018) demonstrate some of the discrepancies in the way Title IX is applied to alleged violations at the collegiate level.

*Woytowicz v. George Washington University* (2018) involved a plaintiff adjunct professor whom allegedly texted inappropriate messages to a male student. The appointed University Title IX Investigator inferred that the plaintiff had not sexually harassed the student but instead had a

consensual relationship. George Washington University did not allow relationships between faculty and their students. When the plaintiff requested the investigator show proof of a relationship or sexual harassment, she was denied. The investigator also posed inappropriate questions to Plaintiff during interviews and tried to persuade the plaintiff to take an informal resolution. Under the proposed resolution, the plaintiff would not admit to a Title IX violation but there would be a written reprimand put in her faculty personnel file. Fearing losing rights under her contract, the plaintiff did not accept the resolution and the university continued to be unresponsive to the plaintiff inquiries. The plaintiff's contract was not renewed. She filed a Complaint arguing First and Fifth Amendment rights violations. The plaintiff argued the institution breached her rights under Title IX and their Collective Bargaining Agreement. The Court dismissed the constitutional rights and breach of Collective Bargaining but remanded the remaining claims to the Superior Court.

*Jackson v. Birmingham Board of Education* (2005) involved a plaintiff girls' basketball coach's reports to supervisors regarding unequal funding and resources for female athletes. The supervisors retaliated against the coach by giving him poor evaluations which eventually led to his termination. The plaintiff filed his case alleging Title IX violations due to retaliation. The Court found in favor of the defendant stating Title IX does not apply to retaliation claims.

In *Vivyan v. Diaz* (2018), the student defendant allegedly stalked and cyberbullied the professor plaintiff. The plaintiff filed for a Protective Order due to the extent of the defendant's actions, fearing for his safety. The plaintiff reported the defendant violations of a No-Contact Order on several occasions which caused the Circuit Court to grant the plaintiff's Protective Order. The defendant student received suspension from Florida Southwestern State College due to her actions against the plaintiff, which were considered Title IX violations.

*Doe v. Mercy Catholic Medical Center* (2017) involved a plaintiff resident student's accusation of sexual harassment against the Residency Program Director at the defendant hospital. The plaintiff alleged retaliation under Title IX due to her removal from the diagnostic radiology program. Upon appeal of the original case dismissal, the Court held Title IX rights do apply. Theoretically, there should be transparency and standardization in methods of investigation, policies enacted, and judiciary proceedings for employees to fully know and understand their roles and responsibilities under Title IX as a responsible employee and what may happen in case they are accused of an alleged violation.

In Richards, Branch, Fleury-Steiner, and Kaponek's (2017) study of a 387 national sample of college students, the researchers used a feminist gender-based model to determine if educational institutions adhered to Title IX legislation and if the colleges' policies supported victim needs. The researchers found that only 17 of the colleges met the criteria of the five themes found—policy content, policy implementation, victim reporting, victim reporting facilitators, and victim supports – and the rest needed to fix current policies and codes to create a safer campus and show support of victims' needs (Richards, Branch, Fleury-Steiner, & Kaponek, 2017).

There is an abundance of national attention surrounding sexual violence and college campuses (AAUP, 2012; Lieberwitz et al., 2016; Gray, 2015). Public opinion and media scrutiny are raising issues for colleges that go beyond incidents of sexual harassment and sexual violence (AAUP, 2012; Lieberwitz et al., 2016; Gray, 2015). Title IX violations such as these may bring into consideration criminal charges, require medical aid, constitute police involvement, or involve media disclosure (AAUP, 2012; Lieberwitz et al., 2016;). Furthermore, concerns about campus Title IX reporting and corresponding recordkeeping may be brought into question

(AAUP, 2012; Lieberwitz et al., 2016;). These issues pose problems for the classroom, campus, and community-at-large (AAUP, 2012; Lieberwitz et al., 2016; Gray, 2015). In the classroom, academic freedom may be questioned. What may be considered within the parameters of a class discussion and academic conversation in a discipline could be considered offensive to some students and become a Title IX investigation. In this setting, faculty should have academic freedom in determining the appropriateness of speech and content in their respective fields to be used in the classroom (AAUP, 2012; Lieberwitz et al., 2016; Gray, 2015).

Affects from Title IX violations may be felt by the college through incurring decreased enrollment, receiving negative media attention, and facing the possibility of losing federal funding stemming from Title IX violations and the way these situations are handled on campus (AAUP, 2012; Lieberwitz et al., 2016; Gray, 2015). The surrounding community in many towns rely upon the college for increased patronage in their stores, hotels, or at community events (AAUP, 2012; Lieberwitz et al., 2016;). Increased media scrutiny and lower enrollment decreases visitors to the community and tourism prospects. In addition, the community may feel threatened by possible Title IX offenders, making community members weary of visiting campus for special events (AAUP, 2012; Lieberwitz et al., 2016;). College benefactors may not wish to be associated with the negative attention and stop giving money, annuities, and endowments. The college is then adversely affected again by losing potential revenue from the community (AAUP, 2012; Lieberwitz et al., 2016;). The threat of losing federal funding, decreased enrollment, and loss of community revenue is a possibility that every college must take seriously as it could be detrimental to college operations and lead to cutting of programs, laying off of faculty and staff, and more (AAUP, 2012; Lieberwitz et al., 2016; Gray, 2015). All of these issues due to Title IX

violations can create such havoc for colleges that can take years to overcome (AAUP, 2012; Lieberwitz et al., 2016; Gray, 2015).

### **Theoretical Context**

The theories guiding the proposed study were Maslow's (1943) theory of human motivation, Rogers' (1975/1983) protection motivation theory, and Sutherland's (1939/1947) differential association theory. Maslow (1943) conceptualizes human motivation being need-driven. Using a hierarchy with five levels of need, Maslow (1943) determined that once humans satisfy their basic level of needs – the lowest level of hierarchy consisting of physiological needs such as food and shelter – their needs move up the hierarchy to higher levels such as safety, love, esteem, and self-actualization. As a human's basic, instinctual needs are met, their needs evolve into higher functioning needs, thereby moving them to a higher level in Maslow's (1943) hierarchy. For instance, once one's hunger is satiated, they are able to focus on new pressing issues like safety from predators. This theory corresponded to this study as motivation drives every individual, including college employees, whether the action taken by the individual to meet the need is positive or negative. This theory demonstrated the motivation behind college employees' adherence to Title IX policies and procedures and negligence in Title IX compliance.

Rogers' (1975/1983) protection motivation theory postulates that humans are motivated to protect themselves by any means deemed necessary. The theory takes into consideration the reasoning behind why people take part in unhealthy actions to protect themselves. Rogers (1975/1983) states that there are four factors—threatening events, potential to a threat, efficacy in the preventative action, and self-efficacy—that explain what prompt an individual to engage in protecting themselves. An individual will appraise a threat, then based upon the type of threat and the severity of the threat, they will then choose the best way in their minds to respond to the

perceived threat. Protection motivation theory applied to college employees and their perceived fears involving potential Title IX violations. They feared being victims of Title IX violations and being wrongfully accused of Title IX infractions as well as the consequences of failure to report Title IX situations.

Sutherland's (1939/1947) differential motivation theory indicates that behavior and actions may be passed on by association and correlates to criminal behaviors. An individual's behavior is shaped by the values, attitudes, and techniques of other individuals with which they interact and communicate. The individual will likely participate in illegal behavior if the ends justify the means, or the benefits of participating outweigh the consequences of disobeying the law. Differential motivation theory applies to the college employee as their actions may be influenced by their working environment, Title IX policies, or other campus and federal expectations under Title IX. With the ambiguity surrounding the Title IX statute and potential inadequate training, college employees were confused as to their rights and what they should do. This ambiguity and confusion conditioned employees to be fearful of repercussions from mandatory reporting, potential victimization or accusations, or reporting negligence. Maslow's (1943) theory of motivation, Rogers' (1975/1983) protection motivation theory, and Sutherland's (1939/1947) differential association theory combined created a framework for explaining college employee perceptions of Title IX and their motivations behind the actions they take whether provided for or prohibited by Title IX legislation.

### **Situation to Self**

In my current employment at a federally funded university, I experience annual Title IX training online, receive email updates regarding Title IX, and talk to colleagues about Title IX issues on campus. Most employees, like myself, feel that the information and training received

from the institution is focused solely on student safety and disregards employees' rights except for being responsible employees and having a duty to report student disclosures. There have been instances in which colleagues underwent Title IX investigations and were never able to know who their student accuser was or face them in a hearing format, whether at their college or in a state courtroom. These employees were forced to leave the college and were only allowed campus police escort to obtain their personal effects. Situations such as this have worried other employees and me about our rights and how easy it is to be falsely accused, have conversations misrepresented, or be victims of a sexually based offense by a student or another colleague. I believe institutions must create better Title IX training and methods than what exist now of Title IX information distribution to treat students and employees fairly in the explanations and marketing of Title IX rights and related campus policies and procedures.

My ontological assumption for the study was that all participants will have their realities, perceptions, and beliefs with which I may or may not agree. The epistemological assumption from which I operated was my research must be conducted in the academic environment of the employees, yet in an area designated as a "safe space" for the study to yield accurate data. In demonstrating my rhetorical assumptions, I created a narrative using the pronoun *I*. My axiological assumptions were that I believe employee perceptions of Title IX are shaped by their institution's treatment of employees, the overzealous use of Title IX at the higher education level, and campus Title IX information distribution and marketing, and that belief has the potential to bring bias to the study. I remained mindful of this potential bias. I used a constructivist worldview – all knowledge is derived from the human experience – to guide the study because this worldview reflected my need to understand the world in which I work (Creswell & Creswell, 2018).

### **Problem Statement**

It is not known how college employees perceive Title IX in relation to their lived experiences. The Title IX statute is ambiguous legislation in its current state (Kipnis, 2017). College employees have inadequate knowledge of Title IX outside of mandatory reporting requirements of their colleges (Newins, Bernstein, Peterson, Waldron, & White, 2018). Furthermore, employees fear possible false accusations by students and the consequences in their jobs (Carle, 2016; Kipnis, 2017). College employees also fear that students or colleagues may take their words out of context and that there could be potential investigations into class discussions or normal classroom activities that they do not perceive as being offensive in any fashion (Carle, 2016; Kipnis, 2017).

Fears of the effects of a Title IX violation has influenced the student-faculty relationship. It is the hopes of the American Association of University Professors to end Title IX ambiguity soon (Carle, 2016). Therefore, the overall effects of Title IX on both students and faculty must be thoroughly studied. In addition, for an institution to have comprehensive campus Title IX policies and procedures, all stakeholders must be involved equally in the formation of those policies and procedures. Institutions tend to view employee to employee violations under Title VII, but courts are now recognizing Title IX rights apply to employees as well (*Doe v. Mercy Catholic Medical Center*, 2017). Institutions view employee to student violations and student to student violations under Title IX, but they seemingly do not address potential student to employee violations. Institutions must create policies and procedures that afford protection equally to students and employees, and employees must be given training not only as responsible employee but also as potential victim, the wrongfully accused, and the wrongdoer.

Colleges and universities tend to primarily focus and address student rights under the

statute presumably due to the concept of *in loco parentis*, a Latin word meaning “the teacher in place of the parent,” and their responsibility to act in the best interests of the student. Employees of these institutions are underrepresented under Title IX due to a lack of proper defined guidelines and training by their institutions. Furthermore, faculty and staff have a lack of knowledge of their own Title IX rights and are not adequately trained on their rights. To provide equal protection to employees, institutions must enact policies and support systems that place emphasis on what Title IX means as not only potential victim, but also potential violators and those that may be falsely accused of misconduct by students or colleagues.

Previous studies focus primarily on employee and student knowledge of Title IX responsibilities and reporting, particularly regarding athletic programs, using quantitative data like Newins et al. (2018). This approach does not identify the personal elements or factors that could not be quantifiable. In addition, the studies’ focus is on employee knowledge of protection of the student under Title IX, not knowledge of the employee’s rights under Title IX. Qualitative studies focus on employee knowledge of Title IX rules and regulations and mandatory reporting of sexual harassment and misconduct violations (Meyer et al., 2018). There are also studies on campus support for students (Holland & Cortina, 2017). However, there is minimal research on Title IX’s meaning to the employee as it relates to their knowledge, perceptions, and due process. If there are qualitative studies conducted, findings may be able to increase understanding of overall effects of Title IX legislation, thereby enabling the university to create policies that will benefit all college stakeholders equally.

Therefore, this study addressed this gap by using participant lived experiences to determine employee knowledge, fears, perceptions, and needs regarding the way their institutions handle Title IX. Furthermore, the study addressed the gap among the faculty and staff

knowledge of how Title IX applies to employee rights. The problem was that colleges and universities fail in providing adequate representation, training, knowledge, and support systems to employees regarding their rights under Title IX, an issue that creates inequality among employees and students.

### **Purpose Statement**

The purpose of this transcendental phenomenological study was to ascertain employee perceptions of Title IX through participants' lived experiences and perceptions at a small public college. Perception will be generally defined as the mental impression made through the understanding and interpretation of environmental foci (Bahr, 2012). In this study, Title IX and employee perceptions were the central phenomena. The theory guiding the transcendental phenomenological design for this study was Moustakas' (1994) phenomenology as it seeks to explain the lived experiences of individuals. The insight given from participant lived experiences aided in understanding how employees perceive Title IX.

### **Significance of the Study**

#### **Theoretical Contribution of the Study**

This study is significant due to the fact Student Affairs departments are charged with investigating all reports of sexual misconduct including student to employee complaints. Title IX is too ambiguous to be a workable framework for all university stakeholders. In the last eight years the sexual misconduct provision has moved to the forefront ahead of equal rights for women's athletics. The Title IX coordinator is housed under this department meaning that any sexual harassment or violence dealing with an employee would fall under the label of "student" or human resources. Either label de-emphasizes the employee under the purview of Title IX.

Guided by the theories of Maslow's (1943) hierarchy of needs, Rogers' (1975/1983) protection motivation theory, and Southerland's (1939/1947) differential association theory, this study explored the lived experiences of college employees to ascertain their perceptions of Title IX. The phenomenological literature on Title IX that speaks to college employee perceptions tends to be geared toward employee knowledge base of Title IX, such as general rules and regulations surrounding mandated reporting of Title IX incidents or their roles as responsible employees (Brubaker & Mancini, 2017; Fusilier & Penrod, 2015, Holland & Cortina, 2017, Meyer et al., 2018; Newins et al., 2018). This study proposed to expound upon this knowledge base to include their perceptions of campus jurisprudence and campus safety, thereby providing theoretical contribution to the literature.

### **Empirical Contribution of the Study**

There is an abundance of studies that focus on Title IX relating to students as victims of sexual assault and universities process to change policies, procedures, and campus atmosphere to create safe and supportive environments for students (D'Enbeau, 2017; Enke, 2018; Fromuth, Kelly, Brallier, Williams, & Benson, 2016; Holland & Cortina, 2017; Holland, Cortina, & Freyd, 2018; Koebel, 2017). Richards', Branch's, and Kaponek's (2017) article, "A Feminist Analysis of Campus Sexual Assault Policies: Results from a National Sample," found 370 institutions out of 387 studied need to reflect on their current policies and codes of conduct to provide a safer and more supportive campus for students. However, there is minimal research regarding college employee perceptions of Title IX that explores their perceptions and experiences (Brubaker & Mancini, 2017; Newins et al., 2018). Furthermore, many of the available studies focusing on Title IX are quantitative (Chapleau & Oswald, 2014; Cunningham, Jones, & Dreschler, 2018; Lindo, Siminski, & Swenson, 2018; Holland & Cortina, 2017). Therefore, there is a gap in the

literature on this topic. This study qualitatively explored the lived experiences and perceptions of employees at federally funded institutions and the affects Title IX on their lives. The empirical data gained from studying the college employee and Title IX will help generate an understanding of the overall effects of Title IX legislation, which may be used by universities to formulate appropriate policies and procedures that accurately reflect the need for additional training and fair due process for all potential victims, students and college employees alike.

### **Practical Significance of the Study**

There is a general fear among college employees, faculty and staff alike, of potential accusations (founded or unfounded) that could arise from sexual misconduct guidelines and legislation (Carle, 2016; Cassidy, Faucher, & Jackson, 2017; Edwards, 2015; Kipnis, 2017; McGowan, 2017; Nicks, 1996; Staurowsky & Weight, 2013). There is a fear of what will be considered ethical behavior or activism on the part of the employee (Carle, 2016; Cassidy et al., 2017; Kipnis, 2017; Knight & Auster, 1999; Staurowsky & Weight, 2013). If an employee is told of sexual harassment or misconduct and thus has knowledge of the event, the employee must decide what to do. Many colleges have adopted policies dealing with the “responsible employee.” With these policies it is mandated that if the employee “sees something, say something” unless an employee is designated as exempt to that policy so that students have a person they can speak openly to without fear of investigations if they so choose.

Faculty are also afraid of investigations stemming from normal class activities and discussions or outside encounters with students (Carle, 2016). This fear from college employees of misinterpretation of their actions and words has changed the student-faculty relationship in many cases. When students are in their office, they will leave their doors open for additional protection from accusations (Carle, 2016; Fletcher & Bryden, 2009). Consequently, many faculty and staff

refuse to meet a student alone or will only meet in a public place. Due process of Title IX hearings is concerning as well. Employees are afraid of possible retaliation if they upset students or their employer in any way (Cassidy et al., 2017; Nicks, 1996; Staurowsky & Weight, 2013). In addition, there is a fear among faculty and staff for personal safety on campus (Fletcher & Bryden, 2009; Cassidy et al., 2017). Many do not feel safe when they are alone in buildings nor walking to their car after dark (Bryden & Fletcher, 2007; Cassidy et al., 2017; Fletcher & Bryden, 2009). These are only a few of the challenges they experience. The AAUP “highlights egregious cases in which risk-averse, compliance-driven, rights-indifferent administrators, under pressure from federal bureaucrats...fired, threatened, and censored professors” (Carle, 2016). It is the association’s hope to end the ambiguity of Title IX (Carle, 2016). There is an urgency for employee education on victimization and a call for better university codes, policies, and procedures which reflect employee interests and needs as well as that of the student (Cassidy et al., 2017; Fletcher & Bryden, 2009). This study provided practical significance using college employee perceptions of Title IX. The perceptions obtained through this study reflected employee interests and needs surrounding Title IX, which may be translated into clearer university codes, policies, and procedures regarding Title IX as well as improved employee training and education about Title IX.

The ambiguity of Title IX greatly impacts higher education institutions. This ambiguity must be abolished to create institutional policies for handling sexual harassment and violence on campuses. Title IX training is student-focused and other research studies do not address the employee demographic. Protection and support systems must be afforded to the college employee as well as the student. To have a comprehensive Title IX plan it must involve all the institution’s stakeholders. Currently, institutional views cover employee to employee violations

(falling under human resources), employee to student violations, and student to student violations but the views do not seem to extend to students violating employees. The inequity in how Title IX is handled by institutions can result in fraudulent victims weaponizing Title IX against employees for an entire array of possible reasons. Protection must extend to employees to prevent them from being wrongfully accused. Employee fears need to be institutionally addressed via updated codes of conduct, policies and procedures and thorough training relating directly to the employee as the victim and the accused. Disciplinary committees must have participants that are specifically trained in the various aspects of Title IX, interviewing, basic rights in judiciary proceedings, and evidence gathering. Moreover, support systems need to be afforded to students as well as employees.

The literature and case law indicate the college employee is an underrepresented demographic. There is a need for better training, support, and policies targeting employees as well as standardized campus jurisprudence procedures with due process. Violations currently covered by Title IX policies are student to student, employee to student, and employee to employee; however, employees who have experienced sexual misconduct or harassment from students receive little attention. Employees also have no protection from being wrongfully accused of Title IX infractions. Colleges must address employee fears for the continued well-being of the institution.

### **Research Questions**

The following research questions were used to guide this study.

**Central RQ:** What are college employee experiences with and perceptions of Title IX?

This question generated a detailed description of the experiences and perceptions of Title IX that college employees have formulated (Moustakas, 1994). In collecting this data, an overall

picture of employee Title IX experiences and perceptions was gained, which may lead to improved college policies, procedures, and jurisprudence (Brubaker & Mancini, 2018; Edwards, 2015; Holland & Cortina, 2017; McGowan, 2017; Newins et al., 2018).

**Sub Question 1:** What are employee experiences of Title IX training?

This question sought to understand the employee's direct experiences with Title IX at their college. Through this question, the researcher was able to better understand not only the employee perceptions, but also how those perceptions were formulated through their experiences (Holland & Cortina, 2017; Moustakas, 1994; Newins et al., 2018).

**Sub Question 2:** What are employee perceptions of Title IX compliance?

Building from the previous question, the intent of this question was to investigate the employee perceptions of their college's compliance with Title IX. Responses from this question gave the researcher insight into how each employee perceives compliance via their lived experiences with the phenomenon (D'Enbeau, 2017; Holland & Cortina, 2017; Meyer et al., 2018).

**Sub Question 3:** How do the employee experiences with Title IX relate to their understanding of Title IX?

This question investigated how the employee's direct experiences relate to their actual understanding of Title IX. Sample responses from this question may shed light upon successful or unsuccessful measures such as training conducted by the college that help to either increase or diminish employee understanding of Title IX regulations (D'Enbeau, 2017; Fusilier & Penrod, 2015; Holland & Cortina, 2017; Meyer et al., 2018). Through this question, the researcher was able to better understand what employee experiences lead to their diverse understanding of Title IX at their college.

**Sub Question 4:** What are employee perceptions of the Title IX process and jurisprudence?

Building upon each of the previous questions, the intent of this question was to delve into the employee perceptions of the actual process and proceedings associated with Title IX. This question gave valuable insight into how those various proceedings are viewed by the college community and what the overall perceptions of their effectiveness are in handling Title IX issues (Brubaker & Mancini, 2018; Edwards, 2015; Harper, Maskaly, Kirkner, & Lorenz, 2017; McGowan, 2017). Responses from this question allowed the researcher to gain understanding of how the employees' lived experiences help to create their perceptions of the actual Title IX judicial processes at their college.

### **Definitions**

1. *Perception* – The mental impression made through the understanding and interpretation of environmental foci (Bahr, 2012).
2. *Title IX* – “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” (Education Amendments Act, 1972).
3. *Nonconsensual* – Stated refusal or omission of verbal consent (French & Neville, 2017).
4. *Sexual harassment* – Unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature (U.S. Equal Employment Opportunity Commission, n.d.).

5. *Rape myth* – “a specific set of attitudes and beliefs that may contribute to ongoing sexual violence by shifting blame for sexual assault from perpetrators to victims” (Iconis, 2008, p. 47).

### **Summary**

The ambiguity surrounding Title IX generates an environment that fosters potential misunderstandings due to lack of knowledge and fear of the unknown for employees. Employees fear false accusations, misunderstandings, and potential investigations without due process. They may also lack knowledge of their own rights under Title IX. Educational institutions Title IX training emphasizes student rights and what to do as a responsible employee.

Literature surrounding Title IX and the employee is mainly quantitative and demonstrates a “data driven” knowledge employees have rather than identifying the employees’ lived experiences that determine that numerical level. This study addressed the gap by using participant lived experiences to determine employee knowledge, fears, perceptions, and needs regarding the way their institutions handle Title IX. The problem is that educational institutions are prone to pressure from public opinion and are weak in providing due process, representation, training, knowledge, and support to employees regarding Title IX-related policies and procedures and campus jurisprudence.

The purpose of this transcendental phenomenological study was to understand employee perceptions of Title IX through participants’ lived experiences and perceptions at a small public college. Moustakas’ (1994) book served as the supporting theory for this study as it enabled the researcher to investigate the lived experiences of participants related to the phenomenon. The following chapter will speak to the theoretical framework guiding the study as well as related literature dealing with Title IX and the employee.

## CHAPTER TWO: LITERATURE REVIEW

### Overview

Title IX is a consistent source of turmoil for educational institutions (Carle, 2016, Suran, 2014, Silbaugh, 2015). Institutions are revamping policies, establishing committees, opening new programs, designating coordinators, among many other endeavors (Carle, 2016; Holland & Cortina, 2017; Suran, 2014). Though Title IX legislation has been around since 1972, much of the accusations and investigations are influenced by the media, reflecting the need for better institutional adherence to Title IX (Suran, 2014).

Title IX began as a law for equality between genders (Noltmeyer et al., 2012). Today, it protects against sexual harassment; sexual violence; and lesbian, gay, bisexual, transgender, and questioning (LGBTQ) rights (AAUP, 2012; Gray, 2015; Lieberwitz et al., 2016; Noltmeyer et al., 2012). Institutions are now working tirelessly to protect their students from Title IX violations and keep them safe while on campus (Silbaugh, 2015). Unfortunately, Title IX and the OCR have enabled colleges to have power to formulate their own interpretations of the statute and applicable legislation as well as formal adjudication procedures (Carle, 2016; Dudley, 2016; McGowan, 2017; Silbaugh, 2015). With interpretation comes the ability of misinterpretation of laws, the possibility for unequal treatment of victim and respondent, and the potential for enabling false accusations (Carle, 2016; McGowan, 2017; Silbaugh, 2015; Suran, 2014). This chapter will establish the theoretical framework to guide the proposed study as well as outline the available literature, providing a brief overview of main points and sources for the history and knowledge of Title IX, the responsible employee, employee perceptions of Title IX, adjudication processes, and prevention of Title IX violations.

## Theoretical Framework

A theoretical framework establishes the basis for a study as it can be used to explain phenomena that is the focus of this research. The framework for this study was grounded heavily in motivation and association theories because these can be used to explain employee behavior in relation to Title IX policies on campuses. Maslow's (1943) theory of human motivation, Rogers' (1975/1983) protection motivation theory, and Sutherland's (1939/1947) differential association theory are the intrinsic philosophies which may be used to discover employee action in prevention or response of Title IX infractions or being the victim or wrongdoer in Title IX situations.

Maslow's (1943) theory of human motivation presented the concept that humans are motivated by need. Maslow put forth a hierarchy of needs incorporating people's need types: physiological, safety, love, esteem, and self-actualization. The lowest level incorporates basic needs, like food or shelter from the elements, which seem to drive motivation most. Once basic needs are met, an individual's need level progresses up the hierarchy. The next immediate motivation could be being safe, seeking love, or other need, but the driving need will change based upon their motivation to gain, or even maintain, needs. Motivation is prioritized by need; once one need is satisfied, other needs come to the forefront to be satiated, creating a never-ending cycle of human need (Maslow, 1943).

The theory of motivation is used to explain phenomena in various fields. Ireland, Halpin, and Sullivan (2014) applied the theory of human motivation to engagement of critical situations by clients. Sense of belonging and self-esteem were found to be possible indicators of motivation for refraining from critical situations (Ireland, Halpin, & Sullivan, 2014). Dohlman, DiMeglio, Hajj, and Laudanski (2019) used the theory of motivation to explain physician migration. They

found that there are multiple factors involved in the migration of physicians including improving career opportunities, better quality of life, increased security, and better salary (Dohlman, DiMeglio, Hajj, & Laudanski, 2019). Akova, Cifci, Atsiz, and Gezeroglu (2016) explored the motivations for dining out and found that psychological needs are more likely to be met than physical needs. Moffett, Frizzell, Brownlee-Williams, and Thompson (2014) studied first-time passage rates on the Early Childhood Education Exam and found that the theory of human motivation and love of teaching may explain first-time passing rates. The theory of human motivation is applicable to college employees as motivation is the driving power behind every action despite whether the action is morally good or bad. This theory may be used to demonstrate employees' motivation in adhering to Title IX policies on their campuses or their thought processes when violating this policy. The inherent need for safety, or protection, of oneself may also extend to groups of individuals one deems important, such as family, friends, or colleagues, in combination with the needs of love and belongingness and self-actualization (Maslow, 1971). Due to internal pressures that influence human actions, employees may be motivated to follow Title IX policies and related mandated reporting requirements to protect other campus constituents because they yearn to be accepted, desire to fulfill their potential, and seek personal growth, which may be accomplished by adhering to these policies and requirements on campus (Maslow, 1971). This motivation framework is expanded upon further when comparing it to protection motivation theory (Rogers, 1975/1983).

Rogers' (1975/1983) protection motivation theory considered the motivation for people to protect themselves. There are four basic factors under this theory that prompt individuals to protect themselves: 1) threatening events, 2) potential occurrence or vulnerability to a threat, 3) efficacy in the preventive action, and 4) self-efficacy in acting upon the threat. People appraise

threats, and based upon the type of threat and how imminent or severe it is (factors one and two), they determine a way to cope or respond to the perceived threat (factors three and four). Even though the theory is primarily used to explain individuals' actions for health preservation, the theory has been applied to other instances such as information security and crisis situations. For example, Menard, Bott, and Crossler (2017) created security messages that inspired employee motivation to work rather than causing a fearful environment in the workplace. Related to self-determination theory, the researchers found that providing messages focused on individuals and giving them choices resulted in the employees engaging in secure behaviors (Menard, Bott, & Crossler, 2017). Ford and Frei (2016) used the framework in assessing the viability of active shooter response training videos. The researchers discovered that the frame and medium of the message used had an impact on the viewers completing the training. Furthermore, the video increased individuals' self-efficacy as well as their knowledge of safety policies and procedures (Ford & Frei, 2016). Tang and Feng (2018) used protection motivation theory in their study of disaster preparedness for earthquakes. The researchers determined that behavioral intentions and preparedness behaviors correlated to response-efficacy, obstacles, and self-efficacy, with self-efficacy and obstacles being the major predictor of preparedness (Tang & Feng, 2018). Another study by Boehmer, LaRose, Rifon, Alhabash, and Cotton (2015) explored the motivation of college students to use information security. The findings show that there is a causal relationship between college students' personal responsibility and their protective behavior with underlying self-efficacy and individual safety involvement (Boehmer, LaRose, Rifon, Alhabash, & Cotton, 2015).

Protection motivation theory can be extended to employees under Title IX as employee fears of the consequences from failing to report Title IX infractions, being victims, or being the

accused meet these same factors as well. Rogers (1983) offered techniques of prevention and early response towards combating the unhealthy fears. Furthermore, Rogers (1983) opened protection motivation theory to become more of persuasive communication, which correlates to differential association theory (Sutherland 1939/1947).

Sutherland's (1939/1947) differential association theory stated that behavior and actions can be passed on by association and is most related to criminal behaviors. Consequently, a person's motivation for illegal behaviors along with values, techniques, and attitudes are learned through interactions with other people. Furthermore, if given a choice, a person will participate in illegal behavior if the benefits of doing so outweigh the consequences of obeying the law. The motivation is also spurred by frequency of communication and interaction. Sutherland (1939/1947) made several more main points, and the first is that criminal behavior is learned by individuals through communication. Criminal behavior is learned in groups of a personal and intimate status. People learn the techniques of committing crimes in addition to motives, rationalizations, and drives through interaction and communication with the people that they surround themselves like friends, family, mentors, etc. Individuals will determine their motives and drives determining if laws are beneficial or not. Moreover, learning by association is accomplished using the same means as other methods of learning such as aural, visual, or physical. Trang (2017) studied violence among high school students as they were conditioned by their environment to act. The researcher found that increased contact with surrounding violence and peers who are aggressive are associated with a student being more likely to use violent solutions to situations than nonviolent solutions (Trang, 2017). Daunt and Harris (2014) studied the relationship between employee deviance and customer misbehavior. They found that there is a significant negative relationship ( $\beta = .29$ ;  $t = 4.96$ ;  $p = < .001$ ) between the variables: as

perceived deviant activity by the employee increases, customer misbehavior will increase as well as the level of severity in their misbehavior (Daunt & Harris, 2014).

Differential association theory has been used to explain other phenomena, such as temperament, hook-up culture, and love, as well. Lukowski and Milojevich (2015) explored sleep-temperament associations in college students using differential association theory. They found negative affect, decreased control, and sensitivity in addition to differential association among the variables (Lukowski & Milojevich, 2015). Blair, Pukall, Smith, and Cappell (2015) used differential association theory in their study of pelvic pain in women and its association with relationship qualities such as love. In their findings, groups exhibited differing perceptions of the impact of pain on their relationship and that an increase of love and communication gave the perception among participants that there was little impact on their relationship (Blair, Pukall, Smith, & Cappell, 2015). Furthermore, Hoffman, Luff, and Berntson (2014) examined three types of hook-up relationships, or relationships leading to sexual intimacy, in relation to social factors and frequency. A student's perceptions of their behavior coincides with their perceptions of other students in hooking up, and students tend to mimic the behavior of their friends (Hoffman, Luff, & Berntson, 2014). Differential association theory applies to the college employee as their environment, policies, and expectations under Title IX may affect their overall actions.

Due to confusion surrounding Title IX practices, employees are conditioned to be fearful of repercussions from mandatory reporting, reporting negligence, or potential accusations or victimization. Differential association theory in conjunction with theory of motivation and protection motivation theory is a suitable framework for explaining employee perceptions of

Title IX and motivations behind their actions as provided for or prohibited by Title IX legislation. The next section will identify related literature to the study.

## **Related Literature**

### **Campus Climate and Violence**

The amount of sexual assaults per year among college age students is high. Statistics show that one in four women will be sexually assaulted on campus (Holland & Cortina, 2017). However, the fact that 91% of colleges report their campuses have not had any instances of rape seems impossible, meaning it is likely that the figure only incorporated formal complaints or students are adverse to reporting for one reason or another (Beavers & Halabi, 2017). Additional research must be conducted to get an accurate representation of vulnerable and underrepresented campus groups (Brubaker & Mancini, 2017; de Heer & Jones, 2017). General campus climate surveys are insufficient in determining victimization (de Heer & Jones, 2017). Campus party culture and sporting events increases the likelihood of sexual assault (Lindo et al., 2018; Ortiz & Thompson, 2017). The effects of sexual harassment, sexual assault, or other violations on victims under Title IX are overwhelming. With prominence of internet usage, crimes like cyber-sexual harassment are now an issue through email and social media platforms (Cunningham et al., 2018). Post-traumatic Stress Disorder (PTSD), depression, lower grades, withdrawal from courses or even college, withdraw from employment, decreased self-esteem, and more are possible consequences of Title IX misconduct against a student or college employee (Chapleau & Oswald, 2014; Holland & Cortina, 2017). Even with established campus support, many victims choose to not to use the support options for fear of being judged or not believed (Chapleau & Oswald, 2014). Twenty percent of sexual misconduct and violence goes unreported by college women due to stigma, the embarrassment they feel, or concern for privacy (Beavers &

Halabi, 2017). Students sometimes believe that campus or police authorities will not take their cases seriously or that solid proof that the incident had occurred would be mandatory (Beavers & Halabi, 2017). Furthermore, many students do not wish their parents, friends, or anyone else to know that they were assaulted at all (Beavers & Halabi, 2017). However, approximately 75% of victims decide to confide in at least one person, whether family, friend, or informal support system. Of that percentage, only 6% formally report the incident to police or campus security (Beavers & Halabi, 2017). Beavers and Halabi (2017) state,

Despite the inconsistencies in definitions, study methodology, and purpose behind much of the existing literature on stigma and sexual assault, there is substantial evidence to suggest that orienting entire university communities toward more reporting of incidents of sexual assault (outside certain specific personnel like physicians and nurses) may be inconsistent not only with victim needs but also with the objective of more reporting by victims themselves. (564)

The researchers found that informal support systems are powerful in providing victims support and beginning the healing process (Beavers & Halabi, 2017). Victims trust these informal support systems, whether instructor, counselor, friend, etc., with the information about their sexual assaults. Mandated reporting could break the bonds of trust, thereby further traumatizing the victim instead of benefiting them (Beavers & Halabi, 2017).

The decision to not use the support systems demonstrates the state-of-mind, or perceptions, of the victim regarding campus support systems. According to Holland and Cortina (2017), many victims believe these systems will fail them or their case will be mishandled. Holland and Cortina (2017) sought to understand why some victims may refuse to use campus support systems after being victims of sexual assault. The study, conducted in 2015, utilized two

open-ended surveys using 284 female “survivor” student participants deemed from a large Midwestern university. The researchers found that many victims believe if they disclose their description of the sexual misconduct, no one would believe their story, they may be blamed, the victimizer would go unpunished, or a lack of confidentiality may affect them (Holland & Cortina, 2017). Because of these beliefs, many victims choose to self-cope by methods such as stopping their offender during the assault, denying that the assault happened to them, trying to ignore the fact that they were assaulted, or disclosing to a source such as a family member or non-campus employee that is not required to follow Title IX procedures (Holland & Cortina, 2017). In addition, information about campus support systems and corresponding resources rarely comes from peers and instead from campus administration, which does not demonstrate to the victim that the support systems work (Holland & Cortina, 2017). This knowledge produces the idea that college students may be more willing to use campus support systems if they hear about the support systems from peers and perceive the support systems working in their favor (Holland & Cortina, 2017). The study had three limitations. They only asked sexual assault victims about their use of three specific support systems (Holland & Cortina, 2017). The study was also limited due to the primarily white, heterosexual women demographic. The researchers chose this demographic as other demographics may face other factors that prevent them from seeking support services, such as international students encountering differing cultural norms and language barriers or students of color affected by institutional racism (Holland & Cortina, 2017). Finally, the research was limited to a college that had high levels of resources and most students lived on-campus. The researchers suggested future research be conducted to include additional on- and off-campus support systems and different types of sexual assault (Holland & Cortina, 2017). In addition, other demographics should be researched to determine their use of support

services, and other campuses of varying resources with higher levels of commuter students should be studied (Holland & Cortina, 2017).

Under past U.S. administrations, compliance responsibilities and responses were strict (Meyer, Somoza-Norton, Lovgren, Rubin, & Quantz, 2018); however, the current Administration has rescinded many of the pre-established protections under Title IX, making updated training on Title IX for employees and students necessary (Meyer et al., 2018). Little is known about the implementation of Title IX, and in many instances, even Title IX coordinators, though tasked with giving knowledge on and enforcement of all things Title IX, do not fully understand their duties. They are not given time to address these duties, and they are underprepared due to lack of resources and training (Meyer et al., 2018). This lack in the abilities of the Title IX coordinator presents much concern because their lack of knowledge and abilities will surely affect that of employees and students.

### **Title IX Knowledge**

There is a broad knowledge gap surrounding Title IX on college campuses, particularly with a stream of new students and employees joining campuses every year. Examination of this insufficient knowledge is not only important but also necessary to ensure full adherence to Title IX compliance and beneficial support to those affected. This gap is best explored by separating the main stakeholders in Title IX: Title IX coordinators, employees, and students.

### **Title IX coordinator knowledge**

According to Meyer et al. (2018), Title IX coordinators are ill prepared to adequately accomplish their Title IX duties and provide support well to campus. In fact, their roles can be related to that of “street-level bureaucrats,” meaning institutionally coordinators not only implement policy, but they are also the ones that make the campus policies or have the most

influence in creating the policies (Meyer et al., 2018). Specific job duties of coordinators and their roles are ambiguous. Many are left to their judgement to “learn-as-they-go” once they are appointed to the role of coordinator. A lack of training and preparation for undertaking the job creates confusion and lack of efficiency in the performance of duties as well as may lead to mishandling of investigations (Meyer et al., 2018). Moreover, the coordinator’s inexperience combined with lack of resources and training inhibits efficiency, effectivity, and productivity and opens the institution to potential lawsuits or loss of funding (Meyer et al., 2018). Meyer et al. (2018) discovered institutions are more reactive rather than proactive in handling Title IX issues to better support and serve students under Title IX.

Beavers and Halabi (2017) indicate that there may be a way for the OCR to address Title IX coordinator knowledge. They suggest the OCR redefine the qualifications and credentials that should be possessed by those hired for or promoted to Title IX coordinator (Beavers & Halabi, 2017). By doing so, their training and experience may allow for more strategic communication and better overall support in victim recovery, creating a normalcy across assistance resources (Beavers & Halabi, 2017). The researchers suggest additional research be conducted in how victim students become aware of support resources, how to best prepare victim students to use support resources, and how other students and college employees may use the support resources to create an open dialogue regarding effective disclosure (Beavers & Halabi, 2017).

### **Employee knowledge and the responsible employee**

With the addition of the Responsible Employee as part of Title IX policy, all college employees, including student employees, hold this title. Resident Advisors, as first responders to student distress, must recognize Title IX situations and report those to the proper campus authorities (Holland & Cortina, 2017). The better knowledge of Title IX a student employee has,

the more likely they are to report misconduct disclosures (Holland & Cortina, 2017). Employees understand that they have a legal responsibility to report or they may be negligent in their duties (Brubaker & Mancini, 2017). However, because Title IX coordinator knowledge is insufficient, employee knowledge is even more limited (Meyer et al., 2018). Beavers and Halabi (2017) suggest changing the mandated reporting requirements to exclude resident advisors from reporting the identity of the person reporting unless the victim wishes to be known. They propose supervisory employees have more stringent guidelines in reporting if receiving a disclosure (Beavers & Halabi, 2017). Victims sometimes insist that they want their sexual assault to remain confidential, so victim recovery is at risk with current mandated reporting requirements (Beavers & Halabi, 2017). Beavers and Halabi (2017) indicate that there may be other ways of reporting that allow victims more control of the situation, such as timing of reporting or the circumstances under which the incident is reported, which may relieve the stigma of reporting.

### **Student knowledge**

As previously stated, Holland and Cortina (2017) found that student lack of knowledge of Title IX policies, procedures, and reasoning behind the process prevents them from using support services. Much of the students' knowledge surrounding sexual misconduct is learned in gender studies courses (Enke, 2018). Enke (2018) conducted a qualitative study using three focus groups of both male and female students and document analysis of student papers written in an Introduction to Gender Studies course. The purpose of the study was to demonstrate discourses, classification systems that interpret types of relationships, regarding Title IX along with sexual misconduct yields a gendered atmosphere on campuses (Enke, 2018). Upon conclusion of data analysis, the researcher found three themes: discourses of heteronormativity, discourses of uncertainty, and discourses of community (Enke, 2018). Discourses in heteronormativity

demonstrated student beliefs that women are victims and men are the perpetrators of misconduct. This discourse makes it more likely that men who are assaulted will not come forward or seek support systems (Enke, 2018). Discourses in uncertainty showed students, primarily males, thought women will make false reports of sexual misconduct out of “regret” for having sex (Enke, 2018). Discourses in community exhibited that the residential campus community tends to limit victim and respondent anonymity, making it likely for students to neglect reporting incidents of sexual misconduct out of fear of discovery (Enke, 2018). Enke (2018) suggested that further research is needed as it may determine specific messages that best reach all gendered and non-gendered people. Many students are distrusting of how the university may handle their case leading to deterrence of disclosure and use of campus services (Brubaker & Mancini, 2017; Enke, 2018; Ortiz & Thompson, 2017). However, they are more likely to report if they believe that the offenders will be held accountable by judiciary proceedings (Brubaker & Mancini, 2017). Peer interaction is a major factor in whether a student will report. Students, especially freshman, tend to accept rape myths if their peers accept the myths. This knowledge inaccuracy must be quashed if students are to have proper understanding of Title IX, related investigation and compliance efforts, and campus support (Brubaker & Mancini, 2017; Chapleau & Oswald, 2014; Ortiz & Thompson, 2017).

### **Employee Perceptions**

Employees are concerned about the mandatory reporting to the police particularly if the disclosing student does not give consent to do so (Brubaker & Mancini, 2017). Also, of concern is possible reduced reporting due to decreased protections of confidentiality from mandatory reporting after disclosure and the absence of proper comprehensive training for employees (Brubaker & Mancini, 2017). This concern was prominent regarding vulnerable and

underrepresented students as they are not as likely to disclose or gain representation in the event of alleged sexual misconduct claims (Brubaker & Mancini, 2017). Newins et al. (2018) found that employees in universities will indicate they will report student disclosures but may not report disclosures by other employees. The more positive the employees perceived their role in reporting student disclosures, the more likely they are to report misconduct (Holland & Cortina, 2017). Most employees perceive campus police and campus administration are supportive of victims needs in general (Brubaker & Mancini, 2017). There is also a perceived difference in perceptions of female versus male offenders (Fromuth, et al., 2014). Employees believe that male victims are less likely to disclose than females because of increased stigma (Brubaker & Mancini, 2017). Furthermore, there is a belief that those accused are at even more of a disadvantage under the Title IX investigation and campus judiciary proceedings as the burden of proof is lower than in the outside court system (Brubaker & Mancini, 2017).

### **Student Perceptions**

Donnelly and Calogero (2017) discovered that women undergraduates think they are objectified by the on-campus culture in general (Donnelly & Calogero, 2017). Students perceive a “close-knit” community on residential campuses, so the question of confidentiality remains in students’ minds and presents a barrier to reporting (Enke, 2018). In fact, Newins et al. (2018) found that one in five students find mandatory reporting a deterrent to disclosure and are unsure if they would disclose to an employee whether they were the victim or someone disclosed to them. Students are more likely to disclose sexual assault or violence to a third party outside of the campus rather than to on-campus responsible employees or support systems (Newins et al., 2018). Additionally, Holland and Cortina (2017) found that students believe that their institution will mishandle their case, will blame students for what happened to them, or no one will listen to

or believe their story should they choose to disclose. Unfortunately, many students believe that self-coping is the best course of action, while other students perceive that denying the misconduct happened or ignoring the fact that it happened will make the situation go away (Holland & Cortina, 2017).

Fromuth et al. (2016) studied the responses of 224 undergraduate male and female students to one of four given scenarios that demonstrated teacher-student sexual involvement. Each scenario differed by gender dyad and duration/frequency of sexual contact. The researchers unearthed that male employees who fraternize with female students are perceived by undergraduate students as more of a threat than female employees taking advantage of male students (Fromuth et al., 2016). Women undergraduate students tend to find that sexual misconduct inflicts more damage on students than do men and believe that more jail time is needed for offenders (Fromuth et al., 2016). Fromuth et al.'s (2016) study had several limitations. Due to the sole use of perceptions, generalizability to other real-life situations is not certain. In addition, only cross-gender dyads were utilized, and duration/frequency was confused by participants. The researchers suggested further research into same-gender dyads (Fromuth et al., 2016). Furthermore, findings show that students believe that learning about sexual misconduct through gender studies courses combined with Title IX training sessions would be helpful to them (Enke, 2018).

Both employees and students agree with the theory behind mandatory reporting, however, they disagree with how it is handled (Kyle, Schafer, Burruss, & Giblin, 2017; Newins et al., 2018). Newins et al. (2018) conducted a study that suggests reporting policies should be examined in addition to the way that that training is given to employees and students to change their perceptions of mandatory reporting. After analyzing of the results of their study, the

researchers concluded that an examination of these policies and training is likely to increase overall compliance and may foster student and employee disclosure (Newins et al., 2018). The study was limited since the data was from one university, which affected generalizability of the study to other colleges. A further limitation to generalizability is the use of convenience samples from a predominantly White population (Newins et al., 2018). Newins et al. (2018) suggested the need for further research into disclosure and perceptions of mandated reporting. Additionally, study replication involving diverse samples is needed as well as researching if mandated reporting is acceptable internationally (Newins et al., 2018).

### **Insufficient Support Services**

Failure to receive adequate support care can further the consequences of sexual assault mentioned previously, such as depression post-traumatic stress disorder (Holland & Cortina, 2017). Campus support services include the Title IX Office, campus police, and branches of Student Support Services like counseling, safe zones, and others (Holland & Cortina, 2017). In the Holland and Cortina (2017) study discussed earlier in this chapter, they found that many students failed to use campus support systems due to perceived consequences of using the resources, self-coping strategies, negative emotions, and contextual characteristics. Questions, such as do they know the victim or not or did the event happen on- or off-campus, may seem daunting or appear as though they are being judged. Victims felt that they may be ostracized, or their lives would be affected more if they reported (Holland & Cortina, 2017).

Rape myth, beliefs that place blame on victims of sexual harassment or violence, also affects decisions to use campus support systems (Brubaker & Mancini, 2017; Chapleau & Oswald, 2014; Iconis, 2008; Lindo et al., 2018; Ortiz & Thompson, 2017). Researchers found that if rape myth is accepted, the more likely self-efficacy will decrease while the belief campus

support systems will fail them increases (Brubaker & Mancini, 2017; Chapleau & Oswald, 2014; Ortiz & Thompson, 2017). This situation perpetuates the possibility of becoming a victim and calls for further examination of the need for better understanding of the stigma associated with reporting and support services and how to build a supportive network with minimal victim deterrence (Ortiz & Thompson, 2017).

### **Employees Underrepresented by Title IX**

The literature of Title IX focuses primarily on students receiving equal protection under federally funded programs including in instances of sexual harassment or assault. Findings are geared to Title IX implementation and compliance, employee knowledge, student knowledge, and student support. Consequently, there is a gap in the literature surrounding employee victims and employee protections. Unfortunately, it seems employees are not targeted in receiving information in the same ways as students, which brings up equity issues and discrimination of employees under Title IX as well. Employees must be afforded the same information in the same way as students in addition to mandatory responsible employee training as they have a dual role under Title IX as employees (Fusilier & Penrod, 2015).

Title VII under the U.S. Civil Rights Act of 1964 extends rights to employees against sexual harassment and misconduct in the workplace (Fusilier & Penrod, 2015). Researchers found that that 70% of university harassment and misconduct policies and websites are deficient in policy explanation (Fusilier & Penrod, 2015). There is a need to increase quality and accessibility of policies for employees in addition to giving extensive training in sexual harassment and misconduct policies for increased protection of employees as victims of sexual harassment and false accusations (Fusilier & Penrod, 2015). The policies should be online for

easy accessibility and accurate so employees will fully understand their rights (Fusilier & Penrod, 2015).

### **Recommended Policies as Protection, Prevention, & Response**

The establishment of proactive and preventative procedures is necessary for efficient support of campus constituents. These preventative actions and responses should be taken into consideration by campuses across the United States. In addition, the actions and responses should be afforded to college employees in the same manner as students. Koebel (2017) states,

“Outcome notifications stemming from campus misconduct proceedings are governed by a complex set of laws and agency guidance. An adequate compliance plan will require an institution to consider each piece of the Title IX, Clery Act, and Family Educational Rights and Privacy Act (FERPA) structure and make informed policy choices where available. The offense at issue will determine exactly which body of law or guidance controls the content of such notice as well as to whom the notice may be provided. Although difficult, compliance will enable an institution to preserve important rights owed to complainants, respondents, and the general public alike.” (587).

Meyer et al. (2018) performed a qualitative study examining the issues and challenges encountered by Title IX coordinators in the course of their job performance. They conducted semi-structured interviews of 10 Title IX coordinators from California and Colorado. The researchers found that Title IX coordinators must be given a detailed job description, so they know what is expected of them. Their individual contact information should be easily accessed on institutional websites without an intensive search having to be undertaken. This contact information should include phone number, email address, and title with the label of “Title IX Coordinator” if they have another job title but take on the role of coordinator for the institution

(Meyer et al., 2018). The contact information should be placed on all Title IX-related website documentation, services, or other material on websites regarding sexual misconduct and discrimination. They must also be given proper resources, professional development opportunities, established budget for resources, and training (Meyer et al., 2018). A budget should be provided for in annual budgetary planning by institutions. There should be a library of non-financial resources for the coordinator and others to access as needed. Professional development opportunities will ensure the coordinator remains current in their roles (Meyer et al., 2018).

Campuses must change the focus of their actions to be proactive rather than responsive (D'Enbeau, 2017; Holland & Cortina, 2017; Meyer et al., 2018). D'Enbeau (2017) and Meyer et al. (2018) discussed the importance of a detailed education of campus constituents in coordination with prevention efforts being a guiding focus for campuses and a central role in the duties required of the coordinator. A partnering among campus departments and staff can aid in the implementation of proactiveness and prevention (D'Enbeau, 2017; Meyer et al., 2018). Furthermore, D'Enbeau (2017) studied how a multidisciplinary team addresses sexual violence response and prevention tensions. The researcher found that excellent communication should be focused upon, and delineation of duties and specific offerings on campus must be defined (D'Enbeau, 2017). The researcher suggested additional research be conducted into occupational norms and action orientation and how it can aid in ending sexual violence for college students (D'Enbeau, 2017). Complete policies on discrimination, sexual harassment and assault, and related issues should be posted online with easy access for both students and employees, and the information should be accurate and up-to-date (Fusilier & Penrod, 2015, Meyer et al., 2018).

Meyer et al. (2018) studied the responsibilities OCR placed upon colleges. The OCR assigned Title IX responsibilities to colleges without giving due diligence to proper knowledge distribution and training thereby creating the issue of misinterpretation of laws and procedures. Meyer et al. (2018) recommended for the OCR to become proactive through periodic audits of campuses and suggested that the OCR randomly select institutions in every state to ensure a Title IX coordinator is named and present at each institution. Further Meyer et al. (2018) suggested that the OCR create a public database for Title IX coordinator contact information. In addition, the researchers further indicated that the OCR should provide mandatory, free training to new coordinators so that they may fully understand their roles as well as a professional means of networking between institutions to serve as an additional information source and support system for coordinators (Meyer et al., 2018).

Holland and Cortina (2017) discovered that campuses respond equally to all forms of sexual assault including what may be deemed a lesser offense. There is a general acceptance that women will be unwilling participants in certain behaviors and actions during their college years, such as fondling taking place within a party atmosphere, and that this behavior must be discouraged (Holland & Cortina, 2017). Each type of incident must be attended to in the same way and reported and investigated the same as well to ensure that no campus constituent feels their case is unimportant and deterred from crime reporting. In addition, Holland and Cortina (2017) suggested that campuses should examine their adjudication procedures to find acceptable alternatives to a quasi-criminal justice system, as the mirroring of the criminal justice system is a deterrent for survivor reporting.

Furthermore, Holland and Cortina (2017) argued that institutions must examine the effectiveness of mandatory training processes. The periodic reexamination of the training to

address discrepancies or parts that are insufficient in relaying knowledge should be undertaken (Holland & Cortina, 2017). Fusilier and Penrod (2015) suggested that the adapting of training to meet needs will be beneficial to all. Establishing a course on sexual misconduct for the general education curriculum is an option for information relay as well (Enke, 2018).

Holland and Cortina (2017) found that there is a tendency for campuses to make every employee a “Responsible Employee” (Holland & Cortina, 2017). Because the OCR does not specifically decree that the responsible employee must encompass all employees, this campus initiative should be reexamined (Holland & Cortina, 2017). Mandatory reporting responsibilities should be designated to fewer campus employees rather than all campus employees. Holland and Cortina (2017) suggested that victims may be more likely to seek help from employees if they do not fear their disclosure will be reported.

Holland, Cortina, and Freyd (2018) reviewed federal law and guidance involving compelled disclosure, analyzing disclosure policies, and determining assumptions of benefits that compelled disclosure may involve. The researchers used a random sample of 150 four-year, not-for-profit colleges (50 small with up to 2,999 students enrolled; 50 medium with 3,000 to 9,999 students enrolled; 50 large with 10,000 students or more enrolled) (Holland, Cortina, & Freyd, 2018). For each college, the researchers searched the college websites and read the current sexual assault policy and compelled disclosure policies available (Holland et al., 2018). Using deductive content analysis, they identified four themes: all employees, few employees, most employees, and ambiguous (Holland et al., 2018). Out of 146 policies found in their search, all employees were designated as mandatory reporters at 69% of the colleges (Holland et al., 2018). Nineteen percent of the colleges designated most employees as mandatory reporters while 4% had few employees designated as mandated reporters (Holland et al., 2018). The theme of ambiguous

encompassed 8% of the colleges because they did not have a clear definition of which employees were considered mandatory reporters (Holland et al., 2018). The researchers also examined the assumption that mandated reporting may demonstrate that victimization is more prevalent than previously seen (Holland et al., 2018). Upon analyzing conflicting studies, the researchers called for further investigation into if mandated reporting causes an increase in victim disclosures (Holland et al., 2018). Holland et al. (2018) also examined the assumption that compelled disclosure policies are beneficial to sexual assault survivors. Finding little evidence to support the assumption, the researchers called for future studies into whether college student victims see or experience benefits from campus compelled disclosure policies as well as student victims' perceptions of feelings surround compelled disclosure policies and mandated reporting (Holland et al., 2018). A third assumption studied by Holland et al. (2018) was the benefits surrounding giving all faculty and staff the role of "responsible employee" to make policies less complex and lessen campus confusion. Again finding little evidence to support this assumption, the researchers called for further research into responsible employee responses to student disclosures and ways to improve these responses (Holland et al., 2018). The fourth assumption studied by Holland et al. (2018) is that compelled disclosure policies ensures institutional Title IX compliance and protection from liability. Finding that it is unclear if compelled disclosure policies do so, the researchers called for future research into evaluating whether training of responsible employees is effective and which formats or materials are beneficial for those deemed responsible employees (Holland et al., 2018).

Several researchers studied methods of intervention for sexual assault and found that bystander intervention is a method of prevention that may be employed by campuses (Enke, 2018; McMahon et al., 2015). This approach brings sexual assault prevention to the community-

level and not simply institutional-level (Enke, 2018; McMahon et al., 2015). Bystander intervention increases pro-social behaviors thereby enhancing sexual assault prevention. Research suggested that bystander intervention increases self-efficacy as well (Enke, 2018; McMahon et al., 2015).

Finally, in hiring employees, Cunningham et al. (2018) found that the best practice is to hire employees that are the most likely not to partake in criminal activities. Risk management mechanisms, like the Reid Background Check Plus scales, have the ability to determine the likelihood of an applicant to commit crimes based upon applicant responses. Cunningham et al. (2018) suggested that if colleges use these scales in addition to normal state and federal background checks, campuses may be able to provide a safer environment to their students than if they do not initiate use of the scales. The research was limited by the Identity and Credential Accuracy scale and the use of self-report and admission criteria. The researchers suggested additional studies be conducted using additional digital external criteria and including manager reports of company property damage. If adapted to fit potential students, this could be a further method of prevention.

### **Flawed Adjudication Processes**

Harper, Maskaly, Kirkner, & Lorenz (2017) and McGowan (2017) implied there is evidence that supports the perception that the adjudication process for Title IX violations is flawed, presents inequity, and is counterproductive to the goals of Title IX resulting in both victims and respondents potentially suffering harm. Educational institutions are largely responsible for creating their own adjudication procedures that encompass Title IX and OCR mandates, leading to various interpretations of the law as well as misinterpretations (Harper et al., 2017; McGowan, 2017). Colleges are faced with the fact that Title IX grants rights to victims

whereas respondents must be given rights to due process under the U.S. Constitution.

Unfortunately, Harper et al. (2017) and McGowan (2017) determined that this institutional balancing act generates an adjudication process that is not standardized and does not legally meet the needs of victim or respondent.

Title IX adjudication systems are bound by competing and conflicting...policies, constitutional due process rights, Title IX, federal laws, case law, and contract law. The Constitution mandates the accused are provided with due process of law, while the OCR requires due process not restrict or delay Title IX's protections for victims. (Harper et al., 305)

Harper et al. (2017) and McGowan (2017) implied that this enhances victim safety, but respondents are not presumed innocent until found guilty as in the criminal court system nor are typical due process rights extended to them. This treatment of respondents decreases the likelihood they can substantiate their innocence and increases the possibility of false accusations, thereby weaponizing Title IX against employees.

McGowan (2017) stated there are three main investigatory models used to examine Title IX complaints. The first, the traditional model, allows a judicial board to hear the case, to make a finding of responsible or not responsible for the violation, and to decide upon the sanction if the respondent is found responsible of the violation (McGowan, 2017). Next, a single investigator model empowers one investigative authority to handle the entire process including collecting statements and evidence, interviewing witnesses, and finding the respondent responsible or not responsible (McGowan, 2017). The investigator also must write a report at the conclusion of the investigation detailing the outcome as it relates to institutional policy (McGowan, 2017). The third model is the hybrid model, which allows for the division of responsibilities among parties

(McGowan, 2017). Typically, an investigator will collect and examine statements and evidence then make recommendations to a disciplinary panel who will find the respondent responsible or not responsible for the violation (McGowan, 2017).

Once disclosure of a violation has occurred, a Title IX investigation is opened during which the Student Affairs Office must inform the alleged wrongdoer of the disclosure (Edwards, 2015; Harper et al., 2017). The victim and respondent are summoned to a disciplinary hearing, which may be comprised of a mixture of faculty, staff, and students. At the hearing, arguments and evidence are presented, then the disciplinary panel finds the respondent either responsible or not responsible for the alleged violation (Harper et al., 2017; McGowan, 2017). Should the respondent be found responsible, they may be subject to suspension, probation, expulsion, or other consequence (Edwards, 2015; Harper et al., 2017; McGowan, 2017). The college may choose to grant appeals process to both parties, but this is not a requirement of the OCR, leaving the parties no choice but to turn to state or federal courts if the disciplinary hearing outcome is not perceived as fair (Harper et al., 2017; McGowan, 2017).

Harper et al. (2017) stated that the 5<sup>th</sup> and 14<sup>th</sup> Constitutional Amendments afford respondents with due process rights and fair adjudication processes, while the 6<sup>th</sup> Amendment gives the respondent the right to face their accuser as well as cross-examine any witnesses produced by the victim (McGowan, 2017). In the U.S. court system, the extent of due process is determined using a three-part test (Harper et al., 2017; McGowan, 2017). Under part one, the court evaluates if the respondent's life, liberty, or pursuit of happiness is challenged. Part two establishes what safeguards must be used to protect respondent's rights. Finally, part three takes into consideration the undertaking that is involved to provide those safeguards (Harper et al., 2017; McGowan, 2017). Colleges tend to use part three to withhold beneficial due process rights

to the accused because of the financial burden they may incur from infringing on victims' rights under Title IX (Harper et al., 2017; McGowan, 2017).

In developing Title IX adjudication policies and procedures, IHEs are left with the seemingly impossible task of balancing victims' rights under Title IX with respondents' constitutional due process rights. The result is unstandardized adjudication systems employing varying procedures that often fail to meet legal obligations to both parties. Title IX adjudication systems are bound by competing and conflicting student conduct policies, constitutional due process rights, Title IX, federal laws, case law, and contract law. The Constitution mandates the accused are provided with due process of law, while the OCR requires due process not restrict or delay Title IX's protections for victims (Triplett, 2012). This latter requirement enhances victim safety and eliminates educational gender inequity, but also curbs due process protections for respondents, infringing on their ability to maintain innocence. (Harper et al., 2018, p.305)

Under current laws and regulations, the respondents are not guaranteed the same rights as criminal defendants: attorneys, discovery, cross-examination of witnesses, appeals, rules of evidence, or a certain standard of proof opening the possibility of false accusations for a myriad of reasons (Edwards, 2015; Harper et al., 2017; McGowan, 2017). Colleges have the choice of allowing these benefits if they are not administratively or financially cumbersome, however, if colleges do allow these benefits, both victim and respondent must receive the same rights per OCR requirements (Harper et al., 2017; McGowan, 2017).

Harper et al. (2017) found that the non-standardized adjudication process may be degrading and harmful for victims. Some procedures generate enhanced feelings of shame for victims, which contradicts Title IX's goal. Feelings of safety will only be ensured for victims if

there is a fair adjudication process in addition to fair outcomes given by the college (Harper et al., 2017).

Harper et al. (2017) found that as a respondent, the victim-specific Title IX protections and an institution's emphasis on protection of victims' rights is daunting when their own rights to due process suffer for that protection. At the same time, respondents are not extended the same safeguards as victims. The adjudication process also makes challenging mistreatment or bias during the investigation and disciplinary hearing more difficult for the respondent, leading to outside legal ramifications and countersuits (Harper et al., 2017). However, should respondents be extended stronger due process rights than what is currently practiced, victim's rights be affected negatively and Title IX goals may become less effective. As it stands, the adjudication process lacks in adequately protecting both victim and respondent and creates an imbalance in fairness for them as well (Harper et al., 2017; McGowan, 2017).

Complicating the adjudication process further is the "preponderance of the evidence" standard (Edwards, 2015; Harper et al., 2017; McGowan, 2017). This standard sets the lowest standard of proof within the U.S. legal system, allowing for disciplinary panels to find respondents responsible for the alleged violations much easier than if other standards were used if the victim can produce enough evidence to "suggest more likely than not, a sexual assault occurred" (Harper, 2017, 308). The panel only needs to be 50.01% certain the respondent is guilty. Two other standards are used in the American justice system: the *clear and convincing* standard requiring 75% certainty and the *beyond a reasonable doubt* standard requiring 90.3% certainty (Harper et al., 2017). Edwards (2015) and Harper et al. (2017) discovered that using a lower standard may increase the likelihood of improper verdicts in Title IX adjudication and give the victim more power rather than equal power with the respondent in the adjudication process,

creating the possibility for weaponization of Title IX by fraudulent victims. Additionally, Edwards (2015) and Harper et al. (2017) found that under the lower preponderance standard, establishing guilt is much easier than with a higher standard.

Furthermore, Harper et al. (2017) argued that the process for collection of evidence under Title IX investigations may be considered improper. It is not a consistent practice for colleges to employ an impartial, third party entity to collect evidence or conduct investigations. Instead, the Title IX investigator conducts the investigation on their own collecting evidence and interviewing potential witnesses (Harper et al., 2017; McGowan, 2017). In some cases, both victim and respondent must collect their own evidence and find and interview potential witnesses to get statements to prove innocence or guilt (Harper et al., 2017; McGowan, 2017). Harper et al. (2017) implied that regardless of being employee, Title IX investigator, victim, or respondent, if an individual has not received proper training, evidence is compromised.

The OCR has yet to take a stance on evidence to determine guilt or innocence under the preponderance of the evidence standard or training needs (Harper et al., 2017; McGowan, 2017). Harper et al. (2017) found that the OCR has drawn clear lines regarding cross-examination and holds that face-to-face, direct cross-examination can create a hostile environment and further traumatize the victim and, therefore, cannot be practiced. Researchers found that under the adjudication process, colleges do not have to allow the cross-examination of witnesses either based upon the cases' circumstances. Harper et al. (2017) indicated the OCR enables colleges to use indirect cross-examination instead in which respondents may ask questions of the victim via the disciplinary panel, however, the disciplinary panel has discretion as to whether they ask all of the questions given or allow the victim or witnesses to fully answer. In certain cases, this is done to protect the victim's Title IX rights from being in a hostile environment, thereby protecting the

college from potential federal funding cuts from Title IX infractions (Harper et al., 2017). Failure to allow cross-examination can add to the potential for unfair findings within the adjudication process (Harper et al., 2017). Harper et al. (2017) determined false statements may be the needed evidence to meet the preponderance of the evidence standard and shift the disciplinary panel's findings improperly toward innocence or guilt of the respondent. Harper et al.'s (2017) study was limited as it did not consider victim and respondent perceptions of fair outcomes and procedures. The researchers suggest future research incorporating these limitations (Harper et al., 2017).

Because institutions are left to make their own interpretations of the law, the adjudication process at one college may be vastly different from that of another college (Harper et al., 2017). Due to this fact, a respondent may be found not responsible at one college, but at another be found responsible. Moreover, statements made by the accused within their Title IX hearing may be used in a court of law.

Schools have instituted stricter policies without considering the due process rights of the accused. Problematically, the statements made by the accused, under limited due process safeguards, can be used in criminal proceedings. This Comment argues that it is unconstitutional to admit in a state criminal proceeding statements that were made by students accused of sexual assault in a college disciplinary hearing. Specifically...such statements can be considered coerced confessions in violation of due process.

(McGowan, 2017, 1175)

Any misinterpretation of the law may not only negatively affect victim and respondent but may also leave the institution open to federal funding loss (Harper et al., 2017; McGowan, 2017).

## Case Law

*Cannon v. University of Chicago* (1979) involved a plaintiff who was denied admission to two medical schools in Illinois. The plaintiff claimed they had a private right of action under the Title IX statute (Goodman, 2018). The Court held that Title VI served as a model for Title IX during its creation, therefore, there was an “implied” private right of action under Title IX that upholds the statute’s essence of eliminating educational gender discrimination (Goodman, 2018).

*North Haven Board of Education v. Bell* (1982) examined the use of Title IX as a means to call for private right of action (Goodman, 2018). The suit involved two public schools receiving federal funding that alleged Title IX did not apply to them since Title IX was not meant to encompass employment in educational institutions (Goodman, 2018). The Supreme Court decided that Title IX fails to eliminate employees directly. In addition, the Court mentioned that the statute should not be read as “limiting,” but instead “widely encompassing” (Goodman, 2018). “While the purpose of Title IX has traditionally been focused on equalizing educational opportunities, courts have continuously expanded its coverage to address employment discrimination in educational institutions” (Goodman, 2018, 65-66). Due to this decision, Title IX has been broadly interpreted by the courts (Goodman, 2018).

*Woytowicz v. George Washington University* (2018) involved a Plaintiff adjunct professor whom allegedly texted inappropriate messages to a male student. The appointed University Title IX Investigator inferred that the Plaintiff had not in fact sexually harassed the student but instead had a consensual relationship. George Washington University did not allow relationships between faculty and their students. When Plaintiff requested the Investigator show proof of a relationship or sexual harassment, she was denied. The Investigator also posed inappropriate questions to Plaintiff during interviews and tried to persuade Plaintiff to take an

informal resolution. Under the proposed resolution, Plaintiff would not admit to a Title IX violation but there would be a written reprimand put in her faculty personnel file. Fearing losing rights under her contract, Plaintiff did not accept the resolution and the university continued to be unresponsive to Plaintiff inquiries. Plaintiff's contract was not renewed. She filed a Complaint arguing First and Fifth Amendment rights violations. Plaintiff argued the institution breached her rights under Title IX and their Collective Bargaining Agreement. The Court dismissed the constitutional rights and breach of Collective Bargaining but remanded the remaining claims to the Superior Court.

*Jackson v. Birmingham Board of Education* (2005) involved Plaintiff girls' basketball coach's reports to supervisors regarding unequal funding and resources for female athletes. The supervisors retaliated against the coach by giving him poor evaluations which eventually led to his termination. Plaintiff filed his case alleging Title IX violations due to retaliation. The Court found in favor of Defendant stating Title IX does not apply to retaliation claims.

In *Vivyan v. Diaz* (2018), Defendant student allegedly stalked and cyberbullied Plaintiff professor. Plaintiff filed for a Protective Order due to the extent of Defendant's actions, fearing for his safety. Plaintiff reported Defendant violations of a No-Contact Order on several occasions which caused the Circuit Court to grant Plaintiff's Protective Order. Defendant student received suspension from Florida Southwestern State College due to her actions against Plaintiff.

*Doe v. Mercy Catholic Medical Center* (2017) involved a plaintiff resident student's accusation of sexual harassment against the Residency Program Director at the defendant hospital. The plaintiff alleged retaliation under Title IX due to her removal from the diagnostic radiology program. Upon appeal of the original case dismissal, the Court held Title IX rights do apply. "Interestingly, the Supreme Court has yet to define the meaning of 'education'

and reconcile the general language of ‘program and activity’ with the modifier ‘education’ (Goodman, 2018, 76). Theoretically, there should be transparency and standardization in methods of investigation, policies enacted, and judiciary proceedings for employees to fully know and understand their roles and responsibilities under Title IX as a responsible employee and what may happen in case they are accused of an alleged violation.

### **Summary**

Title IX is provided for under the Educational Amendment of 1972, which establishes there must be gender equality in educational institutions that receive federal funding. From installation, the statute promoted equality in programs like women’s athletics compared to men’s programs. Since then, the coverage of the statute fanned out to include sexual misconduct and assault. Institutions are tasked with ensuring the safety of students and much effort goes into this task. The institutions create policies, provide Responsible Employee training, and establish support services for students. Employees must disclose any information they receive about potential, eminent, or past Title IX infractions related to students to aid in providing this safety to students. The Title IX statute and the OCR have enabled colleges to interpret the legislation and create adjudication procedures based upon their understandings, giving them an abundance of power and potential for misinterpretation of the legislation, possibility of unequal treatment of victims and respondents, and the potential for false accusations.

This study explored Title IX as it relates to the college employee to determine the employee’s knowledge gap through their perceptions, how Title IX policies are implemented at the college, levels of institutional support and resources, and the application of jurisprudence. These areas were examined through the perspective and perception of employees under the Title IX statute to establish the need for better training and jurisprudence practices. Because there are

few empirical studies, such as Brubaker and Mancini (2017), Fromuth et al. (2016), Holland and Cortina (2017), and Meyer et al. (2018), that target college employees and Title IX, this study may help formulate the foundation for future research studies as well.

## **CHAPTER THREE: METHODS**

### **Overview**

The proposed transcendental phenomenological study analyzed how an employee's lived experiences help to create their perception of Title IX and the responsible employee at Small Public College. The college is in Atlantic. Fifteen participants were interviewed using open-ended questions in a semi-structured interview format. In addition, a focus group of six participants was conducted using open-ended questions in a semi-structured situation. Moreover, document analysis was the third instrument used for data collection. This chapter will present this study's research design, setting, participants, procedures, researcher's role, data collection, data analysis, trustworthiness, and ethical considerations.

### **Design**

I conducted the proposed qualitative study using transcendental phenomenology. I chose to perform a qualitative study on Title IX and the college employee as it enabled me to study participant reactions and words as opposed to numerical data obtained through quantitative studies. By employing phenomenology as the research design, I was able to examine participant perceptions through their lived experiences. Phenomenology was first conceptualized by Edmund Husserl (1913, 2012) and was expounded upon by Giorgi (1991) and Moustakas (1994). The theory guiding this research was Moustakas (1994)'s phenomenology. Phenomenology as a research design is based upon phenomena, objects or events, happening in reality viewed through the perceptions of individuals (Creswell & Poth, 2018; Moustakas, 1994). I chose phenomenology as the specific research design because it allowed for diving into participant lived experiences. Case studies focus specifically on one area and are customized to create change within that location, thereby eliminating the possibility of transferability (Creswell &

Poth, 2018). Descriptive studies look at how a person describes a phenomena, but I sought to understand how their experiences created the phenomena (Creswell & Poth, 2018). Grounded theory studies are used to create new theories based upon the phenomena, but this was not my intention (Creswell & Poth, 2018). For these reasons, phenomenology was the specific design that best fit this study. Qutoshi (2018) states that “phenomenological approaches are more effective in describing rather than explaining subjective realities, the insights, beliefs, motivation and actions and folk wisdom by clearly showing the research participants rather than hiding” (p. 219). The essential meaning behind participants’ lived experiences was discovered as I, the researcher, allowed the participant data to explain the phenomenon (Creswell & Creswell, 2018; Hays & Singh, 2012; Moustakas, 1994; Qutoshi, 2018). Previous conclusions from prior literature formed a knowledge base as I approached the study with a fresh perspective, but the previous conclusions were set aside so that the participant experiences would “speak for themselves” (Hays & Singh, 2012; Moustakas, 1994). In this way, I enabled myself to be guided by the participants in understanding the phenomenon through their firsthand experiences (Creswell, 2018; Tufford & Newman, 2010). Under the guidelines of phenomenology, the participants are co-researchers due to their intrinsic firsthand knowledge that enables a detailed understanding of the examined phenomenon (Hays & Singh, 2012; Kvale & Brinkman, 2009; Qutoshi, 2018). Because the purpose of this study was to explore employee perceptions of Title IX, the use of phenomenology is compared to other methodology. I was able to consider the phenomena with a renewed approach, using lived employee experiences to understand how employees perceive Title IX. Interviews, focus group, and document analysis were the chosen instruments for the study. Phenomenology was implemented into the study through these instruments. The interview and focus group questions were designed to elicit participant

responses to gain insight into their perceptions and lived experiences regarding the Title IX phenomenon. Document analysis was used as supporting documentation that aided generating participant perceptions of Title IX.

### **Research Questions**

**Central RQ:** What are college employee perceptions of Title IX?

**Sub Question 1:** What are employee experiences of Title IX training?

**Sub Question 2:** What are employee perceptions of Title IX compliance?

**Sub Question 3:** How do the employee experiences with Title IX relate to their understanding of Title IX?

**Sub Question 4:** What are employee perceptions of the Title IX process and jurisprudence?

### **Setting**

Small Public College is situated in the mountainous region of Atlantic State. This college serves a large number of low income, first generation students. Small Public College is a public, four-year, liberal arts college. The current enrollment for the college is approximately 2,000 students with 102 fulltime teaching faculty (Small Public College Facts, 2019). The student-faculty ratio is 13:1 and average class size is 15 students (Small Public College Facts, 2019). Small Public College has a Board of Visitors to which the college president reports. The next level of administration is the vice presidents over specific areas of the college (such as enrollment, development, etc.) followed by deans of the college (academics, student support, faculty, etc.) (Small Public College Facts, 2019).

The target college may possibly be representative of public, four-year higher education institutions. The data from the college may create an overall picture of how employees of four-

year, public institutions perceive Title IX in Atlantic State. Based on my findings, other researchers will be able to replicate the study to determine if similar Title IX perceptions exist.

### **Participants**

The population for interviews was comprised of Atlantic State residents who were employees of Small Public College. Employees are defined as those who are full-time faculty or staff of the college. The sample was composed of 15 campus employees. The study was composed of 15 interviews, which meets the needed sample size for a qualitative study (Creswell & Creswell, 2018).

The interview sample was purposefully selected, as the participants must meet specific criteria prior to being selected for an interview (Creswell & Creswell, 2018; Kvale & Brinkman, 2009). A criterion-based sample was used due to the establishment of certain criteria for the sample group (Creswell & Creswell, 2018). The criteria for employee sample selection was the participant must have been a full-time faculty or staff member employed by the college, had worked at the college for at least five years, and had taken Title IX training. The Director of Human Resources identified a potential pool of participants. Fifteen interviews were conducted at Small Public College.

The population for the focus group was composed of college employees. The study conducted one focus group with a sample comprised of six employees. A sample size of six participants meets the required sample size for a qualitative study (Creswell & Creswell, 2018). The focus group sample was purposefully selected and criterion based. Six participants were selected from the college separate from the interview participants. Each participant met specific criteria prior to their selection (Creswell & Creswell, 2018; Kvale & Brinkman, 2009). The criteria for sample selection was that each participant must have been a faculty or staff member

employed by the college, had worked at the college for at least five years, and had taken Title IX training. One focus group was conducted at Small Public College. The focus group session took place after interview completion at each campus.

### **Procedures**

Prior to beginning the study, I ensured that participants were protected by human subject's protection policies. I completed Collaborative Institutional Training Initiative (CITI) training dealing specifically with human subjects testing and received a Certificate of Completion. I gained permission to conduct the study from the Human Subjects Research Review Committee, and I acquired Institutional Review Board (IRB) approval from Liberty University. Moreover, I gained IRB approval from the targeted college via an expedited IRB review (see Appendix H for Site IRB Approval) (Creswell & Creswell, 2018). The samples for interviews and focus groups were purposeful due to inclusion criteria (Creswell & Creswell, 2018; Hays & Singh, 2012). After receiving IRB approval from Small Public College, I contacted the Director of Human Resources for assistance in identifying the potential samples. In addition, I requested documentation regarding Title IX at Small Public College from the Director for the purposes of document analysis. The Director helped identify a potential pool and allowed me to email the pool of employees to gain interest. She also facilitate the process for securing documents regarding Title IX by connecting me with the Title IX Coordinator. I then ensured the participants fit the criteria by contacting the potential participants via telephone to verify that they met the specified criteria. If the potential participants for interviews met the criteria, I scheduled the interviews. Next, I scheduled the focus group with potential participants that met the criteria.

For confidentiality and security purposes, all participant data and responses were stored on a password protected external hard drive and locked in my filing cabinet with the documentation received through document analysis (Creswell & Creswell, 2018; Hays & Singh, 2012). Further assurance of confidentiality was given through the removal of participant names from the study (Creswell & Creswell, 2018; Hays & Singh, 2012). The participant names were replaced with pseudonyms. An informed consent protocol detailing my name, contact information, purpose of the study, potential risks (no known risks in this study), interview process, details of participant participation, and confidentiality was written in a Microsoft Word document with a hard copy given to each participant for participant and researcher signatures (see Appendix I for Informed Consent) (Creswell & Creswell, 2018; Hays & Singh, 2012). I explained to the participant that they may choose to discontinue participation in the study at any time and asked if the participant would allow the interview or focus group to be recorded and if they had any questions before beginning the interview.

### **The Researcher's Role**

Because this was a transcendental phenomenological study which sought the perceptions of participants based upon their lived experiences, my role as researcher in this study was to be strictly an observer of the phenomenon (Hays & Singh, 2012; Moustakas, 1994; Qutoshi, 2018). I contacted the Director of Human Resources at Small Public College, requesting all documents relating to Title IX for the purposes of document analysis and lists of potential participants for the interviews and focus group. Small Public College is located within two hours of my residence. It was conceivably possible due to the proximity of the college to my residence and living in what is considered a rural area that I may know one or more of the participants by acquaintance or know of them through a mutual friend. However, as the researcher, I was an

observer of the participants within their respective settings at the colleges. Once I had identified adequate samples, I scheduled interviews with each participant, read the procedures and consent form aloud to the participants, and read the pre-written interview questions or focus group questions aloud to the participants. If I needed clarification of a participant's answer, I asked the participant to expand upon their answer. Upon completion of the interview, I thanked the participant for their participation in the study. After transcribing the interviews and focus group sessions, I contacted the participants requesting member checking. No further interaction on my part took place with the participant so that I was able to observe the phenomena in as natural of state as possible. I used bracketing to offset potential researcher bias as well as isolate any potential prejudice about college employees and Title IX (Creswell & Creswell, 2018; Tufford & Newman, 2010).

### **Data Collection**

Data triangulation is the process of using multiple sets of data to determine the credibility of a study (Creswell & Creswell, 2017; Hayes & Singh, 2012) To ensure data triangulation for this study, interviews, a focus group, and data analysis were the instruments used. When the three data sets were compared, the overlapping of data demonstrated the study's credibility. Fifteen interviews were conducted in March 2021. The interviews were via the Zoom online platform format due to the Covid 19 outbreak, which allowed the participants to be familiar with their location, and each participant answered questions under the same environmental conditions. Each interview was allotted one hour, and each participant answered 13 open-ended questions located in Appendix A. If the interviews lasted longer than one hour, the session was extended by 15 minutes, which gave ample time to finish the session. Interviews were audio recorded then later transcribed into a Microsoft Word document. The focus group was conducted via the Zoom

online platform as well with six participants each in March 2021 after interviews were completed. The focus group session also took place via Zoom due to employee familiarity with the location and to ensure a universal environment. In addition, the focus group was audio recorded then later transcribed into a Microsoft Word document. I requested documentation related to Title IX (such as faculty handbook, employee handbook, Title IX training informational packets, Title IX training tests, brochures, pamphlets, etc.) from Small Public College's Title IX Coordinator for the purposes of document analysis. Examining the documents given to participants regarding Title IX enabled me to see what the participants see and gain an overall picture of how the institution explains Title IX to employees. Data is contained on a password protected external hard drive inside a locked filing cabinet in my office. All transcripts and documents will be destroyed three years after the completion of the study.

### **Interviews**

The first instrument I used for data collection in this study was interviews. The instrument was a set of questions written by me, grounded in the information of the related literature pertaining to Title IX (Creswell & Creswell, 2018; Hays & Singh, 2012). The literature did not contain a satisfactory instrument for this study that addressed college employee perceptions of Title IX, making the creation of a new instrument necessary. The instrument underwent an expert review by Title IX Coordinators, as they are considered experts in this field (Creswell & Creswell, 2018; Hays & Singh, 2012). After the instrument was approved, the interviews were conducted in the March 2021 via the Zoom online platform. The interview questions to be given to the participants were as follows:

#### **Instrument One: Standardized Open-Ended Interview Questions**

1. Please describe your knowledge of Title IX and its purpose.

2. Describe your role as a responsible employee. A responsible employee may be defined as a college employee who has a mandatory duty to report instances of sexual misconduct or sexual violence brought to their attention.
3. What methods does your college use to impart knowledge about Title IX (i.e., email, brochures, handbooks, etc.)?
4. Describe how well these methods are in distributing Title IX knowledge.
5. What more be done by the college to distribute knowledge to employees?
6. How is Title IX training administered at your college?
7. What could the college do to make Title IX training better (i.e. – more applicable or useful) for college employees?
8. What are your thoughts on Title IX compliance?
9. Describe campus procedures for reporting Title IX violations.
10. Describe the Title IX jurisprudence procedures for Title IX violations at your college.
11. What other experiences do you have concerning Title IX at your college (i.e., relevant issues, training, jurisprudence, responsible employee, violations, etc.)?
12. Describe your feelings of safety when on campus (i.e., in the classroom, during office hours, dealing with students, in the parking lot, at night, etc.).
13. What more, if anything, could be done by your college to make you feel safer when on campus?

Questions one, two, three, six, nine, and ten are designed as background questions to specify the employee's knowledge of Title IX and their role as a responsible employee and establish a baseline of the participant's understanding. According to Benken, Ramirez, Li, and Wetendorf (2015), it is important to first understand the present context of the employee in

relation to Title IX. In each of the first two questions the researcher is setting the context of the participant and their present relationship and role with Title IX. This also allows for an easy transition into the other interview questions and begins to build rapport with the interview participant.

Questions four, five, and seven specifically evoke a response that invites the preliminary perceptions of the participant regarding distribution of Title IX-related information and training. This question allows me to begin the process of understanding the employee's belief system of how the college handles Title IX information distribution and training to employees (Benken et al., 2015). Understanding the participant's reasoning as to how the college is being proactive regarding Title IX is crucial to understanding the development of their perceptions under phenomenology (Husserl 1931; Husserl 1936, Moustakas, 1994; Scott, Miller, & Morris, 2016). Question seven allows for the interview participant to begin the conversation around their feelings toward the institution's effectiveness in Title IX proactivity.

Questions eight, 11, and 12 seek to understand Title IX compliance, their feelings of campus safety, and own personal experiences of Title IX as the participants perceive it. It allows the participant to explain their own unique views of Title IX compliance, campus safety, and other experiences. Understanding the participant's views of Title IX compliance and campus safety is important in better understanding their base knowledge that their perceptions are built upon for the purposes of this transcendental phenomenological study (Scott et al., 2016).

Question 13 will allow the interview participant to critique and evaluate the institution's Title IX safety initiatives based upon their perceptions of Title IX and safety with the practical knowledge of being an employee. This question gives the participant an opportunity to explain what they think about their safety on campus and what the institution is doing to ensure their

safety, which gives key insight into their current perceptions of campus in terms of success and the shortfalls of the institution's efforts (Woods et al., 2017). Question 13 builds upon question 12 where the participant has identified if they feel safe while on campus in different situations and gives them the opportunity to explain how the institution's efforts could be improved upon using their unique reality as the lens (Husserl, 1931; Husserl, 1936; Moustakas, 1994; Scott et al., 2016).

This study went through an expert review and pilot test before the start of data collection. An expert review allowed me to ensure that the interview questions were composed in a way that was easy for the sample to comprehend and will allow for elicitation of relevant data (Hays & Singh, 2012). Similarly, the pilot test allowed me to test the interview questions in a mock interview with a sample that was similar to the actual sample to ensure the interview questions work in practice (Creswell & Creswell, 2018; Hays & Singh, 2012). The expert review was conducted by three Title IX Coordinators in Atlantic State in December 2020. The pilot test will be conducted in December 2020 with a pilot sample of four participants from an Atlantic State college that has a similar geographic location and demographics to Small Public College. Upon finishing the pilot test, if any interview questions did not yield sufficient data, the questions were then be changed accordingly prior to conducting the study in March 2021.

### **Focus Group**

In addition, I conducted one focus group comprised of six employees from Small Public College. The participants were obtained with the aid of the Director of Human Resources from the college and composed of employees not used in the interviews. A focus group allowed various ideas to emerge organically from interaction with peers (Liberty University, 2019a). Since the literature did not contain an instrument appropriate for the proposed study, the

researcher created a new instrument with base knowledge established in the literature (Creswell & Creswell, 2018; Hays & Singh, 2012). A content expert review of the focus group questions was sought from the same panel as the interviews (Creswell & Creswell, 2018; Hays & Singh, 2012). Moreover, a pilot test was conducted to test the efficacy of the instrument. The focus group was held in March 2021 via the Zoom online platform after the completion of individual interviews. The questions that were asked of the focus group are as follows:

#### Instrument Two: Standardized Open-Ended Focus Group Questions

1. Please describe your knowledge of Title IX and its purpose.
2. What methods does your college use to impart knowledge about Title IX (i.e., email, brochures, handbooks, etc.)?
3. What more could be done by the college to distribute knowledge to employees?
4. What could the college do to make Title IX training better (i.e. – more applicable or useful) for college employees?
5. What are your thoughts on Title IX compliance?
6. Describe campus procedures for reporting Title IX violations.
7. Describe the Title IX jurisprudence procedures for Title IX violations at your college.
8. What other experiences do you have concerning Title IX at your college (i.e., relevant issues, training, jurisprudence, responsible employee, violations, etc.)?
9. Describe any Title IX compliance issues on your campuses.
10. Explain any concerns you may have regarding the potential for false accusations of Title IX violations on campus?
11. What more, if anything, could be done by your college to make you feel safer when on campus?

Questions one, two, and seven are designed as background questions to specify the participants' knowledge of Title IX and their roles as responsible employees and establish a baseline of the participants' understanding. According to Benken et al. (2015), it is important to first understand the present context of the employees in relation to Title IX. In each of the first two questions I am setting the context of the employees and their present relationships and roles with Title IX. This also allows for an easy transition into the other focus group questions and begins to build rapport with the participants.

Questions three and four specifically evoke a response that invites the preliminary perceptions of the participants regarding distribution of Title IX-related information and training. This question allows me to begin the process of understanding the employees' belief system of how the college handles Title IX information distribution and training to employees (Benken et al., 2015). Understanding the employees' reasoning as to how the college is being proactive regarding Title IX is crucial to understanding the development of their perceptions under phenomenology (Husserl 1931; Husserl, 1936; Moustakas, 1994; Scott, Miller, & Morris, 2016). Question seven allows for the focus group participants to begin the conversation around their feelings toward the institution's effectiveness in Title IX proactivity.

Questions five, eight, and nine seek to understand Title IX compliance, employees' feelings of campus safety, and their own personal experiences of Title IX as the participants perceive it. It allows the participants to explain their own unique views of Title IX compliance, campus safety, and other experiences. Understanding the participants' views of Title IX compliance and campus safety is important in better understanding their base knowledge that their perceptions are built upon for the purposes of this transcendental phenomenological study (Scott et al., 2016).

Questions 10 and 11 will allow the participants to critique and evaluate the institution's Title IX safety initiatives based upon their perceptions of Title IX and safety with the practical knowledge of being employees. These questions give the participants an opportunity to explain what they think about their safety on campus and what the institution is doing to ensure their safety, which gives key insight into their current perceptions of campus in terms of success and the shortfalls of the institution's efforts (Woods et al., 2017). This gives the participants the opportunity to explain how the institution's efforts could be improved upon using their own unique reality as the lens (Husserl 1931; Husserl, 1936; Moustakas, 1994; Scott et al., 2016).

The study underwent a content expert review prior to the collection of data. The expert review helped to ensure that all focus group questions were written in a way that was easy for the participant sample to understand and allowed for the extraction of quality data (Hays & Singh, 2012). The expert review panel was the same panel used to review the interview questions, and the review will take place in December 2020.

### **Document Analysis**

Document analysis was conducted during the study as well to support the themes that were found in the interviews and focus group. These documents gave insight into how information regarding Title IX is distributed and received by employees. I requested documents related to Title IX from the Director of Human Resources at the chosen college. These documents demonstrated Small Public College's explanations of Title IX. Documents that were requested include faculty handbook, employee handbook, Title IX training informational packets, Title IX training tests, brochures, pamphlets, and any other document distributed to employees relating to Title IX and how the employee is presented the idea of Title IX and the responsible employee by the college campus. An examination of these items created by the

college demonstrated a distinguishable pattern in the formation of employee perceptions of Title IX. Understanding the formulation of participant perceptions was critical in performing a transcendental phenomenological study (Husserl 1931; Husserl 1936; Moustakas, 1994).

Document analysis is a viable instrument used in Reichwein et al. (2014).

### **Data Analysis**

Transcendental phenomenology was the research design for this study because it allowed me to approach the phenomenon with a new perspective by allowing the participant data to explain the phenomenon (Hays & Singh, 2012; Moustakas, 1994; Qutoshi, 2018). Once data collection was finished, I organized all data for long-term file storage in a secure environment (Creswell & Poth, 2018). Raw data from interviews and focus groups was transcribed into Microsoft Word documents. Documents received from Small Public College were converted into picture files and digitally stored. These picture files will be kept in a database within a password protected external hard drive and locked in a filing cabinet in my office.

Memoing was utilized in document analysis by placing short comments and notes that identify ideas or key concepts found by me within the margins of the Microsoft Word documents (Creswell & Poth, 2018). Three types of memos for all data collected were utilized: segment memos, document memos, and project memos (Creswell & Poth, 2018). Identifiable captions will be maintained across documents for easy retrieval and cross-analysis (Creswell & Poth, 2018). I examined each document once, making notes of all thoughts and ideas that entered my mind. Then I took a break for two days. After two days, I again examined each document, placing additional notes in the margins as needed. Reviewing the documents thoroughly more than once and keeping memos of ideas and key concepts is recommended by Creswell and Poth

(2018) so the researcher gains an overall sense of the data before the next stages of data analysis takes place.

Upon completion of participant interviews, I transcribed all interviews and the focus group session for thorough data analysis (Bailey, 2008). Four hours for transcription was allotted for each one-hour interview and the focus group session (Liberty University, 2019b). The transcriptions were entered into Microsoft Word documents. I transcribed each interview and the focus group session verbatim, including making notations of pauses, laughing, clearing of throat, instance of talking over another participant, or other nuance (Bailey, 2008). Upon finishing transcription of each interview and the focus group session, I used member checking by requesting each participant read the transcription and verify the transcribed information was accurate (Creswell & Creswell, 2018; Creswell & Poth, 2018; Bailey, 2018). The Microsoft Word transcriptions are kept in a database on a password protected external hard drive and locked in a filing cabinet in my office. I read each transcript entirely, employing memoing for emerging ideas (Creswell & Poth, 2018). Segment memos, document memos, and project memos were used for each transcript with identifiable captions for retrieval and cross-analysis of memos (Creswell & Poth, 2018). I made notes in the margins of the transcripts of ideas and key concepts that come to mind. Next, I took a break for two days. After two days, I then re-read each of the transcripts again entirely, making additional notes of other ideas in the margins of the Microsoft Word document. Reading transcripts multiple times with a break between readings allows the researcher to look upon data with a fresh perspective (Creswell & Poth, 2018).

I then described, classified, and interpreted the data from transcripts and document analysis (Creswell & Poth, 2018). I first used lean coding to create a short list of six categories of identified labels for data (Creswell & Poth, 2018). A codebook was kept and updated by me

throughout the coding process that described in length the parameters of each code or category identified, including the name of the code, description of the code with inclusion and exclusion criteria, and examples from the study (Creswell & Poth, 2018). Irrelevant data to the study was winnowed as needed (Creswell & Poth, 2018). Memoing was continued during the lean coding process to capture the emergence of themes and notate noteworthy quotations (Creswell & Poth, 2018). Lean coding identified broad categories that encompassed the overall concepts contained in the data. Creswell & Poth (2018) recommends a review and re-review of data for lean coding. I waited one day to read and analyze the data. Then I again reviewed the data using lean coding to expand upon the initial categories found.

I then coded the data by using axial coding to identify emerging themes and patterns in the data through the relating of categories and concepts together with the use of inductive as well as deductive reasoning (Creswell & Creswell, 2018; Hays & Singh, 2012). Memoing continued through the axial coding process as well for theme emergence and notation of quotes paramount to the study (Creswell & Poth, 2018). Broad categories defined in the preliminary analysis of lean coding were refined into categories that better identified four emerging themes regarding the phenomenon (Creswell & Poth, 2018). A codebook was kept by me throughout the axial coding process as well that identified the code name, description with inclusion and exclusion criteria, and examples from the study (Creswell & Poth, 2018). I employed an external researcher to parallel code the data from an outside perspective to ensure saturation of data and validity of results (Creswell & Creswell, 2018). The external researcher has a background in qualitative research and coding experience as well as a Ph.D. in Higher Education Administration. The use of a detailed codebook aided in the assessment of inter-rater reliability between the external researcher and me (Creswell & Poth, 2018).

After coding, I generated diagrams to demonstrate any relationships among codes, concepts, and themes (Creswell & Poth, 2018). The use of diagrams enabled me to recognize overlapping of codes. The visualization of codes yielded new perspectives not found during coding and memoing (Creswell & Poth, 2018). I summarized all recurring or noteworthy aspects of data, incorporating any outliers into the summary. Creswell and Poth (2018) mention that summary statements can establish patterns in themes.

Next, I began to interpret the collected data based on the literature by comparing to other data sets and findings (Creswell & Poth, 2018). I also obtained feedback on the data interpretations from the dissertation committee (Creswell & Poth, 2018). Furthermore, diagraming was used to establish connections between concepts (Creswell & Poth, 2018).

The data was visualized by use of comparison tables and hierarchical tree diagrams (Creswell & Poth, 2018). Tables and hierarchical tree diagrams allowed me to compare and cross-reference themes and patterns found in the data then relate those back to the research questions (Creswell & Poth, 2018). I searched the data to determine which types of data would appear in the tables and diagrams, such as quotes or researcher explanations of concepts (Creswell & Poth, 2018). Feedback was sought from the dissertation committee as to information to be contained in the tables and diagrams and formatting of rows and columns or placement of information (Creswell & Poth, 2018). I reassessed the tables and diagrams for readability and verifying all information is complete and accurate (Creswell & Poth, 2018). A display was made to notate patterns or clusters in the data (Creswell & Poth, 2018). At this time, I began to draw initial interpretations from the data by summarizing what I saw stemming from the data in the tables and hierarchical tree diagrams (Creswell & Poth, 2018). I then sought feedback from the dissertation committee regarding the initial summaries (Creswell & Poth, 2018).

Subsequently, I used phenomenological analysis and representation (Creswell & Poth, 2018). I identified and described any personal experiences I had with the phenomenon in an attempt to remove my bias from the study as much as possible and place focus on the participants' experiences (Creswell & Poth, 2018). Data collected was examined for significant statements about their experiences (Creswell & Poth, 2018). A horizontalization of the data was prepared, and repetitive and overlapping statements were reduced from the list with the creation of meaning units (Creswell & Poth, 2018). From this, I wrote a composite description that included both textural and structural description of the phenomenon as the participants experienced it. (Creswell & Poth, 2018)

Upon conclusion of the analysis, the themes and patterns from the data were applied back to the research questions, which created the results of the collected data (Creswell & Poth, 2018). An external auditor was employed to code the data and check the procedures followed in order to ensure data validity. The results found by the auditor and me were compared to ensure saturation of data within both sets of results (Creswell & & Creswell, 2018; Creswell & Poth, 2018).

### **Trustworthiness**

To ensure trustworthiness of this study, I developed credibility, dependability and confirmability, and transferability.

#### **Credibility**

Credibility is present in the study because I based the study upon data collection instruments provided for by previous literature. Interviews and focus groups are instruments proved credible in phenomenology by Moustakas (1994) and McAdams (2017). The credibility of using document analysis in this study may be seen in Reichwein et al. (2014) and Singleton (2015). Both studies utilize document analysis, which establishes credibility for use in this study.

Moreover, triangulation of data was achieved through the use of three data collection instruments – interviews, focus groups, and document analysis. Triangulation of data aided in confirming the results found using each instrument and compensated for any limitations that were involved in any one instrument (Shenton, 2004). The attitudes and opinions of interview participants were corroborated or reflected by those in the focus group (Shenton, 2004).

Another way that credibility was ensured in the study was through using tactics that aided in guarantying honesty of participants (Shenton, 2004). Rapport was established with participants at the beginning of each interview session and focus group session through the thorough explanation of the informed consent and introductory question of each interview. Participants were made aware and given the opportunity to leave the session at any time they wished if they chose that option (Creswell & Poth, 2017; Shenton, 2004). Furthermore, participant confidentiality was explained prior to beginning the interview session so that the participants understood that they may speak freely in answering questions without fear of repercussions from their employer (Shenton, 2004). The use of member checking of transcripts allowed participants to see the accuracy of their words on paper further ensuring honesty and credibility (Creswell & Poth, 2017). Additionally, I, the researcher, am credible because I have taken doctoral level courses, which explored research methods at length and includes both qualitative methods and advanced qualitative method research courses (Shenton, 2004). I have a 4.0 GPA and am well-versed in qualitative research methods.

### **Dependability and Confirmability**

Dependability in the study is seen through the detail of participants, setting, procedures, data collection, and data analysis contained in chapter three (Shenton, 2004). Should other researchers wish to repeat my research, this chapter explains the exact process in which my

research was conducted, though I cannot guarantee the same, or similar, results will be obtained. Using three data collection instruments to gain triangulation of data also demonstrated consistency within the study (Shenton, 2004).

Confirmability is seen in the fact that I made every effort possible to ensure I maintained a neutral standpoint throughout data collection and analysis. Bracketing was performed in order to isolate potential researcher bias (Creswell & Creswell, 2018; Tufford & Newman, 2010). The interview followed a set protocol guaranteeing that they were conducted in the same manner, in the same environment, and with the same questions consistently. Member checking was employed to ensure transcriptions were accurately transcribed (Hays & Singh, 2012). An external auditor examined the interview protocol and procedures as well. Triangulation of data was established with the use of interviews, focus group, and document analysis (Shenton, 2004). Establishing triangulation of data aided in demonstrating limited researcher bias (Shenton, 2004).

### **Transferability**

The aspect of transferability is difficult to establish, as qualitative studies are comprised of a small number of participants and environments (Shenton, 2004). Transferability may be present as the findings could be applicable for similar populations (Kaufman, 2014). It is possible that the findings may be transferred to any other college in Atlantic State of similar size and demographics. It may also be transferable to any four-year, public college that has a similar geographic footprint or administrative hierarchy. Whether the study is transferable or not will depend upon the beliefs of other researchers (Shenton, 2004). As they read this study, they may compare it to their own situations and determine if the findings are transferable to their positions (Shenton, 2004).

### **Ethical Considerations**

There were several ethical considerations put forth by the proposed study. I am CITI trained and adhered to the principles outlined in the Belmont Report. I sought Liberty University IRB approval as well as site approval from Small Public College. It was conceivable that some participants may fear repercussions should managers in their organization learn of their responses; however, there were no foreseeable risks or harm to participants since all names and data collected were kept confidential. Informed consent forms were distributed to and signed by each participant. These forms explained that participation in the study was voluntary, and participants could withdraw at any time. Confidentiality of participant information was safeguarded by using pseudonyms (Creswell & Creswell, 2018; Hays & Singh, 2012). All electronic recordings were downloaded to an external hard drive for storage, which will remain locked in a filing cabinet in my office along with digital and hard copy transcriptions of the participant recordings as well as documents obtained from Small Public College. The data is password protected as another safeguard for confidentiality. Only the external auditor and I were granted access to the data. All data will be destroyed after three years.

### **Summary**

The proposed transcendental phenomenological study sought to discover how employees' lived experiences help to create their perception of Title IX at Small Public College. The setting of the study took place at Small Public College in Atlantic State. IRB approval was sought from Liberty University and the college. Once IRB approval was obtained, a pilot study was conducted with participants in college with similar demographics to Small Public College to ensure the prospective interview questions are viable. Then a sample of 15 employees was

gained with the aid of the Director of Human Resources at Small Public for the interviews as well as an additional six participants for the focus group session.

The interviews and focus group session took place in the student center conference room at Small Public College. Each participant received an explanation of the study and signed informed consent forms. Instruments utilized for this study were interviews, focus group, and document analysis. The 15 semi-structured interviews and one focus group session were be one hour in length (audio recorded) with each question being open-ended. The interviews and focus group recordings were then transcribed and member checked. I analyzed the data by memoing then coded collected data using axial and lean coding, looking for themes that emerge from the data demonstrating the phenomenon. As a third instrument, I employed document analysis by working with the Title IX Coordinator at the college to get documentation related to Title IX and how the employee was presented the idea of Title IX and the responsible employee by the college campus. These documents provided important information as to the underlying reasoning behind the formation of employee perceptions. Based upon previous literature, the study was credible, transferable, and trustworthy, and there were not any foreseeable risks to the participants. The next chapter will detail the results gained from the data analysis.

## CHAPTER FOUR: FINDINGS

### Overview

This transcendental phenomenological study's purpose was to ascertain employee perceptions of Title IX through participants' lived experiences at a small public college. The central phenomena studied were Title IX and employee perceptions. The guiding theory utilized was Moustakas' (1994) phenomenology to explain the lived experiences of participants in this study. The study's theoretical framework was comprised of Maslow's (1943) theory of human motivation paired with Rogers' (1975/1983) protection motivation theory and Southerland's (1939/1947) differential association theory.

This chapter offers the results of this study, which examined employee perceptions of Title IX. The insight given from participant lived experiences aids in understanding how employees perceive Title IX at the undergraduate college level. The study sought to ascertain the answers to the following research questions:

**Central RQ:** What are college employee experiences with and perceptions of Title IX?

**Sub Question 1:** What are employee experiences of Title IX training?

**Sub Question 2:** What are employee perceptions of Title IX compliance?

**Sub Question 3:** How do the employee experiences with Title IX relate to their understanding of Title IX?

**Sub Question 4:** What are employee perceptions of the Title IX process and jurisprudence?

Due to the nationwide outbreak of Covid 19 in the United States, the interview and focus group instruments for this study were conducted in an online format. Both the interviews and focus group sessions were conducted using the Zoom platform. By conducting these two

instruments online, participants were placed in a universal environment that enabled them to be at ease and speak freely. Each interview and focus group session was audio and video recorded as well.

Fifteen participants were interviewed in individual sessions. One focus group comprised of six participants was held. During document analysis, 47 documents were obtained. After each interview and the focus group, the researcher transcribed the audio recordings.

The data collected from each instrument was subjected to detailed memoing as part of data analysis. Segment memoing, document memoing, and project memoing were incorporated using identifiable captions for the purposes of retrieval and cross-analysis of memos. This allowed the researcher to describe, classify, and interpret the data from the interview and focus group transcripts and document analysis. Next, the researcher used lean coding to create a short list of 10 categories of identified labels for data. Lean coding allowed for the identification of broad categories that encompassed the overall concepts contained within the data collected. Memoing continued through lean coding to capture the emergence of themes and notate any quotations significant to the study. Upon completion of lean coding, the researcher engaged axial coding to identify any emerging themes and patterns in the data by comparing categories and concepts found with the use of inductive and deductive reasoning. The broad categories found during lean coding were refined into more sophisticated categories that identified four emerging themes regarding the phenomenon. A detailed codebook that included the names of the codes, a brief description of each code, inclusion and exclusion criteria, and examples was created and added to throughout the data analysis process. An external researcher parallel coded the data to ensure saturation and validity of the results. The external researcher holds a Ph.D. in Higher Education Administration, has five years of experience as a dissertation chair and methodologist,

and serves as a faculty member teaching research methods. Diagrams were created to demonstrate the relationships among codes, concepts, and themes.

The four themes found during data analysis are questioning knowledge, training, retaliation, and reporting procedures and compliance. This chapter presents these findings and relates the themes to the research questions guiding this study. Included in the results are participant quotations from the interviews and focus group in addition to information obtained in document analysis.

### Participants

For confidentiality purposes, participants were assigned pseudonyms upon agreeing to be part of the study to protect their identities. Each participant is a full-time faculty or staff member employed by Small Public College, has worked for the college for at least five years, and has taken Title IX training. Table 1 provides a detailed overview of the participants in the study.

Table 1

#### *Participant Information*

Name (Pseudonym)	Gender (M/F)	Age	Ethnicity	Faculty or Staff	Years at College	Interview or Focus Group
Phillip	M	48	White	Faculty	15	Interview
Jareth	M	52	White	Faculty	12	Interview
David	M	36	White	Faculty	5	Interview
Sandra	F	32	White	Faculty	6	Interview
Maria	F	29	Hispanic	Staff	5	Interview
Gale	F	41	White	Staff	10	Interview
Anthony	M	45	Black	Faculty	12	Interview

Daniel	M	28	White	Staff	5	Interview
Betty	F	65	White	Faculty	40	Interview
Nella	F	53	Black	Faculty	22	Interview
Billy	M	55	Hispanic	Faculty	15	Interview
Sonia	F	37	White	Staff	8	Interview
Molly	F	28	White	Staff	5	Interview
Tami	F	47	Asian	Faculty	17	Interview
Frazier	M	65	White	Staff	33	Interview
Henry	M	44	White	Staff	11	Focus Group
Nancy	F	27	White	Staff	5	Focus Group
Kevin	M	38	White	Faculty	14	Focus Group
Lori	F	32	White	Faculty	6	Focus Group
Scarlett	F	42	White	Staff	18	Focus Group
Serena	F	51	White	Staff	22	Focus Group

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### **Phillip**

Phillip is a full-time faculty member at Small Public College. He began his career as an assistant professor with the college. Phillip is a 48-year-old, White male that has achieved full professor status. He also serves as program coordinator for his specific department within the college and has worked at the college for 15 years. He was an interview participant.

### **Jareth**

Jareth is a full-time faculty member for the college. He is a White male and 52 years old. His status is associate professor and department chair at Small Public College. Jareth is also a

program coordinator. He has worked for the college for 12 years, starting as assistant professor and working his way up to his current position. Jareth was interviewed for this study.

### **David**

David is a White male that is 36 years old. He began working for the college five years ago and is an assistant professor for Small Public College. David also serves as coordinator for his specific program at the college. As a participant, he was interviewed for the study.

### **Sandra**

Sandra is 32 years old. She is a White, female faculty member for Small Public College. She began her career at the college six years ago. Her status at Small Public College is associate professor. Sandra was interviewed for this study.

### **Maria**

Maria is a 29-year-old female. She is a Hispanic staff member at Small Public College. She began her career working for the college five years ago. Maria is a program director and was interviewed for this study.

### **Gale**

Gale is a White, female staff member for the college. She is 41 years old and has worked for the college for ten years as administrative personnel. She served as an interview participant.

### **Anthony**

Anthony is a Black male. He is a 45-year-old faculty member. Anthony has worked for Small Public college for 12 years. He was interviewed for this study.

**Daniel**

Daniel is a White male and is 28 years old. He is a staff member that began his career five years ago as administrative personnel. Daniel is now a program coordinator. He was interviewed for the study.

**Betty**

Betty is a 65-year-old, White female who has worked for the college for 40 years. She is faculty for the college. Betty was an interview participant.

**Nella**

Nella is 53 years old. She is a Black, female faculty member. She has been employed by Small Public College for 22 years. Nella was interviewed for the study.

**Billy**

Billy is Hispanic and is 55 years old. He has been a faculty member for the college for 15 years. He is a department chair but began his career as an assistant professor. Billy was an interview participant.

**Sonia**

Sonia is a White female. She is 37 years of age and is an administrative staff member at Small Public College. She has worked at the college for 8 years. Sonia was interviewed for the study.

**Molly**

Molly is a White female that is 28 years old. She has been a staff member for Small Public College for five years. She served as an interview participant.

**Tami**

Tami is a 47-year-old female whom is Asian. She has served as a faculty member for 17 years. During three of those years she was a department chair. Tami was interviewed for this study.

**Frazier**

Frazier is a 65-year-old, White male. He has been a staff member for 33 years. His current role is administrator, and he has served in that role for 16 years. Frazier was an interview participant.

**Henry**

Henry is 44 years old. He is a White male. As a staff member, the college has employed him for 11 years. He currently serves as a director. Henry was a focus group participant.

**Nancy**

Nancy is a White female who is 27 years old. She is a staff member at Small Public College and has worked there for 5 years. Nancy served as a focus group participant.

**Kevin**

Kevin is 38 years old. He is a White male and is a faculty member at Small Public College. He has worked for the college for 14 years. Kevin was part of the focus group.

**Lori**

Lori is a White faculty member at Small Public College. She is 32 years of age and has worked for the college for six years. She was a focus group participant.

**Scarlett**

Scarlett is a White female. She is 42 years old and has worked at the college for 18 years. She is currently a program director that began her career as administrative personnel. Scarlett was a participant in the focus group.

**Serena**

Serena is a 51-year-old female. She is a White staff member that has worked for the college for 22 years. She served as a focus group participant.

**Results**

This study sought to ascertain college employee perceptions of Title IX through participants' lived experiences at a small public college. The results yielded by this study were generated through the methods set forth in chapter three. The following is a brief review of the method conducted that led to the results of this study.

This study used three data collection instruments: interviews, focus group, and document analysis. There were 15 participants interviewed and one focus group conducted using six participants. Following each interview and focus group, the researcher transcribed audio recordings. There were 47 documents collected for document analysis purposes from the site. All of the data collected using the instruments were analyzed using segment memoing, document memoing, and project memoing, which allowed for the creation of captions in order to cross-analyze the memos and allow for easier retrieval. A codebook was created and continued throughout data analysis to keep track of code names, code description, inclusion and exclusion criteria, and examples. The researcher was able to then define, organize, and interpret the data collected via the three study instruments. Lean coding was employed next in order to formulate 10 broad categories of labels for data that demonstrated the concepts within the data. Throughout

the lean coding process, memoing continued to allow for additional notations of substantial dialogue and the evolution of themes. Axial coding followed to identify patterns within the data through the associating of categories using inductive and deductive reasoning. Upon refining the broad categories into more concise categories, four themes emerged representing the phenomenon. The researcher requested an external researcher parallel code the data to ensure result saturation and validity. Four themes emerged from the study: questioning knowledge, training, retaliation, and reporting procedures and compliance. Table 2 is a visual representation of the themes.

Table 2

*Themes*

Name of Theme	Corresponding RQ	Sample of Supporting Data
Questioning Knowledge	Central Question and Sub Question 3	“Well, at least emails and brochures I’m sure. I think we do some social media posts. We have training on it every year. Twice a year? I don’t know. We have at least one faculty workshop where we talk about it. Maybe two. I can’t remember.”
Training	Central Question and Sub Question 1	“Uh, there is a feeling that the repetition – it’s like we know this stuff. It’s, I don’t know. We have to get this every year but there is still a part where the repetition kind of gets, you know, due to the repetition it could start losing its effectiveness a little

		bit cause we feel we already know this information.”
Retaliation	Central Question, Sub Question 3, Sub Question 4	“It worries me one for my own wellbeing that a student could use that to, uh, try to sway your opinion on a grade or something like that or, you know, basically it’s kind of like the IRS. If they make the accusation you feel like, you know, you’re treated like you’re guilty, I think. Um, but, uh, it worries me because it’s like the boy who cries wolf. It diminishes those who actually have real things that need to be dealt with as opposed to what I just told you about. And so when a student now comes to me and says ‘Hey, I need to talk’ and the first thing they want to do is shut that door, I feel very uncomfortable.”
Reporting Procedures & Compliance	Central Question, Sub Question 2, and Sub Question 4	“I would email the Title IX officer. Uh, if they felt that they needed more information then they would contact me and might interview me. Uh, and after that I’m not sure what the procedure is off the top of my head. It’s, at that point, it’s, it’s no

		longer in my hands and they've got a process within their office that they follow."
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## Theme Development

### *Questioning Knowledge*

In analyzing the data from interviews, focus group, and document analysis, one main factor became apparent. As the participants relayed their responses, they were clearly questioning themselves as to whether the response they were giving was correct. Participants were not able to easily recall the information and were unsure if they were completely correct based upon their wording, voice intonation, and body language. Furthermore, employees only discussed Title IX in regard to students.

Interview question number one and focus group question number one were identical. The participants were asked to describe their knowledge of Title IX and its purpose. When asked this question, Sandra gave her response, but she said, "Is that it? Yeah." Anthony replied, "So Title IX, is that the one about discrimination and um..." Serena stated, "Uh, it arose out of a situation, um, where someone was victimized. I don't remember the details of the story, but, um, that's pretty much my knowledge I would say." Perhaps the most startling of all comments was from Nancy, who said, "I'm not really sure actually."

When describing the methods the college uses to impart knowledge about Title IX, both the interview participants and the focus group participants again struggled and made utterances that indicated they were unsure of the truth of their answers. Scarlett said,

Um, [Title IX Coordinator] sends out periodic emails about it, I'm pretty sure. Um, and

I believe the policy is also in the student, uh, course catalog and also the faculty catalog.

Um, I'm not sure about brochures. I'm sure they have brochures, though.

Additionally, Henry responded with "Uh, it seems like they're also modules that have been prerecorded, but I'm not sure." Kevin stated,

Well, at least emails and brochures I'm sure. I think we do some social media posts.

We have training on it every year. Twice a year? I don't know. We have at least one faculty workshop where we talk about it. Maybe two. I can't remember.

The participants were asked what more could be done by the college to distribute knowledge to employees. Most were unsure if there was more that could be done. Molly and Sandra thought that one-on-one meetings a couple times per year with college employees may be effective as they could ask questions as needed. Lori answered,

Um, we already send out periodic emails, I think. I suppose we could have Title IX awareness week or something? Maybe we already have that? I know we have like Red Flag week. It may be wrapped up into that...Um, I feel like there is pretty good awareness on campus.

Lori also responded with "Staff don't have a workshop, do they?"

Both interview and focus group participants were asked to describe campus procedures for reporting Title IX violations. Through the responses it was demonstrated that outside of knowing they have a responsibility to report, they believed a phone call or email to the Title IX Coordinator or campus police is the way to report a potential Title IX violation, but they do not know what to do or what happens beyond that point. Kevin replied, "I can't even tell you who the confidential [informants] are. It's like maybe what, it's like campus police, three people is what I'm thinking." Gale said, "I think I pretty much just know my process, or what I'm

expected to do, which is as soon as I'm aware of it, um, I let [Title IX Coordinator] know." In addition, Phillip expressed,

After it leaves what I feel my responsibility is, I have no idea what the uh the procedures are after that but I would imagine they have some sort of documentation they have to do and uh some sort of report that's public knowledge.

Many participants stated that when a student comes to them and wants to talk, they identify themselves as a not being a confidential employee, meaning that what the student tells them they may have to report. If the student chooses to continue talking, then the participant either calls or emails the Title IX Coordinator explaining the matter. After that, college employees were unaware of what happens outside of if the Title IX Coordinator needs to interview them regarding the student issue. Jareth replied, "I never know what happens after that." Lori said, "...at that point, it's, it's no longer in my hands and the, they've got a process within their office to follow."

Document analysis revealed that there is an online compliance reporting form for college employees to fill out when students report a Title IX violation. None of the participants in this study mentioned the online form. Moreover, not a single participant mentioned the college website as a method the college uses to impart knowledge; however, the Title IX Coordinator said everything an employee or student needs to know is readily available on the college website. Through document analysis it was determined that the college website was rich in Title IX information and is publicly accessible.

Employees were unaware of campus Title IX jurisprudence procedures. When asked to describe the jurisprudence procedures for Title IX violations at their college, not a single employee was able to describe any part of the procedure after they reported the violation. Nella

said, “Huh. Honestly I’m not sure or I don’t remember off the top of my head. I know like I said if I’m aware of a situation that I pass it on.” The only knowledge they had of the process is what a student chooses to disclose to them when asked about their situation. Kevin related that sometimes students inform him of something that happened in their situations, but he is unaware from a formal standpoint the exact procedures. Employees were unaware of who makes the decisions as to whether the accused is guilty or not guilty, or who decides the consequences. Scarlett said, “Somebody makes that decision, though, and I would imagine like, you know, somebody higher up has something to do with it.”

Furthermore, employees only discussed Title IX in relation to students as victims or the accused. Answers to various questions place emphasis on student well-being, but do not broach the subject of Title IX in relation to the college employee outside of mandatory reporting and being a responsible employee. When asked what other experiences they have concerning Title IX at their college (i.e., relevant, issues, training, jurisprudence, responsible employee, violations, etc.), many related encounters where students disclosed violations and how they reported. Betty offered, “Uh, I’ve been very careful to let my students know that they can talk to me.” Some replied that they do not have any personal experience in dealing with Title IX because they do not deal with many students.

The theme of questioning knowledge emerged from participant answers to the interview and focus group questions and supported by information found in document analysis. Participant answers revealed that college employees substantially questioned themselves in relation to their knowledge of Title IX and wondered if the information they were relaying was actually correct. The participants were unable to easily recall information. These issues were reflected based upon their wording, voice intonation, and body language. In addition, employees only discussed Title

IX in regard to students. The participants understood their role as responsible employee and their duty to mandatory report Title IX violations disclosed to them. However, they questioned their knowledge and lack of knowledge when asked questions in relation to reporting procedures and jurisprudence procedures. This theme reoccurred throughout the data analysis process.

### ***Training***

Based on the interviews, all Small Public College full-time employees before 2019 have received Title IX training. Current, full-time faculty are up-to-date with their mandatory Title IX training and have received the training either in-person, via Zoom, or online modules. Current, full-time staff members have had short, online training module “refreshers,” but have not received actual Title IX training at Small Public College since 2019. This information was received via email from Small Public College’s Title IX Coordinator. When asked in a return email why the full-time staff were not up-to-date in training, the Coordinator neglected to respond. Presumably, this failure to give staff current Title IX training is due at least in part to Covid 19; however, the faculty did receive current Title IX training via Zoom. This information could play a role in explaining faculty versus staff experiences of Title IX.

According to the interview question asking how well the college’s methods in distributing Title IX knowledge are, most believed the training workshops and pre-recorded training modules are the best methods of distributing knowledge. Nella believed that “the faculty workshop is particularly effective for employees since we all sit there and listen to it” and offered that “the emails are probably mostly skipped over by most people.” There were concerns with the training, though. There was a conflict as to whether repetition is helpful or a hindrance to the process. Phillip stated,

Uh, there is a feeling that the repetition – it's like we know this stuff. It's, I don't know. We have to get this every year but there is still a part where the repetition kind of gets, you know, due to the repetition it could start losing its effectiveness a little bit cause we feel we already know this information.

Another concern for training that arose from this question was that the in-person workshops can sometimes have distractions that prevent faculty from focusing solely on the training presentation. David explained,

Sometimes, I feel um...you know when you're in a room full of people there's all the extraneous noise going round and things like that, it's sometimes hard to to, uh, tune that out. So I prefer the online modules where I can have the quiet of my office to focus on what's being said.

The participants felt the college was doing well in distributing knowledge and are unsure what more can be done or what could be done differently; however, Tami did have one idea. "If we had a workshop where we all did our training together, I think that would be helpful."

Interview participants were questioned as to how Title IX training is administered at their college. Training is administered through faculty and staff workshops in-person generally at the beginning of the fall semester. Zoom was used in 2020 due to Covid 19. An online presentation module with questions following is available if someone is not able to attend in person. Kevin imparted that "Title IX was just one module uh within that series of workshops that we got." Anthony said, "We meet at the faculty workshop and the Title IX Coordinator talks to us, and we've got to listen and that's it. (Laugh) Pretty short."

Title IX training at the site divides faculty from staff. When questioned what more the college could do to distribute knowledge to employees, the interview and focus group

participants mention training. Interview participant Tami said, “Um, I think, I don’t know if staff, I don’t think they do – staff don’t have a workshop, do they?” Scarlett stated,

Once you’ve heard the same basic lecture year after year after year and see the same flyers year after year, I mean there are variations, but they are basically all the same information, um, you feel like you’ve got it. So if there’s a new way to do that, you know, I’m not sure what it would be.

Another question asked of both interview and focus group participants was what the college could do to make Title IX training better (i.e. – more applicable or useful) for college employees. Employees stated that they wanted examples that are more relevant and current of Title IX situations that may apply to them. Henry said, “Some of the examples do not seem relevant to what we do in our workplace situation...So you know, tailoring the examples to the audience more so.” Jareth explained,

The information they always give us about this is what resulted of whatever the case was where someone came into an unlocked college room door and um, murdered someone...you know I think what the more effective part of the training is? The history part is uh, good and all, uh, but I think the, uh, the more effective part of the training is where they give us real-life scenarios that happened more recently like, you know, on this campus or other campuses. So that was more effective because I could relate to it better. Additionally, employees needed help understanding what Title IX applies to and wanted step-by-step instructions on what to do in the case of a given situation. Billy said, “We could probably use a very clear like step-by-step guide as to like you see something here so you go to the next kind of guide so we could like pin up in our offices or something.” Sandra replied,

I think helping employees understand what Title IX applies to and what it does not, um, I think, you know, some people don't know it applies to sports teams...And some people don't necessarily know how it applies if something occurs off-campus.

Both interview and focus group participants were asked what more the college could do to make them feel safer when on campus. Henry had a recommendation relating to training. He responded, "I guess the only thing you might do is um, you know, uh, reach out more to check in with us maybe on a different frequency than just once per year or semester."

Data collection for document analysis revealed a PowerPoint presentation given by the Title IX Coordinator during their last training session with faculty. Upon relinquishing the document, the Coordinator emphasized that their PowerPoint did not contain everything that was covered during training. The Coordinator mainly presents the training sessions through "talk," meaning the Coordinator lectures and allows the employee audience to ask questions as needed. Upon analysis of the training PowerPoint, the Coordinator showed why college employees have the role of responsible employee and listed the Title IX statute. She also included what Title IX covers including Violence Against Women Act (VAWA) crimes under which was listed sexual assault (rape, fondling, and incest), statutory rape, domestic violence, dating violence, and stalking. In addition, she labeled sexual harassment (verbal, non-verbal, and physical), pregnant or parenting, and "other areas" (sexual exploitation, complicity, retaliation, and only gender-based) as being covered by Title IX. The Coordinator included one page that simply stated that the campus policy followed affirmative consent – meaning that all involved participants entering into any form of sexual activity must provide their mutual and voluntary consent to perform that activity. Another page had confidential campus resources listed that students could seek out if they wanted their conversation to remain confidential instead of being disclosed to the Title IX

Coordinator. Furthermore, the Coordinator included a slide that discussed the ability to access mental health training via their Human Resources learning application. The slide stated that

The goal of this training is to provide you with on campus resources and how to refer a student to those services. Additionally, you will receive information to assist with recognizing the signs of a potential mental health problem.

Other informational slides included were information about signs of student distress, where to report student concerns, an online way to report a struggling student (academically, personally, or emotionally), and closing slides. The final slide gave the Title IX Coordinator's contact information and a way for faculty to access the full Sexual Misconduct and Interpersonal Violence Policy.

The theme of training evolved from data analysis of the interview and focus group transcripts and document analysis. Regarding training, participants believed that training workshops as well as pre-recorded training modules are the best methods of distributing knowledge to employees. However, there was concern for the in-person workshops due to potential distractions that prevent faculty from fully focusing on the training. The repetitiveness of information received by employees could potentially hinder the training process. Participants believed that the college does well in distribution of knowledge to the campus community, but one participant thought having both faculty and staff together during training sessions may be helpful since it is currently segregated by college personnel labels of faculty or staff. Participants wanted more current and relevant examples of Title IX situations that they may encounter and would like a better understanding as to what situations Title IX applies. A step-by-step guide with instructions on what to do when faced with particular Title IX violations is craved. Additionally, participants would find it beneficial if the Title IX staff or campus police would

talk to them more often during the academic year so they may refresh their memories on issues or ask questions. These issues combined formulated the training theme.

### ***Retaliation***

While the participants stated that there was an overall feeling of safety on campus in regard to the environment, there was also concern for being alone with a student when having a conversation. Employees were fearful of student retaliation. Anthony related a situation he encountered with two students – one male and one female. The students interrupted class by leaving the room without permission, presumably to go to the bathroom. When class ended, the students' personal belongings remained in the room and the instructor worried about their belongings being left alone and wondered about the students' well-beings. Anthony spoke to another faculty member asked if they had seen the students. The faculty member had them in the next class, which was in the same room, and invited Anthony to come speak with them. The two students were there before class began. Anthony asked them why they had left his class and why they did not return. The students were upset because Anthony was embarrassing them in front of their friends. Anthony said, "I apologize but come and have a conversation with me then if you have a disagreement, but if you come into my class, I don't want you leaving early because it's disruptive to class." Anthony left the room after his statement. The next day, the female student came to Anthony. Anthony related the female student "basically said 'I don't know if I'm going to accept your apology or not or take you up with a Title IX.' So they used it as a threat." Anthony said he was not offering an apology. He told the female student that they are not to leave the classroom early because it is disruptive, and they could take care of personal business before or after class. He then offered to walk the student over to the Title IX office to meet with the Title IX Coordinator together. The student left Anthony's office. The female student did

report Anthony to the Title IX Coordinator for sexism. Anthony was cleared because sexism did not apply since he spoke to both the female student and male student together in the class and had the same expectations of both sexes to attend class and not be disruptive to the classroom environment. This series of events led Anthony to worry about being alone with students or having his office door closed when they are speaking to him. Anthony stated,

It worries me one for my own wellbeing that a student could use that to, uh, try to sway your opinion on a grade or something like that or, you know, basically it's kind of like the IRS. If they make the accusation you feel like, you know, you're treated like you're guilty, I think. Um, but, uh, it worries me because it's like the boy who cries wolf. It diminishes those who actually have real things that need to be dealt with as opposed to what I just told you about. And so when a student now comes to me and says 'Hey, I need to talk' and the first thing they want to do is shut that door, I feel very uncomfortable.

Sandra confided similar feelings. She explained,

I try to keep my door open when speaking with my students. If it's more of a confidential conversation, and that door has to be closed, I keep the window beside my door unobstructed so that anyone passing by can see in. I'm concerned with office hours and after hours events being alone with students in case something I say is taken out of context...I trust almost all of my students, but there's always the potential for something to go awry and I feel the need to protect myself from those potential situations coming to fruition.

Billy replied,

I didn't feel comfortable with the door shut and I remember telling the female that shut the door, I said look, I don't feel comfortable with the door shut right now so either you need to open it or we need to see if somebody can come in here with me.

Some participants also stated that they were hesitant to be alone with other employees due to unseemly dialogue and avoid those employees when possible. Nancy related,

I sometimes feel strange when I'm around certain faculty members. They have a habit of saying this that make me feel uncomfortable...awkward and uncomfortable...I try not to be alone around those faculty members just so I feel more comfortable and safer.

Document analysis revealed one online document describing retaliation. On the campus website, there is a webpage entitled "Harassment and Discrimination." The page contains a notice of non-discrimination. Underneath, there is a definition of retaliation, which stated, "reprisal, interference, restraint, penalty, discrimination, intimidation or harassment, determined in accordance with applicable legal standards." Following the definition is contact information for Human Resources and brief information on what to do if experiencing harassment or what a supervisor should do if they hear about a harassment issue. Under the supervisor information, the webpage relays that the supervisor should "Make sure that persons who have raised concerns of discriminatory harassment in good faith are not subject to retaliation." This document reflected that retaliation falls under Title VII Human Resources responsibilities, not Title IX, which appears on the surface as Small Public College only considers employee to employee retaliation as significant under Title VII even though Title IX may apply.

The theme of retaliation progressed from data analysis of the responses received during data collection from interviews, focus groups, and document analysis. While there was an overall feeling of safety when on campus, participants were concerned about being alone with students.

They feared student retaliation. Moreover, some participants were uncomfortable being around other employees due to unseemly dialogue and chose to avoid those employees to feel safe.

Document analysis revealed one webpage on the college website that reflected the definition of retaliation, but mainly addressed harassment and discrimination. The document seemingly demonstrated that under the institution's purview, employee to employee retaliation is a Title IX matter to be handled under Human Resources at the college. Together, these elements created the theme of retaliation.

### ***Reporting Procedures & Compliance***

**Reporting Procedures & Outcomes.** Participants had an understanding that it is their responsibility to report any potential Title IX incident to the Title IX Coordinator or the campus police. Outside of knowing they have to report, employees thought a phone call or email to the Title IX Coordinator or campus police was the way to report, but they did not know what to do or what happened beyond that point. The participants knew there is a mandatory reporting procedure, but did not know the procedure other than report the incident to the Title IX Coordinator. When asked to describe campus procedures for reporting Title IX violations, Sonia said, "I mean you can go to the police. You can go to the Title IX Coordinator. Uh, that's all I really know. Call them I guess is the best way to do it. Email if you have to." Lori stated,

I think I pretty much just know my process, or what I'm expected to do, which is as soon as I'm aware of it, um, I let [Title IX Coordinator] know and if there's any cause for alarm of like a student being, um, in any way like in physical harm, then I should call campus police. And beyond that, that's (laugh) above my pay grade.

Phillip responded,

After it leaves what I feel my responsibility is I have no idea what the, uh, the procedures are after that, but I would imagine they have some sort of documentation that they have to do and, uh, some sort of report that's public knowledge, you know, like when we go on road trips and things we have to, you know, give them all the information about who stayed in what room and everything they have to actually say the statistics or whatever for crime in that area and stuff like that. Uh, it's kind of after-the-fact, though, so I'm not quite sure what that's all about, but, uh, I just know it's part of what they supposedly do.

Nella mirrored his response and replying,

I would email the Title IX officer. Uh, if they felt that they needed more information then they would contact me and might interview me. Uh, and after that I'm not sure what the procedure is off the top of my head. It's, at that point, it's, it's no longer in my hands and they've got a process within their office that they follow.

As mentioned as a lack of knowledge, employees were not aware of campus jurisprudence procedures. They knew that they must mandatory report, however, they did not know the process that follows their reporting. When asked to describe campus jurisprudence procedures for Title IX violations at the college, they were unable to provide a substantive answer. Betty responded, "Uh, I have no idea. I really don't." Gale struggled saying "Oy, I don't really know these. Honestly, I don't really know what jurisprudence means." Nancy replied,

I'm not super familiar with it, and I also know, and I think again the previous administration kind of changed it, where you like don't have to report it to the police and there isn't like mandatory action taken. So I guess like I'm not really super familiar with that.

Interviewed participants were asked to describe their feelings of safety on campus (i.e., in the classroom, during office hours, dealing with students, in the parking lot, at night, etc.). There was an overall feeling of safety on campus for employees. Outside of additional lighting, there were only a few concerns for safety. Daniel responded,

I've always felt safe on campus, uh, in the classroom, uh, but I'm a male. I have a little less, uh, potentially less issue with that. Uh, I know my wife is a little shorter, uh, woman. Sometimes being here late at night might be a little more uncomfortable. We would suggest that people walk out in pairs.

Sandra stated that the security cameras, when functioning properly, do not provide much in the way of solace for safety. She said,

I know they've added cameras, they don't actually make me feel safer. I feel like cameras are helpful after-the-fact. (Laugh) Like if you get murdered, great! You've got it on tape. But that doesn't really prevent someone from murdering you.

Jareth explained that their college used to allow students to call campus police after hours and into the night. This has changed within the last two years to where after five o'clock in the evening, when there is an emergency, 911 must be called and then the county police are dispatched to the college in response to the situation. Jareth said,

It's been a little weirder since we went to the afterhours calling the County Dispatch. Uh, but that seems, in the beginning it seemed a little rocky. It seemed like there was a bigger turn over time like when you would call them you were looking at 20 to 30 minutes before they got here but it seems like they've got that worked out to where it isn't as long as that now.

Document analysis revealed that the Notice of Complainants Rights details the process after a report of a Title IX violation is disclosed to the Title IX Coordinator. The Notice of Complainants Rights stated,

Upon receiving a report (either verbally or in writing), the Title IX Coordinator will conduct an initial assessment of the available information, the complainant's immediate and ongoing safety and well-being; the incident or conduct at issue; any risk of harm to the parties, any other individuals, or the broader campus community; the existence of severe, persistent or pervasive conduct, including evidence of a pattern, use of a weapon or other predatory conduct; and the necessity for any interim measures or accommodations.

Further information regarding the Title IX jurisprudence procedures for the college was identified in the Notice of Complainants Rights. If the issue appears to be a violation, then a case is opened and assigned for investigation. The Notice of Complainants Rights also stated, "If an employee is the respondent, confidential information may also be disclosed to appropriate personnel by the Title IX Coordinator." The facts are investigated impartially by a trained investigator and evidence is collected. Prior or subsequent respondent conduct may be considered; however, sexual history will not be used to demonstrate character. The complainant and respondent will be given equal access to information by the college during the informal and formal processes as well as provide them with equal opportunity in participating in the process or presenting witnesses. When the investigation is finished, the investigator will make his or her report and give it to the Title IX Coordinator with their recommendation as to whether a violation has occurred using the preponderance of the evidence standard. The Title IX Coordinator will review the report and give the parties a written document stating the

investigation is complete and listing the facts-finding information uncovered. The Title IX Coordinator may withhold irrelevant facts. The complainant and respondent have five days to comment or provide additional evidence. After that time, the Title IX Coordinator may make a final determination and file a final report to include all investigative materials that will be used to determine whether a violation has occurred or not. The Notice of Complainants Rights detailed that the report is given to the Associate Vice Chancellor for Compliance, Conduct, & Inclusion. The Associate Vice Chancellor will review the case and find sanctions for the respondent (student or employees) if necessary. However, if the respondent is an employee, the Associate Vice Chancellor must consult with the Provost if they are a faculty member or the Vice Chancellor for Finance and Administration if they are a staff member. The Title IX Coordinator and the Vice Chancellor for Enrollment Management and Student Life deliver the decisions, and sanctions if necessary, to the students. If delivering decisions to an employee, the Title IX Coordinator informs them together with the appropriate Vice Chancellor. According to the Notice of Complainants Rights, the parties have a right to appeal.

**Compliance.** The interview and focus group participants were asked about their thoughts on Title IX compliance. Serena said,

It's a good thing...at least in my situation I feel like the administration or the program is definitely backing up any of the needs or issues that arise in my little part of this, uh, puzzle here...I think that we are in compliance...I never felt like I've had a situation where someone wasn't concerned and available to listen.

Molly had similar feelings. She explained, "We should comply. I think it's a good thing. I think it's certainly done some good things for some underserved communities." Sonia responded, "You don't want that kind of atmosphere in your workplace either at the faculty and staffing

level or employees or anywhere in between...As far as I know we are in compliance.” Kevin reflected, “We should do it. And I think we are pretty good at it.”

Data collection for document analysis demonstrated that Small Public College does comply with Title IX legislation. Under the “Compliance and Inclusion” webpage on the college website, Title IX is addressed with a link to learn more about Title IX at Small Public College. There is also information on the Clery Act, a link to the Annual Security & Fire Safety Report as well as a link to find out how to enroll in the college’s emergency response system. Moreover, there are links to the Red Flag and Take Back the Night campaigns, Notice of Complainants Rights, Title IX Notification Form, Policy on Sexual and Gender-based Harassment, Threat Assessment team, and contact information for resources. Other documents indicating the campus tries to educate their constituents on Title IX issues were Red Flag campaign posters and a Take Back the Night Week flyer.

The theme of reporting and compliance stemmed from data analysis of the interviews, focus group, and document analysis. Participants understood they must report Title IX incidents to the Title IX Coordinator or the campus police. They thought they could email or call those staff members to report, but they did not know what procedures follow after they report the incident. Moreover, employees did not know campus jurisprudence procedures. Overall, participants felt safe when on campus, but security cameras did not make them feel any safer and increased lighting would be beneficial at night. Furthermore, participants preferred a quicker response time by calling campus police directly afterhours rather than having to call 911 and wait for the county to dispatch officers to their location because of the increased response time. Document analysis revealed a webpage on the college website that contained a Notice of Complainants Rights that detailed the process that follows mandatory reporting including a

rough outline of jurisprudence procedures. The participants believed the college is in Title IX compliance and feel the administration supports compliance. The college website was rich with information regarding compliance as well as contained information about events that focus on Title IX support. These elements combined yielded the theme of reporting procedures and compliance.

### **Research Question Responses**

#### ***Sub Question 1: What are employee experiences of Title IX training?***

All employees hired by Small Public College prior to 2019 have undergone Title IX training. Current faculty members differed in experience from current staff members in receiving Title IX training. The faculty were up-to-date in Title IX training through this year because they experienced a Zoom workshop at the beginning of the fall semester. Staff, on the other hand, had not had Title IX training after 2019. The reasoning for this discrepancy was not disclosed to the researcher.

College employees believed that in-person training workshops and the online training modules were the best methods in receiving Title IX knowledge. The employees experience segregation by job type, faculty or staff, for training purposes. Faculty are trained together in one workshop immediately prior to the beginning of the fall semester, but the Title IX workshop is just one workshop in a series of workshops held that day. However, faculty members were tired of receiving information by the time the Title IX workshop begins. Staff have their own training session independent of any other workshop prior to the beginning of the fall semester.

While the in-person workshops were considered a beneficial method, employees found themselves distracted by the minutia from other employees in the session. This minutia included vibrations or ringing from cell phones, paper rattling, shifting in seats, coughing, and more.

These distractions prevented some employees from fully absorbing the information contained in the training session.

Many employees felt the training may be overly repetitive because they were hearing the same information each year. There was a sense that they knew the information and did not understand why they kept being given the same speeches over and over. Employees needed more current examples relating to Title IX rather than the same examples given year after year. They also wanted more examples relevant to what they may encounter. Many believed the examples given during training fail to have anything to do with what they may inevitably encounter. They also would like some form of step-by-step guide that would enable them to know what to do in the event of any, or the most common, Title IX violation disclosure. A guide such as this would allow them to know exactly how to handle given situations and make employees feel more secure in knowing how to handle student disclosures.

Employees believed the college is doing well in distributing Title IX knowledge through training but were unsure how the college could improve training overall. There was some thought that having faculty and staff training together would be beneficial. Also, employees may appreciate one-on-one sessions throughout the year in addition to the fall group training sessions so that they may have the opportunity to ask questions and refresh their memories on aspects of Title IX.

While the faculty and staff experiences of Title IX training differed in some ways, they had many shared experiences. College employees experienced a lack in relevant training examples. They would like additional support outside of the yearly training sessions. Moreover, they would like the repetition of information given to be lessened. These were employee experiences of Title IX training.

*Sub Question 2: What are employee perceptions of Title IX compliance?*

College employees perceived the college as being in Title IX compliance. They believed Small Public College administrators support employee needs and help with issues employees encounter. They felt that underserved communities have been aided with the Title IX efforts of the college. Employees wanted a work environment free from Title IX violations and were glad the institution has established an atmosphere that is in compliance.

Though they perceived the college is compliant, college employees were unsure of many policies and procedures in relation to Title IX. They understood they are responsible employees, and that it is mandatory that they inform a student that they are not considered a confidential employee before a student discloses a potential Title IX violation to them. They also understood it is mandatory that when a student discloses they must report the disclosure to the Title IX Coordinator. Beyond this, college employees were unaware what happens next in the process. Employee perceptions of compliance were based upon their part of a small portion of the entire Title IX reporting procedure. While influenced by training, emails, flyers, and posters, college employee perceptions of Title IX compliance did not seem to be shaped in any way by the college webpage, though there is much information they may find useful if they are aware of where on the webpage items they may need can be found.

Employee perceptions of Title IX compliance are formulated mainly based upon their knowledge of their roles as responsible employee and mandatory reporter. Outside of this understanding, they are unaware of what happens after they report potential Title IX violations. This lack of knowledge limits their perceptions of compliance to their roles and to the information they gain through training or viewing informational emails, flyers, and posters. The college employees perceived the college to be in compliance and were satisfied with the Title IX

support they receive from administrators. These were the perceptions of college employees of Title IX compliance.

***Sub Question 3: How do the employee experiences with Title IX relate to their understanding of Title IX?***

College employees were limited in their understanding of Title IX due to the experiences they have with the subject at their college. They questioned their knowledge of Title IX. Employees knew that they are mandated to report any Title IX disclosures by students to the Title IX Coordinator. They also understood that they are considered responsible employees and are not confidential staff to whom students can speak. When asked to expound upon their knowledge outside of the mandatory reporting, employees struggled to answer questions and are unable to easily recall information.

Furthermore, they were unsure if the information they are relaying is correct. Though they saw and received college distributed Title IX materials and training, they were still lacking in Title IX knowledge that may be considered basic. They did not know that there is an online reporting form to report disclosures. They believed a phone call or email to the Title IX Coordinator is the best way to report a Title IX violation but they were not certain. Many did not know whom the confidential Title IX informants are to tell students should they choose confidentiality instead of disclosure. Employees were unaware of the procedures that happen after their mandatory reporting, nor were they aware of the campus' jurisprudence procedures for Title IX violations.

Employees discussed Title IX in relation to students, not other employees. They focused on student-to-student violations in their responses; however, they did worry about being accused of at Title IX violation by a student. College employee understanding of Title IX appears to be

limited as they did not appear to be aware of employee rights provided for under Title IX, nor were they including employee-to-student or employee-to-employee violations in their responses. It was the understanding of the employees that Small Public College is in Title IX compliance based upon their training, receipt of Title IX emails from the Coordinator, and public signs around buildings.

College employee experiences of Title IX shape their understanding of Title IX. They were well aware of their roles and responsibilities as responsible employee and mandatory reporter, but they lacked knowledge and understanding of Title IX outside of these roles. They could not recall certain information that they should have learned via training or seen in materials distributed to campus. Employees could not explain campus jurisprudence procedures or what happens after they report a student disclosure. In addition, they did not seem to be aware of college employee rights under Title IX as they discussed Title IX in relation to student issues. All of the aforementioned Title IX employee experiences demonstrated a gap in their understanding of Title IX.

***Sub Question 4: What are employee perceptions of the Title IX process and jurisprudence?***

College employee perceptions are based upon what they see, know, and experience. Employees knew their mandatory reporting duties and roles as responsible employee. They had yearly training before beginning the fall semester covering Title IX. College employees saw emails, flyers, and posters about Title IX and related events, such as the Red Flag and Take Back the Night campaigns. Beyond their knowledge of their individual roles and responsibilities and the potential for seeing Title IX information distributed, employees knew little of the Title IX process and campus Title IX jurisprudence. They questioned what knowledge they did possess and were not certain in their responses about the Title IX process and jurisprudence. They did

not have experiences outside of their sole roles and responsibilities, training sessions, and distributed materials.

Though there was an overall feeling of safety when on campus, college employees did express concerns for being alone with students. Employees were fearful of student retaliation by being falsely accused of Title IX violations. They were worried if a student is unhappy with a grade they receive that the student may retaliate by falsely accusing them of a Title IX violation. They were also afraid something they say to students in the course of a conversation both inside and outside the classroom may be taken out of context. The potential for wrongful accusations that may cause them to be a respondent in the Title IX and campus jurisprudence processes has heavily influenced the student/faculty relationship to the extent that faculty do not want to be in a situation where they are alone with a student whether it is in their office, walking down a hall, or before or after a campus event.

College employee perceptions of the Title IX process and jurisprudence are limited solely to their knowledge, training, and experiences. Employees knew they are considered responsible employees and mandatory reporters. They took annual training and potentially saw campus-wide distributed materials reflecting Title IX related legislation and happenings. College employees questioned what knowledge they did possess due to their limited experience and training. In addition, they were fearful of becoming a respondent due to any potential false reports of Title IX misconduct that may come from students who seek retaliation for poor grades in class or from a misunderstood dialogue with a student. These were college employee perceptions of the Title IX process and campus jurisprudence.

***Central RQ: What are college employee experiences with and perceptions of Title IX?***

College employee experiences formulate their perceptions of Title IX. What materials they see, the training they undergo, and the things they hear come together to formulate their perceptions of Title IX. The four themes of questioning knowledge, training, retaliation, and reporting procedures and compliance found during data analysis demonstrate college employee experiences and perceptions of Title IX.

Employees questioned themselves as to whether the Title IX information they knew is correct. They did not easily remember facts and were seemingly confused by the knowledge they do possess. College employees discussed Title IX in regards to student issues, but failed to outwardly show knowledge of employee issues under Title IX. Moreover, they questioned their knowledge of anything further than reporting in the Title IX process or campus jurisprudence procedures because they did not have any related training past reporting or receiving information on student support services.

Though faculty and staff do not receive training together, employees believed in-person training and online training modules are beneficial to their learning about Title IX. They did not believe repetition of the same subject matter and examples helps them in any way. When employees hear the same information and examples in training and see the same distributed materials repeatedly, they believed they knew the material and wondered why they must be subjected to this information repeatedly. They wanted new examples that are relevant to what they may encounter in day-to-day activities on campus. College employees also wished for a guide that would tell them “what to do if” in the case of Title IX disclosures. They also wished there were ways to experience fewer distractions during in-person training as many times training attendees will leave their cell phones on and text or surf the internet during the training

sessions. Other distractions they experienced include shuffling around, colleagues doing other work, coughing, and more. Employees believed the college is doing well in distributing knowledge to campus, but they did wish there were additional check-ins with them throughout the academic year, not just before the fall semester begins during their training session.

Though employees felt safe in general when on campus, they feared potential retaliation from students. College employees did not want to be alone with students in their offices or in other situations. They were scared that they may be presented with a Title IX violation should a student take something they say out of context. They also worried about potential false Title IX allegations should a student be unhappy with a grade they receive. Additionally, employees were unaware of their rights against retaliation under Title IX.

Participants were aware of reporting procedures only in relation to what they have to do to be in compliance with the college. They knew they must report student disclosures to the Title IX Coordinator or campus police. Beyond that, college employees were limited in knowing the next steps in the Title IX process and did not know anything about the campus Title IX jurisprudence process. Based upon what the training they received and the distributed information across campus, employees believed Small Public College is in Title IX compliance and felt supported by the college. Though they felt supported in that regard, they would prefer additional lighting on campus at night and recommend people walk home in pairs. Security cameras presented little consolation for employees as the footage is only helpful after a violation has been committed. Furthermore, college employees would appreciate quicker response times afterhours due to emergency afterhours calls having to go through 911 and the county dispatch rather than campus police.

College employee experiences with Title IX are restricted to what they obtain through training, personal experience with student disclosures, and what materials they see distributed across campus. They recognized that they are a responsible employee and must report student disclosures to the Title IX Coordinator. Beyond that, they had little to no knowledge of what happens next in the Title IX process on their campus nor did they know anything about campus jurisprudence with Title IX violations. Their training experience was subjected to the same information and examples year to year. These experiences shaped their perceptions of Title IX. Because they received Title IX training annually and had access to campus-wide presented materials, they believed the campus is in Title IX compliance and felt supported by the campus administrators. Though they believed the campus is compliant, they still perceived the potential for false accusations by students against them, which made them fearful to be alone with students. These elements created college employee experiences with and perceptions of Title IX.

### **Summary**

The purpose of this study was to ascertain employee perceptions of Title IX through participants' lived experiences at Small Public College. The study generated four themes, which corresponded to the research questions guiding the study. These four themes found are questioning knowledge, training, retaliation, and reporting procedures and compliance.

The experience a college employee gains directly influences their perceptions of Title IX. Their experiences are made up of the Title IX training, the college-wide distributed Title IX materials they see, and the information they hear. Employees were not confident in their knowledge of Title IX aside from their reporting responsibilities and knowing they are considered responsible employees. College employees were entirely without knowledge of Title IX related campus jurisprudence procedures. Also, they discussed Title IX as though the student

is the main focus. Training is given to employees once per year prior to the fall semester, and staff are segregated from faculty for the training. The training is lacking in pertinent and updated examples and distractions occur during the in-person training sessions that prevent employees from truly concentrating on the training.

Student retaliation was a constant fear for college employees. They avoided situations that place them alone with a student as much as possible. Employees feared wrongful accusations of Title IX violations in the event a student is unhappy with their grades or dialogue. Likewise, they did not appear to be cognizant of their rights against retaliation under Title IX. Even though they believed that there is the potential for students to make false allegations against them, college employees thought that Small Public College is compliant with Title IX, and they believed the college supports their Title IX needs. All of these aspects combined produced college employee experiences with and their perceptions of Title IX.

## **CHAPTER FIVE: CONCLUSION**

### **Overview**

This study sought to ascertain employee perceptions of Title IX through participants' lived experiences and perceptions at a small public college. Chapter five serves as a presentation of the outcomes of the study. The chapter presents a summary of the study's findings, a discussion of the empirical and theoretical literature, implications from the study, delimitations and limitations, and recommendations for future research.

### **Summary of Findings**

Through the course of data analysis, four themes were acquired from this study. The themes are questioning knowledge, training, retaliation, and reporting procedures and compliance. Each of these themes were related back to the central research question and sub questions that guided the study. The following is a summary of the overall findings from the study.

Although college employees were well informed that they are considered responsible employees and the meaning it carries as well as what their reporting duties entail, they questioned their knowledge of other Title IX-related information and could not easily recall specifics. They were unsure as to if what they were saying about Title IX was correct. College employees did not have any knowledge of Title IX jurisprudence procedures at their institution and were unfamiliar with any further Title IX processes that may take place on campus.

In-person training and online modules were perceived as the best modes of Title IX information distribution; however, the in-person training was tainted by distractions from attendees, which prevented sole focus on the Title IX presentation. College employees were unsure how to better Title IX training, but they would like to be given more relevant and current

examples, have a step-by-step guide to Title IX situations they could encounter, and see less repetition of facts and examples they believe they already know. They believed the college is distributing knowledge to employees well but could use additional check-ins throughout the year to allow them a chance to ask additional questions or remind them of specific information.

Although employees felt safe on campus, there was an ongoing fear of potential student retaliation. Being alone with students made employees feel uncomfortable and worried about possible allegations of Title IX wrongdoings. In addition, some college employees found it necessary to avoid other employees because of dialogue that seemed awkward and made them uneasy. Employees were also not aware of any rights they may have that are applicable against retaliation under Title IX.

Though they did not know further about the Title IX reporting process than their own responsibilities nor about jurisprudence procedures, college employees perceived the college as being compliant with Title IX. In general, employees believed they are supported by campus administrators in regard to Title IX but they would have increased feelings of safety if there were more lights on campus, and if they could contact campus police directly afterhours rather than calling 911 and waiting for county dispatch to arrive for emergencies.

A combination of received training, seeing distributed materials around campus, and hearing other Title IX related information make up their experiences. The perceptions of Title IX formulated by college employees correspond to those experiences. The above elements revealed college employee experiences with Title IX as well as their perceptions of Title IX.

## Discussion

### Empirical Literature

This study enriches the literature regarding Title IX. Previous studies on Title IX are student-centered and emphasize students as sexual assault victims, and the need for universities to change policies and create a safe and supportive environment for students. There is minimal previous research exploring the perceptions of college employees in regards to Title IX or their experiences in directly dealing with the matter (Brubaker & Mancini, 2017, Fromuth et al., 2014; Holland & Cortina, 2017; Newins et al., 2018). Moreover, the previous research studies are mainly quantitative (Chapleau & Oswald, 2014; Cunningham et al., 2018; Holland & Cortina, 2017; Lindo et al., 2018; Richards et al., 2017). This study does confirm previous findings in two regards. First, college employees are aware that they are considered responsible employees under Title IX and have mandatory reporting duties; however, there is a lack of knowledge among college employees about Title IX outside of their role as responsible employee and mandatory reporting duties (Beavers & Halabi, 2017; Brubaker & Mancini, 2017; Newins et al., 2018; Holland & Cortina, 2017; Meyer et al., 2018). Second, colleges must re-examine the effectiveness of their training programs as many employees feel the training is too repetitive or the examples provided do not correspond to what they encounter or may encounter in reality (D'Enbeau, 2017; Fusilier & Penrod, 2015; Holland & Cortina, 2017; Holland et al., 2018; Meyer et al., 2018).

This qualitative study moves past numerical data to show the people behind the numbers. Instead of numbers, it explores the lived experiences and perceptions of college employees in a federally funded, public college and the effects of Title IX on their lives. The new empirical data gained through this study aids in creating an understanding of the effects of Title IX legislation

on employees. This newfound understanding may potentially help colleges and universities in the formulation of more accurate policies, procedures, training, and fair due process for employees that equates to that afforded to students (Brubaker & Mancini, 2017; Cassidy et al., 2017; Chapleau & Oswald, 2014; de Heer & Jones, 2017; Fusilier & Penrod, 2018; Goodman, 2018; Harper et al., 2017; Holland & Cortina, 2017; Kipnis, 2017; Koebel, 2017; McGowan 2017).

### **Theoretical Literature**

The theoretical framework for this study incorporated Maslow's (1943) theory of human motivation, Roger's (1983) protection motivation theory, and Southerland's (1939) differential association theory. Previous studies used Maslow's (1943) theory to demonstrate humans are motivated by need. Such studies include those that explain phenomena in various fields such as the engagement of critical situations by clients, physician migration, motivations for dining out, and early childhood education exam passage rates (Akova et al., 2016; Dohlman et al., 2019; Ireland et al., 2014; Moffet et al., 2014). The current study confirms Maslow's (1943) theory as it directly relates to his second tier of the hierarchy – safety and security. College employees want to create a safe environment not only for themselves, but also for students. This need for safety and security is shown through the reporting of Title IX violations by employees. They are looking at their own needs and the protection of students by participating in reporting as well as Title IX training. This study differs from previous studies as it applied the theory to college employees, focusing on employee's motivation in adhering to Title IX policies on campus and their thought processes on violating these policies.

Earlier research using Roger's (1983) theory examined motivation for people to protect themselves. The theory is primarily used to explain individuals' actions for health preservation,

but it has also been used for assessing the viability of active shooter response training videos and disaster preparedness (Boehmer et al., 2015; Ford & Frei, 2016; Menard et al., 2017; Tang & Feng, 2018). The current study confirms the viability of Rogers' (1983) theory. College employees do not want to be in a situation where they are alone with a student as seen under the theme of retaliation in chapter four. They are afraid of a student potentially accusing them of a Title IX violation. Employees want to protect themselves from potential threats, so they participate in Title IX training and report Title IX violations. This study demonstrated that employees fear potential consequences stemming from Title IX including being accused of a Title IX violation, neglecting to mandatory report, or becoming victims.

Southerland's (1943) has been used by preceding studies to demonstrate that behavior and actions can be passed on by association. Those studies include examining the violence among high school students, temperament, hook-up culture, and love (Blair et al., 2015; Daunt & Harris, 2014; Hoffman et al., 2014; Lukowski & Milojevich, 2015; Trang, 2017). The current study supports Southerland's (1943) theory. In response to sexual abuse and violence, the campus community, faculty and staff, participates in Red Flag Week and Take Back the Night Week. Through this association, the campus is making efforts to create a community mindset so that everyone will report violations and feel safe on campus. This study applied the theory to the college employee showing their environment, policies, and expectations under Title IX can influence their actions.

In reviewing the previous qualitative literature surrounding Title IX and employee perceptions, the studies involving perceptions of college employees were examining their employee knowledge base of Title IX, specifically general regulations involving mandated reporting and roles as a responsible employee (Beavers & Halabi, 2017; Brubaker & Mancini,

2017; Holland & Cortina, 2017; Meyer et al., 2018; Newins et al., 2018). The current study expounds upon this general knowledge to include college employee perceptions of campus jurisprudence and safety. The study further allowed for the inclusion of employee experiences in training in addition to their roles in being a responsible employee. The inclusion of these elements provides a theoretical contribution to the literature because the researcher has taken previously used theories and applied them a new demographic and phenomenon.

## **Implications**

### **Theoretical Implications**

Maslow's (1943), Rogers' (1983), and Southerland's (1939) theories have been applied previously by researchers in literature related to other topics and phenomena outside of Title IX and college employees (Akova et al., 2016; Blair et al., 2015; Boehmer et al., 2015; Daunt & Harris, 2014; Dohlman et al., 2019; Ford & Frei, 2016; Hoffman et al., 2014; Ireland et al., 2014; Lukowski & Milojevich, 2015; Menard et al., 2017; Moffet et al., 2014; Tang & Feng, 2018; Trang, 2017). The current study takes these theories and applies them to a new arena not previously explored. This study enables future researchers to utilize these theories and apply them in the same capacity as seen here.

### **Empirical Implications**

As mentioned previously, a gap in the literature exists as earlier studies on Title IX are primarily student-focused, emphasizing students as victims of sexual assault and demonstrating the need for university policy change and supportive student environments (Beavers & Halabi, 2017; Brubaker & Mancini, 2017; Chapleau & Oswald, 2014; Cunningham et al., 2018; Holland & Cortina, 2017; Lindo et al., 2018; Ortiz & Thompson, 2017). Most research studying Title IX is quantitative as well and analyzes college employee knowledge of Title IX as it relates to their

being a responsible employee and mandatory reporting (Chapleau & Oswald, 2014; Cunningham et al., 2018; Holland & Cortina, 2017; Lindo et al., 2018; Richards et al., 2017). The literature does not address college employee perceptions of Title IX outside of those aspects nor does it look at employee knowledge of campus jurisprudence. This study aids in narrowing the gap in the literature because it addresses the people behind the numbers presented in quantitative research and takes into consideration their experiences, thoughts, and feelings about Title IX, campus jurisprudence, and campus safety.

### **Practical Implications**

The current study aids in removing some of the ambiguity surrounding Title IX. Today's Title IX training is student-focused, and previous research studies fail to address college employees as anything more than responsible employees and their mandatory reporting duty (Beavers & Halabi, 2017; Brubaker & Mancini, 2017; Holland & Cortina, 2017; Meyer et al., 2018; Newins et al., 2018). This study may aid in bridging the gap in protection, support systems, and training to afford an equal level of care between students and employees. Furthermore, this study confirms the need for institutional plans revolving around Title IX to include all campus stakeholders and provide support not only for student to student, employee to student, and employee to employee violations, but also for student to employee violations (Brubaker & Mancini, 2017; Chapleau & Oswald, 2014; de Heer & Jones, 2017; Fusilier & Penrod, 2015; Holland & Cortina, 2017; Koebel, 2017). The study also demonstrates the need for employee protection against wrongful accusations, thereby weaponizing Title IX, in addition to the need to be educated about aspects of Title IX outside of reporting to include campus jurisprudence, interviewing, and evidence gathering procedures (Cassidy et al., 2017; Carle, 2016; Edwards, 2015; Goodman, 2018; Harper et al., 2017; Kipnis, 2017; McGowan, 2017).

Furthermore, the study highlights the need for better training to include relevant and up-to-date examples that employees may find more applicable to situations they may encounter (D'Enbeau, 2017; Fusilier & Penrod, 2015; Holland & Cortina, 2017; Holland et al., 2018; Meyer et al., 2018). This study provides practical information that may be translated by educational institutions into stronger training, policies, codes, and procedures involving Title IX as well as standardized campus jurisprudence procedures with due process in addition to better educating employees about Title IX and their rights as college employees, which may address employee fears of false accusations and personal safety and aid in repairing the student/faculty relationship.

### **Delimitations and Limitations**

The researcher purposefully limited the parameters of this study in order to achieve its intended purpose of ascertaining employee perceptions of Title IX through participants' lived experiences at Small Public College. The following delimitations were placed upon the study:

1. Participants must be 18 years of age or older.
2. Participants must be employees of the college.
3. Participants must have been employees of the college for at least five years.
4. Participants must have taken Title IX training.

Because the focus of this study was specifically aimed at identifying employee perceptions of Title IX, it was necessary to invoke the delimitations of having participants age 18 or older and being college employees. To ensure the participants had the proper knowledge to answer interview and focus group questions, they must have had Title IX training, or they might not have a general understanding of the topic. Being an employee at the college for five years enabled the participant to have had the necessary training and experience in being a responsible employee as well as received communications from the college regarding Title IX.

This study has several limitations. Due to the rural geographical location of the college, there is little diversity among the participant sample. In addition, the study is limited because it is a small public college. Larger colleges in more metropolitan areas, community colleges, or private colleges may yield different data, as the demographics may differ. The study is also limited because faculty and staff, while both are considered responsible employees at colleges, may have different experiences with students and other employees on campuses. Faculty members tend to have much more interaction with students than a majority of staff members. Another limitation for this study is the sample size. This study was limited to 15 interview participants. Furthermore, due to Covid 19, only one site in the study area was open for research so the transferability of the study may be low.

### **Recommendations for Future Research**

While this study aids in bridging the gap in literature, there are still many more avenues to be explored. This study paves the way for future research into different demographics, such as private colleges, community colleges, and universities. Educational institutions in suburban and metropolitan areas could be studied. Additionally, mixed method studies could be done using a quantitative approach to gauge knowledge of campus jurisprudence and a qualitative approach to further dive into college employee perceptions of campus jurisprudence. Further research diving deeper into college employee perceptions behind Title IX, campus jurisprudence, and safety is recommended. A study comparing the success rates of Title IX training at various educational institutions is also recommended, which may aid in determining if there is a better format of training. In addition, a study exploring student perceptions of college employee's knowledge of Title IX may provide another level of insight into college employee knowledge. Based upon the heightened focus on sexual violence and the #MeToo Movement, a correlational study between a

lower level of sexual assault and a heightened level of employee knowledge of Title IX may be a viable quantitative study. Then it could be determined what colleges have the highest amount of reported employee knowledge and a qualitative study or program evaluation could be performed on how the training is conducted at those colleges, which may present a plausible roadmap for other colleges to study and incorporate into their own training programs. Another study that may add to Title IX knowledge would be to explore how transgender and gender fluid students have shaped Title IX in its most current form (i.e.: How did Title IX evolve to meet the needs of transgender and gender fluid students?). Additional research should also take into consideration studies on transgender athletes in relation to Title IX. Furthermore, due to Covid 19 and the new policies colleges have had to adapt where most students and many college employees are working online instead of physically coming to campus. A study investigating if there was an impact on the number of Title IX complaints due to the Covid 19 outbreak could be beneficial.

### **Summary**

This qualitative study explored the lived experiences and perceptions of college employees regarding Title IX at Small Public College. Previous studies found in the literature are centered around students and place emphasis on students as sexual assault victims as well as call for better training. Most studies related to Title IX are quantitative using statistics to describe the phenomenon. This study moved past the statistics to present the people behind the numbers. There is minimal research on college employee perceptions of and experiences with Title IX. This study confirmed findings in previous literature that there is a lack of knowledge among employees about Title IX outside their assigned duties of responsible employee and mandatory reporter in the event of student disclosures. The study also confirms that institutions must seek to improve their Title IX training programs to include better examples that reflect college employee

realities and to circumvent too much repetition year-to-year. The current study bridges the literature gap as it studies college employees perceptions of Title IX outside of mandatory reporting as well as studies the experiences, thoughts, and feelings of employees about Title IX, campus safety, and campus jurisprudence.

The theoretical framework of this study consisted of Maslow's (1943) theory of human motivation, Rogers' (1983) protection motivation theory, and Southerland's (1939) differential association theory. This study expounded upon the previous theories by applying the theories to college employees. Moreover, the study included college employee perceptions of campus Title IX jurisprudence of which little information is found in the literature. These previously used theories were applied to a new demographic and phenomenon, enabling future researchers to utilize the theories in the same capacity as this study.

The study carries several practical implications in addition to the previously mentioned empirical and theoretical implications. The study establishes a need for an equal level of care between students and employees by institutions in regards to protection, support systems, and training. There is also a call for institutional plans to consider providing support for not simply student-to-student, employee-to-student, and employee-to-employee violations but also potential student-to-employee violations. Moreover, employees need protection against the weaponizing of Title IX through wrongful accusations of Title IX offenses. College employees must also be educated about Title IX issues outside of their purview, such as campus Title IX jurisprudence, interviewing, and evidence gathering procedures. The information garnered from this study may be used by other institutions to create better training, policies, and procedures regarding Title IX in addition to creating standardized campus jurisprudence procedures that reflect due process. These findings may enable college employees to be educated on their rights under Title IX as

well as address their fears of false accusations, which may help to repair the student/faculty relationship.

The study's parameters were limited by participant age (18 or older), status as full-time employee for at least five years, and the receipt of Title IX training to better ascertain college employee perceptions of Title IX at Small Public College. The study experienced several limitations. The rural demographic location limited diversity within the sample. The study only incorporated a small public college, which may not be representative of other educational institutions including community college, private colleges, and larger universities. Also, faculty and staff make up college employees, but each job type may have differing experiences with students and other employees on campus. Another limitation was the size of the sample was limited to 15 interviews. Lastly, Covid 19 limited the number of potential sites to only one site in the area that was open for research, thereby making the possibility of transferability low.

Future research is called for into different educational institution demographics (private colleges, universities, or community colleges). Furthermore, the suburban and metropolitan areas may be examined as this study focused on a rural public college. Also, research that explores college employee perceptions of Title IX and campus jurisprudence is recommended. Additional research into these areas would further aid in bridging the gap in Title IX knowledge related to the college employee.

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**APPENDIX A**

## Instrument One: Standardized Open-Ended Interview Questions

1. Please describe your knowledge of Title IX and its purpose.
2. Describe your role as a responsible employee. A responsible employee may be defined as a college employee who has a mandatory duty to report instances of sexual misconduct or sexual violence brought to their attention.
3. What methods does your college use to impart knowledge about Title IX (i.e., email, brochures, handbooks, etc.)?
4. Describe how well these methods are in distributing Title IX knowledge.
5. What more be done by the college to distribute knowledge to employees?
6. How is Title IX training administered at your college?
7. What could the college do to make Title IX training better (i.e. – more applicable or useful) for college employees?
8. What are your thoughts on Title IX compliance?
9. Describe campus procedures for reporting Title IX violations.
10. Describe the Title IX jurisprudence procedures for Title IX violations at your college.
11. What other experiences do you have concerning Title IX at your college (i.e., relevant issues, training, jurisprudence, responsible employee, violations, etc.)?
12. Describe your feelings of safety when on campus (i.e., in the classroom, during office hours, dealing with students, in the parking lot, at night, etc.).
13. What more, if anything, could be done by your college to make you feel safer when on campus?

**APPENDIX B**

## Instrument Two: Standardized Open-Ended Focus Group Questions

1. Please describe your knowledge of Title IX and its purpose.
2. What methods does your college use to impart knowledge about Title IX (i.e., email, brochures, handbooks, etc.)?
3. What more could be done by the college to distribute knowledge to employees?
4. What could the college do to make Title IX training better (i.e. – more applicable or useful) for college employees?
5. What are your thoughts on Title IX compliance?
6. Describe campus procedures for reporting Title IX violations.
7. Describe the Title IX jurisprudence procedures for Title IX violations at your college.
8. What other experiences do you have concerning Title IX at your college (i.e., relevant issues, training, jurisprudence, responsible employee, violations, etc.)?
9. Describe any Title IX compliance issues on your campuses.
10. Explain any concerns you may have regarding the potential for false accusations of Title IX violations on campus?
11. What more, if anything, could be done by your college to make you feel safer when on campus?