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ASSESSING INSTITUTIONAL RESPONSE TO SEXUAL VIOLENCE ON COLLEGE
CAMPUSES: THE RELATIONSHIP BETWEEN ORGANIZATIONAL CHARACTERISTICS
AND ADHERENCE TO NATIONAL GUIDELINES

by

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A dissertation submitted in partial fulfillment of the requirements
for the degree of Doctor of Philosophy
in the Doctoral Program in Public Affairs
in the College of Community Innovation and Education
at the University of Central Florida
Orlando, Florida

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ABSTRACT

This dissertation is a cross sectional exploratory study assessing adherence to the federal campus sexual violence Clery Act and Title IX guidelines among a national sample of ($n=94$) institutions of higher education (IHE) to determine if there are any relationships between organizational characteristics and CSV policy adherence using a three-part index of compliance: (1). Levels of IHE compliance to federal policies; (2). Levels of IHE provision of CSV prevention services and programs; and (3). Levels of IHE provision of CSV interim and supportive measures. Resource Dependency Theory (Pfeffer & Salancik, 1978) informed the study's primary hypothesis that an IHE's reliance on federal financial aid would positively correlate to higher scores on the measures of IHE CSV compliance. Results from regression analyses found a statistically significant ($p<.001$) relationship between the receipt of federal student aid dollars by all IHE in the sample and the scores on all levels of the compliance measure. For each federal student aid dollar received, total compliance scores increased by 4 points for all IHE in the sample. Other IHE characteristics, such as the presence of a recent Title IX investigation, were assessed in regard to their relationship to compliance levels. Findings of this exploratory study suggest provisional support for the application of RDT to IHE compliance behaviors regarding campus sexual violence. Additionally, two-year IHE in the sample had statistically significantly lower levels of overall compliance, identifying an opportunity to improve compliance..

Key Words: Campus Sexual Violence; Clery Act; Title IX; Resource Dependency Theory

For my girls, Sylvie and Olivia, and for Paddy

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LIST OF ACRONYMS/ABBREVIATIONS

BJS- Bureau of Justice Statistics

CDC- Centers for Disease Control

CSA- Campus sexual assault

CSV- Campus sexual violence

ED- U.S. Department of Education

IHE- Institutions of Higher Education

IPEDS- Ntl Center for Education Statistics Integrated Postsecondary Education Data System

NIJ- National Institute of Justice

NISVS – National Intimate Partner Violence and Sexual Violence Survey

OCR- Office on Civil Rights

RDT- Resource dependency theory

WHTF- White House Task Force to Protect Students from Sexual Assault

CHAPTER ONE: INTRODUCTION

In 1987, Koss, Gidycz and Wisniewski (1987) released the findings of the groundbreaking study, contradicting previous trends found in crime statistics that depicted rape and sexual violence as infrequent occurrences, and instead showing that students at institutions of higher education (IHE), particularly female students, were experiencing higher than previously recorded rates of sexual violence. Nearly two decades later and spurred on by an influx of campus sexual violence (CSV) research, the American College Health Association (2008) recognized sexual violence as a major public health issue for colleges and universities. A study entitled the Campus Sexual Assault Survey (CSA) estimated that among women sampled at two large U.S. universities, nearly 20% reported experiencing attempted or completed sexual assault while in college (Krebs, Lindquist, Warner, Fisher, & Martin, 2009). Larger, nationally representative data from the Bureau of Justice Statistics (BJS) revealed increased risk for sexual assault among college aged women ages 18 to 24 when compared to females in all other age groups (Sinozich & Langton, 2014). Additionally, these data show that from 1995 to 2013, nearly 33% of female college students have experienced a completed rape, 31% have experienced a sexual assault, 25% have experienced an attempted rape, and 11% have been threatened with sexual assault during their tenure as active students (Sinozich & Langton, 2014).

Recent research from Fedina, Holmes and Backes (2016) assessing CSV prevalence literature from 2000 to 2015 found prevalence rates of completed rape (oral, anal, vaginal) in up to 8.9% of college women in the studies assessed, with unwanted sexual contact or sexual coercion being the most common form of reported sexual assault in the studies assessed. In

Fedina et al.'s (2016) research, the majority of the studies evaluated (n=7) showed rates of over 20% of college women reporting experiencing unwanted sexual contact or sexual coercion (completed or attempted unwanted kissing, fondling, physical force, verbal coercion).

Under federal law, IHE are required to act when they suspect or know that a student has been sexually assaulted. In 2014, the American Association of University Women (AAUW, 2015) analyzed data from the U.S. Department of Education, which showed that 91% of college campuses reported no rapes. As a result of the growing body of data on campus sexual assault, colleges and universities have been subjected to increased scrutiny regarding adherence to CSV policies, interim supportive measures, and prevention efforts. Federal legislation such as The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (The Clery Act; 1990), the Title IX of the Education Amendments of 1972, 20 U.S.C. Â§1681 et seq, and elements of the Violence Against Women Act Reauthorization Act of 2013 are the current guidelines IHE are expected to comply with to demonstrate adherence (Bennett, 2015; Napolitano, 2014). Failure to follow these policies sufficiently can have consequences for institutions such as imposed fines and the loss of federal student aid funding. In 2014, there were 102 IHE investigated by the U.S. Department of Education's Office for Civil Rights for issues related to Clery or Title IX compliance (US Department of Education, April 28, 2015), and the most recent available data from the Office on Civil Rights has 208 cases at 167 IHE (OCR, 2016).

With the inception of the White House Task Force to Protect Students from Sexual Assault (WHTF) in January 2014, a renewed focus was placed on providing guidance to

colleges, universities, for-profit schools, trade schools, and career/technical schools to “strengthen and address compliance issues and provide institutions with additional tools to respond to and address rape and sexual assault” (WHTF, 2014). The guidance is necessary, with 2014 data from a report generated by the U.S. Senate Subcommittee on Financial and Contracting Oversight stating that of the 440 IHE surveyed, “many institutions are failing to comply with the law and best practices in how they handle sexual violence among students” (McCaskill, 2014, p.1).

Reacting to the evolving landscape of CSV policy and research, IHE have been attempting to adjust their organizational responses in an effort to keep up with the policy changes and in an effort to be better aligned with best practices (Bennett, 2015). In April 2014 and July 2015, the Office on Civil Rights released two “Dear Colleagues” letters clarifying newly phased-in elements of Title IX legislation. At the same time, the White House Task Force to Protect Students from Sexual Assault (2014) issued its first of a series of reports to provide assistance to IHE regarding not only policy elements related to CSV, but also to provide assistance regarding best practices for intervention and prevention efforts. As this manuscript was being prepared, brand new guidelines were released by Education secretary Betsy DeVos that rolled back some aspects of the Obama era guidelines (Department of Education, 2018).

IHE administrators have commented that keeping up with the changes has been challenging (Bennett, 2015). Janet Napolitano (2015), the current president of the University of California system, described the evolving requirements of IHE to comply with regulatory federal policies as a complex and sometimes onerous process, possibly limiting resources that could

otherwise be focused on prevention, response, and support services. In November of 2018, after the new guidelines were introduced by Education Secretary Betsy DeVos (Department of Education, 2018), University of California President, Janet Napolitano (2018) urged school administrators not to allow “the Trump Administration to undermine Title IX” in an opinion piece in the Washington Post, urging university presidents and governing boards to maintain the same levels of CSV compliance established by White House Task Force to Protect Students from Sexual Assault (2014).

Multiple policy changes, in addition to the evolving body of research on effective and evidence-based approaches to CSV, further complicates IHE adherence to CSV policies. Currently, there are no comprehensive measures of IHE policy compliance, prevention, and intervention related to appropriate CSV response. The Office on Civil Rights, the Clery Center, the White House, and the NIJ have all issued various compliance checklists and guidance documents intended to assist IHE in being in alignment with federal policy, but these documents do not always include the most recent evidence related to effective CSV interim supportive measures and prevention efforts. Additionally, campus climate surveys, which were previously endorsed by the White House (2014) and tested by the Association of American Universities (Cantor, Fisher, & Chibnall, 2015), typically assess a wide range of variables related to CSV, including students’ experiences, attitudes and behaviors, students’ perceptions of IHE response to CSV policies, various environmental factors, and elements of institutional response to IHE policy. However, campus climate survey approaches to policy adherence can vary greatly in terms of scope (Wood et al., 2016) and the data related to IHE policy adherence is often derived

from the individual level data gathered from students and not contextualized by factors at the organizational level (i.e., amount of federal aid received).

Regarding the prevention domain, the Centers for Disease Control, under the guidance of the *Not Alone* campaign and the White House Task Force, released an advance summary of its findings concerning evidence based strategies for the prevention of campus sexual assault (DeGue, 2014) and this report will provide the basis of the CSV prevention guidelines for this retrospective research study examining a sample of IHE prior to the new 2018 guidelines.

The academic literature is limited when it comes to assessing IHE and CSV policy compliance. In 1999, per mandate of Congress, the NIJ was tasked with assessing IHE adherence to the Clery Act (1990). It published results in 2005 that identified nine parameters considered essential for establishing compliance to federal CSV laws (NIJ, 2005). The report also found that most schools included in the sample were only partially compliant with federal law in 2005. Other researchers have identified the need for a model template of policy compliance (McMahon, 2008), building on the nine NIJ parameters, but to date these proposed measures have not been systematically audited in IHE. The *Not Alone* campaign from the White House Task Force (2014) disseminated a checklist for IHE to guide revision of CSV policies and procedures in addition to the CDC report on recommended prevention practices. Missing from the literature is a comprehensive measure of best practices, assessing both elements of policy compliance in addition to recommended CSV prevention and CSV interim supportive measures.

Also missing from the literature is an analysis of how organizational characteristics can impact or affect an IHE policy compliance and adherence to best practices. Very few studies

have looked at the impact that organizational characteristics, such as size, type, receipt of federal aid, or any other organizational level characteristic, have on levels of compliance to both policy and best practice. Furthermore, an extensive review of the published literature did not reveal research applying organizational theory to determine how IHE behave when it comes to compliance with CSV policy and practices. It is critical to focus on organizational characteristics as these may provide further contextual information about what influences policy and prevention implementation and can aid in identifying potential organizational level opportunities to influence compliance behavior among IHE.

The central research question in this research study are as follows: (1) What are the levels of adherence to CSV policy among a sample of two-year and four-year public IHE and are there statistically significant differences?; (2) How do external forces, such as IHE utilization of federal student aid funding, relate to levels of adherence to best practices among IHE?; and finally, (3) How is a history of recent Title IX investigations related to CSV policy associated with current levels of compliance?

This research proposal derives an index of CSV policy adherence from the previous recommendations provided by the White House Task Force to Protect Students from Sexual Assault (2014), the Center for Disease Control (DeGue, 2014), and in regard to other current federal CSV policies. The researcher used Resource Dependency Theory (RDT; Pfeffer & Salancik, 1978) to explore sources of variables, such as IHE reliance on federal aid funding, which may explain organizational adherence to CSV compliance by IHE. A national sample of IHE, including 94 ($n=94$) four and two-year public colleges and universities were used in the

analysis. Data sources include IHE websites and existing data on IHE organizational characteristics from the U.S. Department of Education (ED) and the National Center for Education Statistics Integrated Postsecondary Education Data System (IPEDS).

It is the intention of this exploratory study to provide in-depth descriptive data regarding CSV compliance and to provide data pertaining to any potential influence that reliance on federal funding has on IHE compliance behavior. Ideally, these data can be used as potential tools for social workers and policy-makers that are active in this area. The descriptive data provided by this research study can identify trends in terms of response that will inform social workers' assessments of their own organizations. Additionally, social workers and policy makers may find the analyses related to the study's hypotheses examining the impact of resource dependency on CSV compliance behavior useful in shaping elements of future federal policies.

CHAPTER TWO: REVIEW OF THE LITERATURE

Campus Sexual Violence and Federal Policies

The literature over the past two decades substantiates the prevalence of campus sexual violence as a persistent issue that predominantly impacts female undergraduate students at a rate of anywhere from 12 to 20 percent, depending on how samples are drawn and variables defined (Cantor et al., 2015; Krebs, 2007; Krebs et al., 2016; Krebs, Lindquist, Warner, Fisher, & Martin, 2009; Sinozich & Langton, 2014). Incidents of campus sexual violence are under reported to law enforcement and campus authorities (Krebs et al., 2016; Fischer et al., 2003; Kilpatrick, Resnick, Ruggiero, Conoscenti, & McCauley, 2007; Planty, Berzofsky, Krebs, Langton, & Smiley - McDonald, 2013 Rennison, 2000; Tjaden & Thoennes, 2000) with estimates of only four to 12 percent of victims stating they made a report (Cantor et al., 2015; Krebs et al., 2016; Fisher et al., 2003). The stated reasons for not reporting vary from personal reasons to a perception that the incident was not serious enough to report to police, that victims did not know how to report, or that they did not want action taken (Fisher et al., 2003; Krebs et al., 2016). In all of these stated reasons, the IHE has the opportunity to play a role in providing education in terms of procedure and process, as well as support for victims as they negotiate options related to reporting.

Sexual assault victims sustain a host of physical injuries (Fisher, Cullen, & Turner, 2000; Planty et al., 2013; Slaughter, Brown, Crawley, & Peck, 1994; Sugar, Fine, & Eckert, 2004; Tjaden & Thoennes, 2000). Injuries range from general body trauma (being kicked, punched, hit or bruised during restraints; Fisher, Cullen, & Turner, 2000), genital-anal trauma, attempted

strangulation, (Slaughter, Brown, Crawley, & Peck, 1994; Sugar, Fine, & Eckert, 2004; Tjaden & Thoennes, 2000) and an increased risk for sexually transmitted infections (Wingwood, Seth, DiClemente, & Robinson, 2009). Additionally, women who are victims of sexual violence experience a range of other somatic symptoms, including a propensity for asthma, headaches, irritable bowel syndrome, insomnia, diabetes, and high cholesterol (Cloutier, Martin, & Poole, 2002; Walters, Chen, & Breiding, 2013).

The psychological impact of CSV includes post-traumatic stress disorder (Campbell, Dworkin, & Cabral, 2009; Clum, Calhoun, & Kimerling, 2000; Jordan, Campbell, & Follingstad, 2010) depression (Acierno et al., 2002), and anxiety (Siegel, Golding, Stein, Burnam, & Sorenson, 1990; Zinzow, Resnick, Amstadter, McCauley, Ruggiero, & Kilpatrick, 2012), fear, agitation, and withdrawal (Hermann, 1992). Extreme feelings of guilt and shame, along with negative self-perception, chronic pain, and an impaired ability to participate in activities of daily living have also been discovered (Amar & Gennaro, 2005; Kaura & Lohman, 2007; Koss, et al., 1994). Zinzow et al. (2012) estimates sexual assault victims are five times more likely to experience episodes of major depression in their lifetime when compared to non-victims of sexual assault and between 23% and 44% of sexual assault victims may consider suicide (Campbell, Dworkin, & Cabral, 2009; Dube, 2005; Suris, Link-Malcolm, & North, 2011) or be at an increased risk to engage in a suicidal act (Stepakoff, 1998). Survivors of sexual violence are also more likely to abuse alcohol (Kilpatrick, Acierno, Resnick, Saunders, & Best, 1997), to engage in risky sexual behaviors (Lang et al., 2011) and are seven times more likely to engage in purging or to induce vomiting (Fischer, Stojek, & Hartzell, 2010; Gidycz, Orchowski, King, & Rich, 2008).

Overall estimates related to the annual economic costs of rape are 127 billion dollars annually, more expensive than the costs associated with assault, murder, and drunk driving (Miller, Cohen, Wiersema, 1996). In terms of the individual, one estimate values the overall financial costs of sexual assault at \$151,423 to \$240,776 per incident (Delisi, Kosloski, Sween, Hachmeister, Moore, & Drury, 2010; McCollister et. al, 2010). Bureau of Justice (Walters et al., 2013) estimates have projected the total economic loss for sexual assault victims in 2007 data to be about 60 million dollars annually, with 60.4% of these victims missing 1 to 5 days of work, 16.7% missing 6-10 days of work, and 22.4% missing 11 or more workdays during the year they were assaulted. A more recent estimate by the CDC (Peterson, Degue, Florence & Lokey, 2017) purports that the estimated lifetime cost of rape for victims is \$122,461 per victim, with a population economic burden of approximately \$3.1 trillion dollars over the aggregate of victims' lifetimes. This aggregate estimate includes \$1.2 trillion in medical costs, \$1.6 trillion in lost work productivity among victims and perpetrators, \$234 billion in criminal justice activities and \$36 billion in other costs, which can include victim property loss or property damage (Peterson et al., 2017). Additionally, government sources pay an estimated \$1 trillion dollars or 32% of the costs associated with the lifetime economic burden (Peterson et al., 2017).

CSV victims experience other problems related to re-victimization, such as living in fear of the perpetrator who may live in close proximity in campus housing, or who may inhabit the same social circle and attend the same classes as the victim (McMahon, 2008). Additionally, CSV victims are at increased risk of psychological harm due to the fact that their perpetrator is typically a known assailant who engages with a victim's close environment on a regular basis (Fisher, Daigle, Cullen & Turner, 2003). Many victims of college sexual assault are at risk of

dropping out of school due to the impact of depression and anxiety, their increased risk for substance abuse, and fear of running into their assailant on campus (Eisenberg, Goldstein, & Hunt, 2009; Finn, 1995).

IHE are regulated by two main policies, the Clery Act and Title IX, to which compliance is tied to the IHE receipt of federal aid. Clery Act and Title IX are criticized by IHE administrators as being cumbersome, costly, and difficult to maintain in the ever-evolving landscape of CSV legislation (Napolitano, 2014). Governmental pressures, such as the *Not Alone* campaign from the White House Task Force to Protect Students from Sexual Assault (2014), have increased the attention to IHE response over the past several years. These policies also require IHE to be transparent in terms of their CSV policy and procedures, making public and accessible their institutional response mechanisms related to policy implementation, prevention programming, and intervention services.

This research examines IHE adherence to CSV policy along three domains: (1) levels of IHE compliance to federal policies; (2) levels of IHE provision of CSV prevention services and programs; and (3) levels of IHE provision of CSV interim and supportive resources. To develop an understanding of these concepts, the literature review will include the following sections: Definitions of CSV; Prevalence of CSV; Legal Requirements Related to IHE Response (e.g. Title IX and Clery Act); and an overview of CSV Policies Research.

Campus Sexual Violence: Definitions

Definitions of campus sexual violence can vary depending upon the perspective being applied. The definition used by National Crime Victims Survey (NCVS) includes threatened,

attempted, and completed rape and sexual assault against males and females in its definition of campus sexual assault (Sinozich & Langton, 2014). Other definitions, such as the National Intimate Partner and Sexual Violence Survey (NISVIS) definition, apply a broader scope of actions related to sexual assault, including incidents related to sexual acts that transpired when an individual was unable to provide consent (i.e., being under the influence of drugs or alcohol), coerced sexual contact, forced penetration, unwanted kissing, fondling, or grabbing, and other noncontact sexual experiences that do not require physical contact (National Research Council, 2014). The Campus Sexual Assault Study (CSA) definition includes unwanted sexual contact as a result of incapacitation and force, but not verbal or emotional coercion (Krebs et al., 2007).

Because the intention of this analysis is to assess policy and practice recommendations at the time of data collection, the definition put forth by the White House Task Force on the Protection of Students from Sexual Assault 2014 *Not Alone* campaign will be used. The definition of CSV and unwanted sexual contact included in the WHTF materials includes: (1) forced touching of a sexual nature, including fondling, grabbing, forced kissing, touching over the clothes, or rubbing in a sexual manner; (2) forced oral, anal, or sexual intercourse (3) forced sexual penetration; (4) threatening physical force to obtain sexual contact; and finally (5) episodes of unwanted sexual contact due to the inability to provide consent (i.e., victim is under influence of alcohol and drugs; White House Task Force, 2014). At the time of this manuscript's preparation, alternate definitions of CSV were proposed by Education Secretary Betsy DeVos (Department of Education, 2018) however this new definition has not been implemented and is not applicable to the timeframe during which these data were collected.

Campus Sexual Violence: Problems Defining and Estimating Prevalence

Over the past two decades, researchers have debated why national crime data from the Bureau of Justice Statistics data have produced lower rates of incidents of sexual violence when compared with surveys conducted by private agencies or other federal agencies (Catalano, Harmon, Beck & Cantor, 2014). There are many methodological issues in measuring the frequency of campus sexual violence. Prior to 1987, the primary source for these data were obtained from the Uniform Crime Reports, which were criticized for not adequately capturing the extent of the problem due to a recognition that rape and sexual assault often went unreported and due to the fact that many of the instruments being used to capture these data were too narrowly focused on a definition of rape that rested only on penile-vaginal penetration (Fisher, 2004). Appendix A reviews the major studies that engage national datasets, including a description of the sampling methods, the measure used to assess prevalence, the major findings, and significance.

Critics of the CSV prevalence data point to the limitations that are present across the CSA, BJS Campus research, and AAU surveys in that they are not representative samples and that they should not be used to generate national estimates of prevalence. This is complicated by low response rates to sexual assault surveys and possible implications of non-response. The AAU authors (Cantor et al., 2015) recognize these limitations: “Differences between institutions may not only be a function of experiences of the students but also the extent to which the estimates are subject to bias due to nonresponse” (Cantor et al., 2015, p. 7). It is also possible that differences in response between institutions may be a function of organizational characteristics and how they affect reporting, but the AAU study does mention this as relevant.

Additionally, critics of CSV survey definitions of sexual assault point to the broad definitions of sexual assault used and hypothesize that these definitions are inflating the prevalence estimates. Focusing primarily on penetration by force as the sole indicator of sexual assault on campus serves to render as less important many of the offenses related to sexual misconduct as defined by federal policies such as Title IX. For example, the AAU survey asked respondents if nonconsensual sexual contact (either sexual penetration and/or sexual touching) occurred as a result of: (1) physical force or threat of physical force, (2) being incapacitated because of drugs, alcohol, or being unconscious, asleep, or passed out, (3) coercive threats of non-physical harm or promised rewards, and (4) failure to obtain affirmative consent. The first two conditions used generally meet legal definitions of rape (penetration) and sexual battery (sexual touching). The other two tactics are violations of student codes of conduct. In terms of CSV campus policies and procedures, both need to be considered in order to be in alignment with Clery Act, Title IX, and the Office of Civil Rights policies.

The data paint a dismal picture related to the reporting rates of sexual assault, with some studies finding overall victim reporting rates to law enforcement estimated to be between 12 to 36 percent (Kilpatrick, Resnick, Ruggiero, Conoscenti, & McCauley, 2007; Planty et al., 2013; Rennison, 1999; Tjaden & Thoennes, 2000). Koss et. al.'s (1987) early research on the topic found reporting rates of CSV to law enforcement among college females to be at 5%, whereas Fischer, Daigle, Cullen and Turner (2003) sampled 4,446 female college students nearly 20 years later and found similar results in that nearly 4.5% of victims reported their rape or threats of sexual assault to police, with far lower rates among those who experienced sexual contact (1.4%) or sexual coercion (0). Victims were likely to share their experiences to someone other than the

police, such as a friend (87%) and to whom they confided generally depended on whether the assault was completed or attempted. This finding is reflected in other research showing female victims most often confide in a female peer (Orchowski & Gidycz, 2012).

Fischer et al. (2003) also found that the context and type of assault, as well as nature of the relationship with the perpetrator was associated with likelihood of victims to report. Likelihood to report to the police was significantly higher when the incidents were viewed by the victim as “more serious” involving weapons or were clearly defined by the victim as rape. In terms of characteristics of victims and perpetrators, incidents involving stranger assaults were more likely to be reported than were those involving acquaintances. Additionally, Fischer et al.’s (2003) data indicated that racial differences between victim and perpetrator made reporting less likely than when racial identification was shared. Finally, incidents occurring on the geography of the campus were more likely to be reported than incidents occurring off campus.

Reasons for not reporting were varied, with students more likely to disclose their victimization to friends or other informal sources but not to campus authorities (Fischer et al., 2003; Sabina & Ho, 2014). In 81.7% of the incidents, the respondents stated they did not report incidents to the police because they did not view the events as serious enough (Fischer et al., 2003). Furthermore the same data found that 42.1% of the respondents did not report because they were not sure a crime or malicious intent were intended; 30% of the incidents, respondents believed the police would not think the incidents were serious enough or women stated in 20% of the incidents that they thought the police would not want to be bothered or they feared that that they lacked proof the incidents occurred.

Other factors influencing reporting to friends or law enforcement were: (a) whether any injuries were sustained; (b) the nature of the victim-perpetrator relationship; and (c) the presence of drugs or alcohol (Sabina & Ho, 2014). Sabina and Ho's (2014) comprehensive review of the literature found that higher rates of reporting to law enforcement were associated with perceived severity of the incident related to presence of a weapon, sustained injuries, perceived fear of death, as well as factors such as if the incident occurred on campus (Fischer et al., 2003; Kilpatrick et al., 2007; Wolitzky-Taylor et al., 2011).

Non-law enforcement related reasons not to report focused on a reluctance to report incidents because they did not want their families (18.3%) or others to know about their victimization (20.9%; Fischer et al., 2003). Fischer et al. (2003) also found that in 19% of the incidents, respondents stated that they did not report because they were afraid of reprisals or negative repercussions from the perpetrator or others.

Legal Requirements Related to Sexual Violence and Sexual Assault on Campus

There are two critical federal laws that regulate the ways in which IHE handle sexual violence cases: Title IX of the Educational Amendments of 1972 (Title 20 U.S.C. Sections 1681-1688) and The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (1990; 20 U.S.C. § 1092(f)). The federal office responsible for the enforcement of this legislation is the U.S. Department of Education (ED), and specifically, the Office on Civil Rights (OCR), which was created by ED to act as the enforcement and oversight mechanism. Additionally, elements of the Violence Against Women Act are also pertinent to IHE response to

CSV as they pertain to these pieces of legislation and each of these policies and their requirements will be discussed.

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime

Statistics Act (1990). In 1986, Jeanne Clery was beaten, raped and murdered in her Lehigh University dorm room at the hands of a fellow college student (Clery Center, 2016). In the aftermath of their daughter's death, Jeanne's parents discovered that the university had limited information regarding violent and non-violent crimes on campus, obscuring statistics related to thirty-eight violent crimes that had transpired in and around Lehigh campus in the years preceding Jeanne's murder (Clery Center, 2016). In response, the family founded an organization that was successful in getting the Crime Awareness and Campus Security Act passed in House and Congress in 1990, which was later renamed the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 U.S.C. § 1092(f) when it was enacted in 1991.

Clery Act (1990) policy requirements. Described hereafter as the Clery Act (1990), this piece of legislation essentially requires IHE to disclose campus security policies, to publish an annual crime report accessible to the public, to maintain a public crime log, and it requires there be adequate, basic rights afforded to victims of campus sexual assault, including that victims should be notified of their options to notify law enforcement., that accusers and accused must have the same opportunity to have representative present at hearings and that both parties shall be informed of the outcome of any disciplinary proceedings (Clery Center, 2016). The U.S. Department of Education (ED) is responsible for collecting and disseminating the campus crime

statistics data from each campus in an effort to provide transparency to students and families regarding campus safety (Napolitano, 2014).

The Clery Act (1990) specifically requires any campus police or security department officer, or any official that maintains responsibility and authority over students on campus, to report data regarding crimes that occur on campus or in the surrounding areas, specifically sexual assaults and other violent crimes. The intention is for IHE subject to Clery because they receive financial aid are required to track and disclose data related to assaults on and around campus with the idea of full disclosure as a responsibility to student safety. Additionally, the Clery Act (1990) requires that IHE educate the student body regarding campus safety issues and develop appropriate prevention programs to address campus violence.

In 2014, the Violence Against Women Act (VAWA; 2013) was reauthorized and it included an element entitled the Campus Sexual Violence Elimination Act (Campus SaVE Act; 2013) that amended certain aspects of the Clery Act (1990) requirements. Specifically, the Campus SaVE (2013) act clarified further categories of reporting required by IHE as they relate to intimate partner violence, sexual assault, stalking, and dating violence, also requiring the details pertaining to gender identity and national origin be noted in regards to hate crime categories (American Council on Education (ACE), 2013; Napolitano, 2014). Campus SaVE (2013) expanded required information provided to students to also include victims' option to notify or not to notify law enforcement and campus authorities, as well as requiring a statement pertaining to victims' rights and the IHE responsibilities regarding judicial no-contact, restraining, and protective orders (ACE, 2013). Additionally, SaVE (2013) requires IHE to

publish policy statements detailing how they train new students and employees regarding CSV and other violent crimes and to provide specific written information regarding the resources available for students on and off campus. Finally, the SaVE Act (2013) requires IHE to specify how they investigate and address complaints of sexual assault on campus, asking that administration specifically cite the standard of evidence that will be used without setting a guideline for what that standard should look like, an issue that has been the source of much confusion among IHE administrators (Napolitano, 2014).

Title IX of the Educational Amendments of 1972 (Title 20 U.S.C. Sections 1681-1688). Title IX, an element of the Educational Amendments of 1972 (Title 20 U.S.C. Sections 1681-1688), is not directly focused on addressing sexual assault, but it is focused on the prohibition of sex discrimination in schools and has since been interpreted as important to the issue of sexual assault in schools. The language of the amendment as it is currently adopted into law states:

That no person in the United States, 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 receiving Federal financial assistance (20 U.S.C. 1681a 2011).

It wasn't until the courts started to connect this amendment to athletic participation did it get attention from the Office on Civil Rights (OCR) in terms of its application.

Eventually, in 1997 and 2001, the OCR was prompted to provide guidance regarding the treatment of sexual harassment by IHE and the guidance provided indicated that IHE could be held responsible for the sexual harassment conduct of other students as a violation of Title IX

(Napolitano, 2014). The following year, the U.S. Supreme Court acknowledged that if IHE were found to have acted with indifference to incidents of sexual harassment by students against other students, and that this indifference as it relates to the discriminatory behavior precludes students' equal access to educational opportunities, then the IHE could be held liable for this. The follow-up by OCR in 2001 clarified that IHE have a responsibility to know about the existence of sexual harassment, and if such knowledge exists, responsible authorities of the IHE must act to redress these issues (OCR, 2001).

It wasn't until 10 years later, in 2011, that the OCR issued a "Dear Colleague" letter specifically identifying sexual violence as inherent to the idea of sexual harassment and discrimination, outlining IHE specific responsibilities to investigate and address any occurrences of sexual violence regardless of whether or not law enforcement is involved in an investigation and established the preponderance of evidence standard that is to be used for grievance or disciplinary proceedings. In 2014, in concurrence with the WHTF release of the Not Alone report, a more detailed "Dear Colleague" letter was released including "information not only about the procedures and policies schools should have in place, but also about proactive efforts schools are expected to take in the areas of preventive training and education" with criticisms pointing to a missed opportunity on behalf of the OCR to get feedback from IHE administrators on any of these new mandates (Napolitano, 2014, p. 394).

Preponderance of evidence standard. Of critical importance is Title IX's attention to due process and establishing a preponderance of evidence standard in cases of sexual assault. The WHTF (2014) Not Alone website defines the preponderance of evidence standard as:

The standard of proof that must be used in a school's Title IX proceedings, including fact finding and hearing procedures for resolving complaints of student-on-student sexual violence. The preponderance of the evidence standard requires proving it is more likely than not that sexual violence occurred.

Interpretations of this standard of proof as it relates to Title IX investigations of sexual assault means that disciplinary charges against accused students must be proven in more than half of the evidence presented as "more likely than not" having happened (National Association of Colleges and Universities [NACU], 2015). The idea behind this level of standard is not to supersede judge or jury rulings on the accused or to shift the burden of proof, but instead to require a "conscientious and rational judgment of the whole record" (NACU, 2011, p. 2).

The preponderance of evidence standard has been criticized, with the American Association of University Professors (2013) arguing for a more stringent "clear and convincing evidence" standard is applied to protect the rights of the accused. This is substantively different in that it requires there to be more than a "more than likely" or more than half chance that the accused committed the crime evidentiary standard, instead requiring at least a roughly 75% chance that the evidence presents the accused as guilty (New, 2014). In November of 2014, Princeton University reached an agreement with the U.S. Department of Education's Office for Civil Rights in regard to a Title IX investigation of the university, along with Harvard University, for remaining among a minority of institutions that continued to use the higher "clear and convincing evidence" standard (New, 2014). While most IHE have adopted the preponderance of evidence burden of proof standard, there is still much ambiguity regarding how

this is included under future legislation (currently, it is not specified by the Campus SaVE Act) and as tenuous because the emphasis in this application has been concentrated primarily in the Obama administration's interpretation of Title IX (New, 2014).

Title IX violations and penalties. If any individual believes there has been a Title IX violation, they are able to submit a complaint with the OCR. The OCR is compelled to follow-up on these complaints by investigating whether or not the IHE is in compliance with federal law (Edwards, 2015). Title IX compliance is investigated via an OCR audit or via an OCR investigation, which is initiated only if there are complaints lodged against a particular IHE. The intention is not only punitive, but to also provide the plaintiff with injunctive relief and the IHE with training and technical assistance. The burden of proof in these instances requires the IHE to know or that it should have known about the incident of sexual harassment in order to be in violation (Duncan, 2015). These investigations open IHE up to OCR review of policies and procedures and their implementation. If the OCR investigation determines the IHE is not in compliance, several steps are followed. Primarily, the IHE must be notified they are not in compliance and then offered the opportunity to voluntarily comply with the required changes to be in compliance (Department of Justice, 2015; Duncan, 2015).

If voluntary compliance does not occur, the IHE has an opportunity for a hearing after which the head of the OCR makes a decision to suspend or terminate the IHE's access to federal funds, including federal student aid and Pell grants (DOJ, 2015). The OCR head must then:

File a report with the House and Senate legislative committees having jurisdiction over the programs involved and wait 30 days before terminating funds. The report must

provide the grounds for the decision to deny or terminate the funds to the recipient or applicant (42 U.S.C. ¶2000d-1; 20 U.S.C. ¶1682; See, e.g., 45 C.F.R. ¶80.8(c) (HHS)).

Once completed, the results of the Title IX investigations were made public on an annual basis under the previous leadership of the Department of Education and OCR under the Obama administration, but there was no transparency or public access to the raw data obtained by the audit. If the OCR determined that an IHE has violated Title IX by not taking the appropriate measures or preventive actions regarding sexual violence, the IHE may be subject to procedures that would withdraw its federal funding sources or be subject to possible Department of Justice litigation. As of February 24, 2016, there are 208 sexual violence cases under investigation at 167 postsecondary institutions for Title IX complaints related to sexual violence and sexual assault (OCR, 2016). OCR (2016) data show that these organizations span a range of geography and include large, four year state universities such as five campuses under the University of California system (Berkeley, Davis, Los Angeles, San Francisco and Santa Cruz), as well as private Ivy league IHE (i.e., Brown University, Harvard, Duke, Princeton), religious IHE (e.g. Catholic University), historically black universities and colleges (i.e., Spellman, Morehouse), and two year colleges (Cisco Junior College). Notably, there were no trade or professional schools included under the list of current Title IX investigations and the full list of schools under investigation during this timeframe can be viewed in Appendix B.

Penalties associated with violation of Clery Act can take the forms of fines, or potential loss of for suspension of federal student financial aid funding (Clery Center, 2016). Fines for

Clery are currently set at \$35,000 per violation as of October 2012 (Clery Center, 2016). During the first 22 years of the Clery being enacted, the Department of Education imposed no more than three fines in a single year, with a cumulative total of \$1,650,000 in fines to IHE over the 22 years the Act was in place (Stratford, 2014). Starting in 2013, the number of institutions fined for Clery Act violations increased, with eight fines levied in 2013 ranging from \$82,500 to \$280,000 and totaling \$1,455,000 (Stratford, 2014). This increase in enforcement may be attributed to increases in staff, with the formation of a special compliance unit in 2010 that employed six full-time regulators to this end. This number grew to 13 full-time Clery Act regulators in 2014, with plans for a staff of 26 by the year 2016 (Stratford, 2014).

IHE are typically successful in getting the fine reduced; since 2000, of the 21 IHE fined for Clery violations, 17 were able to get reduced fines approximately 25% less than the proposed amount, often arguing the fines based on technicalities in terms of the reporting of the assaults or because the IHE argues that they have made corrective actions based on the violation (Stratford, 2014). Pending legislation S.590 Campus Accountability and Safety Act, sponsored by Senator Claire McCaskill looks to enforce stiffer penalties associated with Clery violations, allowing the Department of Education to fine schools up to 1% of their operating budget (S. 590, 2016). The bill was heard in committee and is currently being reworked in order to be attached to the reauthorization of the Higher Education Act (Pub.L. 89–329).

In terms of the limitation or suspension of federal funds for student financial aid via the Title IV program, the Department of Education very rarely suspends federal funds from IHE and no IHE to date has lost funding for Title IX violations related to sexual assault (Westerholm,

2015). Typically, the OCR resolves these issues by reaching an agreement with a letter of finding and a voluntary resolution agreement (Duncan, 2015), but this does not mean that the threat of funding loss is not a concern for IHE. There are other examples of IHE, specifically for-profit IHE, which have lost federal funding for other types of Title IV violations (Smith, 2015). In February of 2016, the Obama administration suspended 23 beauty trade schools in California and Nevada, and 3 computer technology trade schools from Illinois from participating in Title IV funding because they misrepresented student data in order to inflate aid received by the schools (U.S. Department of Education, February 1, 2016). Furthermore, at the time this data was collected, the Obama administration's renewed focus on Title IX violations as a part of the *Not Alone* campaign has concentrated the focus on possible funding termination. Catherine Lharmon, the Assistant Secretary for Civil Rights at the U.S. Department of Education, addressing IHE administrators in a press conference held in July 2014 warned, "Do not think it's an empty threat...It's one I've made four times in the 10 months I've been in office. So it's one that's very much in use" (Kingkade, 2014). During the Not Alone launch in 2014, Lharmon was also quoted as saying, "If a school refuses to comply with Title IX in any respect, I will enforce" (Clark, 2014).

Recently, the Trump administration has made overtures that it will weaken enforcement on Title IX as it relates to CSV, signaling this through changes proposed to IHE accountability in terms of campus geography, relieving IHE responsibility to respond to CSV for incidents that occur on outside of educational programs or activities (Department of Education, 2018). Additionally, the new administration limited the definition of IHE accountability in pursuing CSV complaints, proposing that IHE must be shown to have "deliberate indifference" in

addressing Title IX campus sexual violence complaints (Department of Education, 2018). While these newly proposed guidelines do not remove the threat of financial penalties for IHE, it does release the IHE from accountability to pursue these cases. Since the data for this report were collected prior to these changes in enforcement, the threat of penalty was relevant retrospectively and it remains to be seen what impact the new guidelines may have on enforcement and financial penalties for IHE.

Additionally, Title IX allows for a victim to bring a private suit for monetary damages against IHE for experiences of sexual harassment (Duncan, 2014). Plaintiffs are required to prove the IHE to be “deliberately indifferent” in the context where the IHE has specific knowledge of the sexual harassment that is “severe, pervasive, and objectively offensive” (Gebser v. Lago Vista Indep. Sch. Dist., 524 U.S. 274, 277, 1998). The high-profile case from 2012 involving Florida State University provides an example of how these policies can play out. A student of FSU reported that she was sexually assaulted of a by an FSU football player. The student alleged that FSU failed to respond to her allegation of sexual assault in an effective manner and filed a Title IX complaint, as well as a civil action, against the university. FSU has been under investigation for two years by the OCR with no final results provided by OCR on their findings to date; however, the university has made changes, such as appointing a new Title IX officer, hiring six support staff, initiating new prevention programming and publishing a victims’ rights handbook (Axon, 2016). The plaintiff, who sued FSU under Title IX for indifference, settled her civil case with FSU for nearly 1 million dollars in January of 2016 (Axon, 2016).

Criticism of Federal Requirements

IHE administrators argue adherence to Clery is cumbersome and expensive for institutions and that the Act is unclear, making it difficult to implement comprehensively (Napolitano, 2014; Porter, 2015). Specifically, a special task force called the Task Force on Federal Regulation of Higher Education determined that there are over 90 policy statements required of IHE in order to adequately implement the Clery Act (Porter, 2015; Task Force on Federal Regulation of Higher Education, 2015). The Clery Handbook, officially entitled *The Handbook for Campus Safety and Security Reporting*, is a 300 plus page document that details the specific and required policies for compliance (Task Force on Federal regulation of Higher Education, 2015). Among the 90 aforementioned policy requirements, there are ancillary requirements related to how institutions should report crimes occurring off campus but at school-sponsored events, including intercollegiate events and international destinations. An evaluation of the implementation of Clery Act and Title IX requirements found that in 2012, there were 270 electronic announcements, including Dear Colleague letters, issued to IHE in order to clarify compliance, amounting to an estimated new directive or clarification issued for every working day of the year (Task Force on Federal Regulation of Higher Education, 2015).

CSV Policies Research

The body of research assessing campus sexual violence policies is thin, with the majority of published research focusing on looking at the efficacy of policy interventions on individual level factors related to student behavior, knowledge and attitudes. There are very few available published studies that assess compliance to campus sexual violence policies as it relates to

characteristics of the organization, and those that do tend to provide descriptive data of adherence to a limited assessment of CSV policies and do not contextualize it as it relates to organizational theories.

Organizational Characteristics and CSV Policies

Sixteen years ago Potter, Krider, and McMahon (2000) conducted a pilot study to examine campus sexual assault policies among IHE. Specifically, they examined whether the policies were more consistent with a health promotion/risk reduction approach, encouraging pro-social behaviors that contribute positively to the prevention of campus sexual assault, or if they were more consistent with a deterrence-based approach, emphasizing the potential for punitive repercussions related to the issue.

The study included 40 two-year colleges and 60 four-year colleges from a list of accredited IHE in the U.S. and territories. Phone interviews were conducted with key informants at each IHE who were determined to be the sexual assault policy contact person (i.e., dean of students, campus security, on-campus women's organizations, campus legal counsel). Each were asked to provide a copy of their institution's current policies on CSV, their programming on CSV, and to answer questions regarding the type of programming available, and to describe its format. The final sample of ($N=78$) included 39 public IHE (25 two-year and 14 four-year) and 39 private IHE (9 two year and 30 four-year; 17 religious; 22 independent). Eighty-one percent ($n=61$) of schools had some type of policy, with no differences between four-year (82%) or two-year (79%) schools and public (79%) than private (82%) schools. Religious institutions (73%) were found to be less likely than independent schools (83%) to have a policy in place. The most

common prevention strategy evident in their sample of policies was the deterrent or criminal justice-based approach (56%) to the issue, followed by the target hardening or risk reduction approach (30%), with four-year IHE (45%) more likely than two-year IHE (16%) to include CSV prevention statements related to zero tolerance philosophies.

Furthermore, this study found that rural schools relied more on deterrence approaches as opposed to suburban schools. Schools with on-campus housing were more likely to utilize prevention programming rather than sanctions which was more common in schools with no residence halls. Furthermore, schools with >500 students were more likely to use risk reduction strategies, with student population sizes of between 500-1500 found to implement the greatest variety of approaches to CSV. The specification of types of rape was not generally discussed, with only 15% of IHE defining types (i.e., date rape or acquaintance rape). In terms of resources, 35% sampled provided both on and off campus resources to students, with four-year colleges the most likely to do so, including disseminating policies in handbooks (43%), brochures (35%), and other venues such as websites and flyers (19%). These data must be considered in terms of context, with Pew research indicating that only 52% of all adults regularly used the internet in the year 2000 (Perrin & Duggin, 2015).

Research on IHE Compliance

National Institute of Justice Study (Karjane, Fisher, & Cullen, 2002). Per Congressional order, the National Institute of Justice funded a study in 2002 to conduct a survey intended to provide a baseline assessment of how IHE were responding to sexual assault on their campuses (Karjane, Fisher, & Cullen, 2002). The intention was to use the nine issues previously

mandated by the extended Higher Education Amendments of 1998 as a guide to assessing response. These nine mandates included: (1) IHE definitions of sexual assault, including verbal, physical and consent; (2) specifics of campus sexual violence policies; (3) who is trained to respond; (4) reporting procedures; (5) availability and articulation of prevention efforts and victims services; (6) review for methods or policies that prevent or discourage reporting; (7) policies and practices that were successful in aiding the report and investigation or prosecution of CSV; (8) procedures for investigating, adjudicating, and disciplining perpetrators of CSV; and (9) the types of procedures for punishments of offenders (Karjane, Fisher, & Cullen, 2002; McMahon, 2008).

Karjane, Fisher and Cullen (2002) sampled nine types of schools eligible for Title IV funding: four-year public, four-year private nonprofit, two- to four-year private for profit, two-year public, two-year private nonprofit, less-than-two-year public and private nonprofit, less-than two-year private for profit, Native American tribal schools, and Historically Black Colleges and Universities (HBCUs). The researchers used a triangulated methodological design with data collected from a variety of sources, including a content analysis of published sexual assault policy materials, completed surveys of campus administrators, field research at eight colleges and universities, electronic focus groups with campus administrators, and additional materials regarding legal research of state-level legislation (Karjane, Fisher & Cullen, 2002). All IHE sampled were contacted twice by mail to request the completion of the survey by campus administrators and to request the published policy materials. If needed, Karjane, Fisher and Cullen placed phone calls to non-respondent IHE to follow-up on information. The researchers also used the Internet to supplement any materials for IHE that had incomplete data. If a specific

IHE was identified as having promising CSV practices, they were defined as “field research schools” by the research team and were invited to participate in phone call interviews to augment the study data.

They had an overall response rate of 41 percent (41.6 percent for the policy materials, and 41.1 percent for the surveys) and the response rates that varied by type of data collected and by type of school. The largest student body populations, four-year public and four-year private nonprofit IHE, generated a 65.9 percent and a 49.1 percent response rate including the policy materials and survey components respectively. Six of the ten promising practice field research schools declined to participate in the field research component of the study.

Content analysis methodology. The research team analyzed two main sources of data using content analysis techniques, including the IHE’s Annual Security report and the Faculty and Student Code of Conduct handbook or manual of student rules, required to be published by Clery Act, Title IV, Title IX, and Department of Education mandates (Karjane, Fisher, & Cullen, 2002). The examination of the code of conduct manuals were necessary as a supplement because the IHE’s ASR might only contain information mandated by the Clery Act and the Codes of Conduct could provide a more complete picture of additional IHE published policies and procedures in responding to CSV. They specifically explored these documents for the following items (Issue I) statistics on forcible sexual offenses (rape, sodomy, and sexual assault with a foreign object) and nonforcible (incest and statutory rape) as per the FBI’s Uniform Crime Report definition; (Issue II) A policy statement that addresses the institution’s approach to campus sexual assault, including prevention programs; (Issue III) procedures for reporting,

investigating, and adjudicating offenses; and services for victims; (Issue IV) Procedures to be followed should a sexual offense occur and for informing the campus community of their options to notify on-campus and local police, and a policy for monitoring and recording through local police agencies any criminal activity at university-recognized student organizations that are located off campus ; (Issue V) Educational programs to promote the awareness of sexual offenses; (Issue VI) procedures to notify students of counseling, mental health, or student services to assist victims; (Issue VII) and assistance in changing academic and living situations, as needed; (Issue VIII) on-campus disciplinary procedures for alleged sexual assaults that include the rights of the accuser and accused and notification of the outcome; and finally (Issue IX) Sanctions that can be imposed should there be a finding that an on-campus sexual assault occurred (Karjane, Fisher & Cullen, 2002).

A 75-item self-administered survey instrument was also developed, using data from focus groups among residence life administrators, campus safety and law enforcement officials, and mental health/health care providers and was divided into seven sections: Background, Campus Law Enforcement, Outreach and Access to Information and Resources, Reporting Procedures, Facilitators to Reporting, Barriers to Reporting, and Adjudication Process.

Additionally, electronic focus groups were held with campus safety and law enforcement ($n = 9$), resident life administrators ($n = 5$), and student mental health/health care professionals ($n > 50$). Karjane, Fisher and Cullen (2002) asked participants to discuss to whom students disclose and report experiences of sexual assault and in separate discussion threads they were asked to identify institutional policies and procedures that they believe either impede or encourage

reporting, investigation, and adjudication of campus sexual assaults. Field research data was also collected but the methods will not be detailed in this proposal in the interest of brevity.

NIJ findings: Issue 1 definitions of CSV. Karjane, Fisher and Cullen (2002) determined that overall there was a lack of consensus in terms of how IHE define sexual assault, similar to the variation found in the legal definitions of the term, with most definitions used that mirrored state legal definitions and other definitions that relied more upon institutional definitions. In their data, only 36.5 percent of schools reported crime statistics in a manner that was fully consistent with Clery Act, with 77.9 percent able to furnish their annual security reports and suggesting that a large proportion of IHE complied with the Clery Act in terms of this element. Regarding breaking out forcible and non-forcible sexual offenses in the ASR data, about half (48.5 percent) of the four-year public schools and 43 percent of the four-year private nonprofit schools included forcible and non-forcible sexual offenses in their crime statistics. Ninety-seven percent of IHE did not mention stalking, and two-thirds of these same schools either had a separate sexual harassment policy (45.9 percent) or mentioned harassment in their policy statement (19.6 percent). Only 13.7 percent of schools collected statistical information on the use of substances or drugs in the commission of rapes, “although this figure raises to more than 1 in 3 in HBCUs and four-year public schools” (Karjane, Fisher & Cullen, 2002, p. viii).

Issue II: Evidence of policies for CSV. Four-year public and private nonprofit IHE were more likely to have developed explicit sexual assault policies as opposed to other types of schools, such as the smaller, for profit, and non-residential IHE, with approximately 60 percent of IHE overall sending a written sexual assault policy as requested by the researchers. The

likelihood of sending a written policy varied by school type: Four-year public (82.2 percent), four-year private nonprofit (70.4 percent) and two-year public (59.4 percent) were most likely to have a sexual assault policy. The data showed that the remaining types of schools having an existing CSV policy fell below the 50 percent threshold. Sexual assault policies were more likely included in the ASR (38.6 percent) or their student handbook (19.3 percent). Three-quarters of schools mentioned in their sexual assault policies contact procedures in the event a victimization occurred and almost all the IHE included a telephone number to contact, yet in less than half of the numbers provided could support be reached 24 hours a day and the IHE campus police or local police were the most frequently named contact persons.

Issue III: Who gets training. Overall, the IHE sampled showed that mixed results regarding sexual assault response and/or sensitivity training to students, campus law enforcement/security officers, and faculty. Sixty percent of schools sampled provided no training to students. Four-year residential IHE were more likely to train students: 77 percent of four-year public schools, 65 percent of four-year private nonprofit schools and 61 percent of HBCUs reported training students. Training was most often directed at specific targets such as residence hall assistants and student security officers, rather than the general student population.

Only 37.6 percent of all schools required sexual assault training for campus law enforcement/ security officers. While CSV training for campus law enforcement/security officers was more common at four-year public (80.3 percent) and HBCUs (72.7 percent), many other IHE did not provide training to the people to whom formal complaints are likely to be submitted. About half of all IHE, including 3 in 10 four-year public IHE, provided no training to faculty and

staff about responding to CSV. When training existed, it was found to be mandatory in about 1 in 3 schools (33.7 percent) and voluntary in less than 1 in 5 (17.3 percent) of schools.

Issue IV: On and off campus reporting options. Regarding on and off campus reporting options, 84.3 percent of the IHE sampled offered victims confidential reporting options, 45.8 percent offered anonymous reporting options, and 3.7 percent offered anonymous internet reporting options and 34.6 percent offered third party reporting options. Of the anonymous reporting options, it was found at less than half of small, non-residential, nontraditional IHE and at only minimally above fifty percent of four-year public, four-year private nonprofit and HBCUs. Notably, only 6.5 percent of IHEs specifically mentioned a third-party reporting option in their materials, with a higher rate for four-year public and private nonprofit institutions. 44.7 percent of the IHE sampled had policies that included statements on the legal and disciplinary system options available to students and these often included filing criminal charges (91 percent), filing a complaint with the campus judicial system (88.8 percent), and deciding not to file charges (58.1 percent).

Only half of IHE policies list procedures for reporting a sexual assault to on-campus and/or off-campus police (46.1 and 49.1 percent respectively), with the majority of four-year public IHE (78.8 percent), four-year private nonprofit IHE (54.1 percent), and HBCUs (53.3 percent) showing procedures for reporting a sexual assault to on-campus police (Karjane, Fisher & Cullen, 2002). The majority of four-year private nonprofit IHE (59.2 percent), two- and four-year private for-profit IHE (74.6 percent), and tribal IHE (71.4 percent) have procedures for reporting to off-campus police. The CSV policies for about 1 in 3 IHE contained a statement

concerning the importance of victims obtaining forensic medical examination, and 4 in 10 IHE had a statement that described the importance of preserving evidence of sexual assault. Again, four-year public schools were higher than other institutions, with 6 in 10 providing this type of information to students in materials. Of the IHE that did provide information on how to preserve evidence, a majority of the IHE policies (61.3 percent) detailed specific steps for victims to take, such “as not cleaning up the area in which the victimization took place, not bathing, and not changing clothes” (Karjane, Fisher & Cullen, 2002, p. x).

Issue V: Resources for victims. Less than fifty percent of IHE report provided new students with sexual assault awareness education. Less than fifty percent of any type of school provided acquaintance rape prevention program. 57.8 percent notified victims of the availability of on- and off-campus counseling, medical treatment, or other student services in their materials, and IHE listed student counseling (70.2 percent), campus law enforcement (62.8 percent), the dean’s office (48.7 percent), student health services (47.7 percent), and campus housing services (28.1 percent) in that order of frequency to students as part of available services. About thirty-three percent mentioned off campus resources and the most commonly mentioned resources were rape crisis centers (70.2 percent), police agencies (65.8 percent), medical services (56.4 percent), women’s centers (26.3 percent), mental health services (26.1 percent), and victim advocacy offices (26.1 percent).

Issue VI: Barriers to reporting. The study’s authors described what they found in their sample as potential barriers to reporting CSV including: materials that focus primarily on the individual victim’s responsibility to avoid sexual assault, policies or procedures that compromise

the victim's ability to make informed choices about reporting CSV reporting requirements that do not include an anonymous reporting option or policies that require the victim to participate in the adjudication process if the report is filed

Issue VII: Policies facilitating report of CSV. Policies and practices that the authors believed facilitate reporting of sexual assault and participation in the investigation and adjudication process included: (1) provisions for confidential reporting; (2) provisions for anonymous reporting; (3) written law enforcement protocols for responding to reports; (4) coordinated crisis response across campus and community; (5) forensic medical evidence collection by trained and certified forensic nurses, such as sexual assault nurse examiners; (6) on-campus victim assistance services office; (7) sexual assault peer educators, and (8) first year and new student orientation programs. It is interesting to note that many of these facilitating policies are echoed in the *Not Alone* (WHTF, 2014) report issued by the White House Task Force to Protect Students from Sexual Assault as helpful policies and procedures 12 years after this report was published by the NIJ.

Issue VIII: Procedures for investigating, adjudicating and punishing perpetrators. Karjane, Fisher and Cullen (2002) assert that although the majority of IHE report the use of some form of formal grievance procedure, the majority of the CSV cases reported are dealt with, at the victim's request, through "binding administrative actions" such as the establishment of "no-contact" orders, changing residences, changing classes. Over 7 in 10 IHE report that they have "disciplinary procedures," a "judicial system," "grievance procedures," or some adjudication process; these types of proceedings were less likely to be found in nonresidential, for-profit and

in less-than-two-year IHE. Approximately 6 in 10 IHE provided students with information of the process to file a written complaint concerning alleged sexual assault. About fifty percent of four-year public IHE utilize an “investigation stage” to gather evidence; only about twenty-five percent of IHE demarcate an investigation stage.

In terms of the ‘burden of proof’ evidentiary standard, it ranges from ‘preponderance of the evidence’ to ‘beyond a reasonable doubt.’ Only 52.6 percent of policy materials mention that the complainant will be notified of the procedures that will be used in. A slight majority of IHE (61.9 percent) report a disciplinary process to notify the accused of the existence and nature of a complaint filed against them; due process procedures for the accused were utilized at only 37.3 percent of IHE.

Issue VIII: Types of procedures for punishment for offenders. The researchers found among the IHE sampled, if a student was found responsible for violating the school’s code of conduct pertaining to CSV or found guilty of rape or sexual assault, the most common sanctions by IHE were expulsion (84.3 percent), suspension (77.3 percent), probation (63.1 percent), censure (56.3 percent), restitution (47.8 percent), and loss of privileges (35.7 percent). The most common penalties by four-year IHE included expulsion, suspension, counseling, and administrative no contact-orders, with only a minority of IHE reporting imposing sanctions on their fraternities and their athletic teams (Karjane, Fisher & Cullen, 2002).

Conclusions from the NIJ study. Based on their findings, Karjane, Fisher and Cullen (2002) derived two types of recommendations: recommendations aimed at providing support to IHE for creating comprehensive sexual assault policies specific to their school type, and

recommendations regarding areas in need of more research. These recommendations specifically included: (1) Developing guidelines for IHE in order to meet Clery Act requirements; (2) Developing model sexual assault policy manuals (3) Developing model sexual assault pamphlets for students; (4) Developing a model set of services for victims of CSV; (5) Designing protocol, and policies prioritizing victims' needs; (6) Investigating barriers to victims' reporting; (7) Investigating ethnic and other cultural factors related to CSV; and to (8) Evaluate policies perceived to be barriers to reporting.

The Karjane, Fisher and Cullen (2002) research is unique in that it stands alone as an in-depth analysis of the policies and practices of a national sample of IHE regarding CSV. The data are now close to 15 years old and would benefit from being updated using a current sample. Also, many of the aforementioned proposed recommendations by Karjane, Fisher and Cullen (2002) have made their way into the current recommendations by the *Not Alone* White House Task Force (2014), including emphasis on bystander and perpetrator behavior as opposed to a myopic focus on victims and victims' prevention related behaviors.

One area that these authors do not pursue is the analysis of the institutional level factors that might contribute to the similarities of practice or trends they uncovered in their descriptive data. The data may have identified these gaps or trends in practice based on the type of school but provided no explanation as to why variations in practice exist. In this proposed study, the framework of resource dependency theory will be employed to inform an exploration of institutional trends in CSV policies and practices which could help to inform IHE behavior.

Model Template for Compliance: McMahon (2008). In an article published in 2008, Patricia Pasky McMahon proposed a model template to assess IHE compliance to campus sexual violence policies and to federal laws. McMahon uses the nine parameters defined by the National Institutes of Justice (Karjane, Fisher, & Cullen, 2002) study identified as essential components for assessing compliance with federal laws, including: (1) a clear definition of sexual assault, including verbal and behavioral definitions of consent and sexual assault; (2) specifically defined sexual assault policy; (3) identification of who is trained to respond; (4) methods for students to report are clearly delineated; (5) prevention efforts and victim resources are clearly defined; (6) review methods or policies that prevent reporting; (7) identify methods or policies that encourage reporting; (8) identify methods for investigating and punishing victimizers; and (9) specified methods of evaluation of policy effectiveness and efforts to enhance or encourage reporting (McMahon, 2008; NIJ, 2005). Included in Appendix C is the table of her 9 proposed parameters, including sub-components.

McMahon also argues for the inclusion of two additional parameters based on her experience working with student victims at Penn State. She recommends the inclusion of a policy that addresses remediating the potential financial costs to the victims, specifically as it pertains to health care costs or costs associated with obtaining a special advocate, and a policy that provides for access to a specially trained victim's advocate who can accompany the victim to any legal or adjudicative proceedings that transpire. McMahon does not provide evidence beyond her citation of personal experience for the inclusion of these two new elements.

Unfortunately, McMahon (2008) does not test this template against any IHE data and a Google Scholar citation search revealed that there are no published studies utilizing McMahon's proposed template against any data. Its mention in this analysis is to underscore the paucity of data assessing CSV policies and the need for an updated assessment utilizing the most recent recommendations from the WHTF and policy requirements from Clery and other federal law.

2014 U.S. Senate Subcommittee on Financial & Contracting Oversight Sexual Violence on Campus Report. In 2014, the U.S. Senate Subcommittee on Financial and Contracting Oversight, under the direction of Senator Claire McCaskill, conducted an internal review of 440 four-year IHE, surveying a national sample of the public and private institutions and conducting interviews with stakeholders and three roundtable discussions held by the Subcommittee on Financial and Contracting Oversight. The intention of the report was to assess how colleges and universities currently handle sexual violence, how IHE work with law enforcement to investigate and to prosecute reports of rape and sexual assault, and to assess whether there were any changes in how IHE handle sexual violence over the course of the past ten years. In essence, this report updated the data collected in 2002 by Karjane, Fisher and Cullen, using the same nine parameters to assess institutional response.

The Subcommittee on Financial and Contracting Oversight (McCaskill, 2014) also conducted a national survey to assess how IHE were currently handling sexual violence, how IHE work with law enforcement to ensure that reports of rape and sexual assault are investigated and prosecuted and to assess any changes in how IHE handle sexual violence cases over the past decade, using a survey questionnaire of 28 questions culled from questions asked in the 2002 NIJ

Report (Karjane, Fisher & Cullen, 2002). Like the NIJ study, the Subcommittee study used data from IPEDS from 2011-2012 to construct their sampling frame, engaging a national sample comprised of 350 schools selected from a population of only four-year IHE that participate in Federal Title IV financial aid programs.

The sample universe of 3,104 institutions was stratified into one of nine strata based on public versus private and numbers of students (McCaskill, 2014). Data was collected by sending all IHE a letter inviting them to participate and all participating in the survey received at least three phone calls, with IHE that did not respond within four weeks being e-mailed and/or called at least one more time (McCaskill, 2014). The IHE were guaranteed total confidentiality, in an effort “to encourage accurate and complete information” with the promise that neither members of the public, the media, or other offices or branches of the government would view their identified responses. The final sample included 236 responses, with a response rate of 67% and a total of 440 IHE.

The report states that many IHE lack accurate information in regards to the prevalence of assaults on campus, with only 16% overall of the IHE in the Subcommittee’s (McCaskill, 2014) national sample reporting conducting climate surveys, including 20% of the nation’s largest public schools and 12% of the largest private schools. Regarding parameter 2, while the majority of the largest public IHE (73%) and the majority of the largest private schools (82%) provide reporting hotlines, only 51% of institutions in the national sample report providing students with this information. Additionally, only 44% of institutions in the national sample reported providing the option to victims to report sexual assaults online, with the largest public and private IHE

providing the option to report online, with 88% and 74%, respectively. And although these data improved dramatically from the 2002 report, where only 16% of institutions allowed for confidential reporting, there still are 8% of IHE in this sample that did not allow for confidential reporting of CSV.

The Subcommittee report (McCaskill, 2014) data showed that approximately 80% IHE reported providing sexual assault response training for their faculty and staff, which improved upon the 49% statistic from the 2002 NIJ study (Karjane, Fisher & Cullen, 2002). Of these data, 15% of the largest private IHE reported no CSV training for faculty and staff on impact, reporting policies, or procedures. Overall, 31% of the IHE sampled in the Subcommittee (2014) data stated that they do not provide any training on campus for students around CSV, which is less than the previously reported 58% of IHE in 2002 that stated they did not provide any CSV training for students. The majority (72%) of private for-profit institutions did not provide any sexual assault training for students and about half of small institutions (fewer than 1,000 students) provided no training at all. Service coordination was also lacking, with 73% of the IHE sampled by the Subcommittee (McCaskill, 2014) reporting not having protocols regarding how providers, including law enforcement and private security, should work together to respond to CSV. Additionally, McCaskill's (2014) report found that law enforcement at 30% of institutions nationally report that they do not receive training on how to respond to reports of sexual violence.

In terms of investigations, the 2014 Subcommittee report found 41% of schools in their sample not having conducted a single sexual violence investigation in the past five years,

including the majority (81%) of private for-profit schools and of institutions with fewer than 1000 students (77%). Additionally, when comparing IHE reports to the Department of Education (ED) data for each institution, the report indicated 9% of IHE sampled conducted fewer investigations of forcible and non-forcible sexual offenses in the past five years than they reported to the Department of Education, with 21% of the nation's largest private institutions conducting fewer investigations than the number of incidents reported.

Regarding the CSV adjudication process, the Subcommittee (McCaskill, 2014) data also showed that a small percentage of IHE sampled (13%) fail to make information about the adjudication process available to students. Additionally, in contrast to best practice, a little more than a quarter of institutions reported that they included students on CSV adjudication panels, which is not a preferred practice due to privacy concerns. The largest public (43%) and private institutions (30%) reported this practice the most often in the data. Additionally, 20% of the IHE sampled allowed the athletic department to have oversight of sexual violence cases involving student athletes. Regarding the standards related to evidence, 85% of IHE sampled use the preponderance of the evidence standard, which allows for a lower threshold of guilt, with 15% using a higher standard that has been challenged as being in favor of the perpetrator. 100% of the nation's largest public institutions reported using the preponderance of the evidence standard, with 75% of schools with fewer than 1,000 students reported doing so.

Finally, the Subcommittee (2014) data showed that more than 10% of IHE sampled do not have a Title IX coordinator, including approximately 12% of both private for-profit and private non-profit institutions, and more than 20% of institutions with fewer than 1,000 students.

The Clery and Title IX requirements are quite clear in requiring a Title IX officer to be appointed in order to be compliant and in good standing to receive Title IV funds. Yet, there have been no imposed consequences resulting in a loss of Title IV funds for any IHE to date based on Title IX or Clery Act violations.

Richards' (2016) IHE CSV Study. In an effort to update the Karjane, Fisher and Cullen (2002) study, Richards examined a nationally representative and diverse sample of 820 IHE to determine policy and prevention activities using the WHTF (2014) guidelines. Richards (2016) updated study showed improvements among IHE in terms of compliance regarding federal policies, but her evidence indicated that they are still falling short in important areas. For example, forty percent of IHE did not include the sexual misconduct policies in their student handbook, thirty-nine percent did not include information pertaining to primary prevention programs on their campus, and about thirty percent did not identify a Title IX coordinator (Richards, 2016).

Richards used a similar coding system as is employed in this study, indicating the presence of the item in the IHE documents. Although she utilizes the same WHTF guidelines as in this study, she simplified the items and includes only 27 items related to policy, prevention, and resources. She found that the majority of her schools (95%) included a Title IX policy and 85% had a separate policy for sexual violence. She also found differences in terms of sector type and amount or presence of policies, with fewer policies on average for 2-year public and private nonprofit (55%), 2-year private non-profit IHE (75%), and less than 2-year private for-profit (66%). In terms of what kinds of options are available for reporting (i.e. confidential, online, hotline) Richards data found differences among organizational characteristics, such as whether

the IHE is public, private, or non-profit or characteristics such as the size of the student population (Richards, 2016). In regards to all of Richards' frequencies, the discussion chapter of this report will compare their relationship to the data generated by this study,

Critique and Synthesis of the Literature

IHE response to CSV has been understudied in the academic literature, but of the research that exists, data indicate that organizations are limited in their response on a variety of levels, with great variation depending on IHE type and with only minimal improvements in certain areas over the past decade (Karjane, Fisher, & Cullen, 2002; McMahon, 2008; McCaskill, 2014; Richards, 2016). Recent data show that nearly one-third of IHE do not currently provide students with training regarding CSV (McCaskill, 2014), with variations based on institutional type showing and percentages shifting based on institutional characteristics (Richards, 2016). Additionally, between 10 and 20 percent of IHE fail to have an appointed Title IX director, nearly 10 percent fail to make available online reporting options, and nearly twenty percent fail to train faculty and staff in how to respond to CSV, and within these data is a range of 8 percent to 15 percent of private IHE failing to provide training (McCaskill, 2014; Richards, 2016). Overall, a little over half of the IHE provide reporting hotlines, with a range of more than 73% of the largest public institutions and 82% of the largest private schools providing this service and lower response rates for other types of IHE (McCaskill, 2014).

These data show that there are still serious limitations in terms of institutional response to CSV and these limitations can vary greatly as they relate to institutional characteristics. As evident in the review of the literature, any emphasis on characteristics of institutions have been

related primarily to IHE size or to IHE status as private or public (McCaskill, 2014). Other aspects such as the reliance on federal financial aid, have not been pursued in research. The next critical element in addressing CSV is to examine the problem from an environmental and organizational perspective (Casey & Lindhorst, 2009; Lichty, Campbell, & Schuiteman, 2008; McMahan, 2008; McMahan, 2015). Discussions of IHE response on an organizational level are descriptive and fail to address the role that organizational theories can have on compliance to policy, prevention, and intervention activities (Karjane, Fischer, & Cullen, 2002; McMahan, 2008; McCaskill, 2014; Richards, 2016).

This study examines the impact of organizational context and institutional characteristics on IHE CSV policy compliance, specifically CSV prevention programs or policies and CSV intervention programming. The study utilizes Resource Dependency theory (Pfeffer & Salancik, 1978) as a means to contextualize these concepts and to provide power to predict relationships across variables. These theories will be further developed and applied to CSV in the following chapter.

CHAPTER THREE: THEORETICAL FRAMEWORK

Introduction

This chapter proposes the concept of Resource Dependency Theory (RDT; Pfeffer & Salancik, 1978) as a relevant theory to predict IHE behavior regarding compliance to CSV policies. Specifically, an overview of the components of RDT will be discussed, in addition to a review of research examining the application of RDT to IHE behavior. Literature establishing the applicability of RDT to IHE reliance on public funding of tuition will be reviewed, concluding with a description of this study's theoretical model, research questions and hypotheses.

Resource Dependency Theory

Resource Dependence theory provides a framework for the prediction of compliance levels to CSV policy. Resource Dependence Theory (Pfeffer & Salancik, 1978) assumes that the external resources vital to an organization will ultimately influence the organization's behavior, specifically as it relates to the procurement of these critical resources. Further, the theory states that external organizations can hold power over a specific organization based on its reliance to these resources and this reliance or dependence can act to constrain the organization's behavior, particularly if these resources cannot be easily acquired elsewhere (Pfeffer & Salancik, 1978).

To contextualize this theory to the current study, it is important to consider IHE reliance on tuition in the form of federal financial aid funding as a critical external resource. IHE are primarily reliant on student tuition in the form of federal student financial aid as necessary to survive. In 2014, tuition dollars comprised 47 percent of revenues for public higher education “cementing a trend in which tuition revenue now rivals state appropriations as the main funder of

public colleges and universities” (Woodhouse, 2014, p. 1). This finding was also illuminated in a report by the Government Accountability Office (2014) in that same year. In 2015-2016, net tuition fee revenue contributed \$72.3 billion to public IHE, accounting for 46.4 percent of total educational revenue nationally (Bothwell, 2018). Additionally, according to a report by the State Higher Education Executive Officers Association (SHEEO; 2017), in 28 states, more than 50 percent of total educational revenues came from tuition in 2016-17, marking the first time that more than half of U.S. states relied more on tuition than on other government appropriations to finance institutions. The SHEEO report went on to assert that this reliance by public IHE on tuition dollars, subsidized primarily by federal grants and federal student loans at the rate of anywhere between 61 and 71%, were almost double the tuition’s share of higher education funding when compared to the 1990s (SHEEO, 2017).

The receipt of federal student financial aid plays a major role in terms of the funding of student tuition at public IHE, with 73 percent of federal higher education funding flowing to these institutions (Quinton, 2018). Data indicate that in 2013-14, undergraduate and graduate students received \$238.3 billion in student aid: grants, Federal Work-Study, federal loans, and federal tax credits and deductions (The College Board, 2014). Federal student aid loans made up the majority of public IHE tuition payments, comprising between 61% to 71% of public tuition payments between the years of 2008-2017, with public two-year IHE students receiving 34% of student aid in the form of Pell grants and with non-federal loans comprising only 9 to 11% of student loans between 2008 to 2018 (The College Board, 2018). Undergraduate students are the largest pool of federal loan recipients, receiving 60% of all federal student aid dollars in 2017-2018 (The College Board, 2018). The National Center for Education Statistics (Radwin et al.,

2018) found that 49% to 75% of undergraduate students enrolled at two-year IHE received federal financial aid.

In a 2014 article by Fowles, he utilized RDT to accurately depict the new relationship public IHE have to tuition dependence, stating

The shift in revenue structure away from public appropriations and towards increased reliance on tuition payments—a trend that has received much attention in the scholarly literature, albeit largely with the focus of its impact on students rather than institutions—has had serious and perhaps unintended consequences for public universities (p. 273).

This research report tests the assertion that one of the unintended consequences of increased reliance of public IHE on tuition in the form of federal student financial aid funding is increased compliance with CSV policies.

IHE rely on student tuition to deal with the “external forces of uncertainty or scarcity” (Froelich, 1999) and to remain solvent. In addition to the vulnerability of IHE to external material resources, such as money in the form of financial aid, state support, or tuition, IHE are also vulnerable to sources of institutional legitimacy (Verbruggen, Christianne, & Mills, 2010), such as social or political support or penalties emanating from institutions responsible for CSV oversight, such as the OCR or the Department of Education. While historically, these penalties have not been typically enforced in regard to CSV policies, there is evidence of IHE losing federal funding for other types of transgressions (Smith, 2015; U.S. Department of Education, February 1, 2016). According to resource dependency theory, the degree of dependence an organization has on these external groups increases with the concentration of resources; this

means that at the institutional level, organizations that depend heavily on few resource providers are more likely to “experience stronger constraining influences from their environment” (Verbruggen, Christianne, & Mills, 2010, p. 8). Specifically, retrospectively, an IHE would have been more likely to be compliant with elements of regulatory and federal policy tied to the receipt of federal funding, such as receipt of federal student financial aid dollars, as is the case in compliance to Clery and Title IX regulations.

In the context of a turbulent environment, including increased accountability, declining state funding and endowments (Duderstadt & Womack, 2004; Weber et al., 2001), IHE are in “competition for top students and faculty, [and] declines in enrollment and retention, and the scarcity of resources needed to sustain their current activities and achieve their organizational goals further heighten these issues” (Powell & Rey, 2015, p. 94). The dependence an organization has on these outside resources creates vulnerability to changes, not only regarding access to these resources, but also in relation to institutional pressures. IHE are compelled to be compliant with Title IX and Clery policies to maintain access to financial aid dollars provided by the federal government. This coincides with a related concept of Resource Based View, intrinsic to RDT, that asserts that public organizations are not ultimately concerned with dealing just with particular resources, but they also “place great weight on such attributes of resources that can contribute to achieving competitive advantage...defined as creating more value for the customer ...than other organizations operating in the sector” (Frączkiewicz-Wronka & Szymaniec, 2012, p. 18).

In this sense, the IHE is not only dependent upon financial aid funding as a significant contributor to its resources, but it is also committed as a public institution to the attributes of compliance to Title IX policies as it offers a competitive advantage and as it possibly creates more value in safety for the paying customers, specifically, students and their parents. It can be argued that it is in the IHE's best interest to be compliant, not only based on obtaining the needed resources (federal aid sponsored tuition dollars), but also "if public organizations fail to constantly assess the quality and usefulness of their resources, they cannot effectively perform their mission, create public value or respond to changes emerging in the environment" (Frączkiewicz-Wronka & Szymaniec, 2012, p. 19).

In the early part of 2017 and late 2018, Education Secretary Betsy DeVos issued new guidelines changing some of the previously required Obama era rules (Department of Education, 2017; 2018). Since this study is retrospective, the merit in the following analysis is to determine whether or not there was any influence of reliance on federal aid funds when it comes to adherence to policies active during the time of data collection. Using resource dependency theory as a guide, the researcher predicts that IHE rates of overall compliance to CSA policies will be associated with the amount of federal student aid funding the IHE receives. Additionally, the researcher predicts that compliance to CSV intervention and prevention practices will be lower than rates of adherence to Clery Act and Title IX policies, as they are only minimally tied to the receipt of federal funding, but that the amount of federal student aid funding received will nevertheless result in higher compliance scores in these domains.

Explanatory Model

This proposal draws primarily on RDT to explain policy compliance among IHE.

Overall, resource dependence theory dictates that the choices of the IHE sampled are limited by external pressures and that this will influence adherence to CSV policy. In terms of this analysis, the presiding element is the overall impact these forces can have on the dependent variable, compliance to CSV policies, especially as it relates to shared organizational characteristics.

Figure 1 provides a theoretical model. The strongest influence on CSV compliance, as predicted by RDT, is hypothesized to be the extent to which an IHE relies on federal funding. Additionally hypothesized is IHE with previous or current investigations of non-compliance by the Department of Education, specifically in the form of an open Title IX investigation, will demonstrate similar levels of adherence measured across the three domains. This relationship can be predicted based on the influence that RDT is theorized to have as regulatory mechanisms on organizations. The greater the interaction the IHE has with state or federal entities, the more compliance will be found among IHE sharing this characteristic.

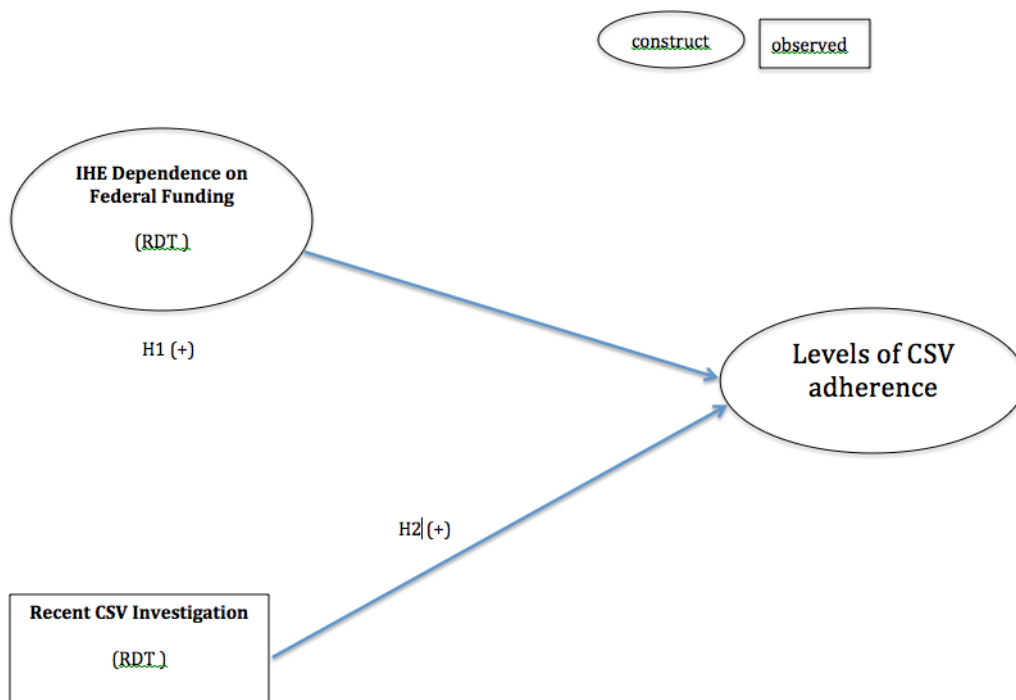


Figure 1. Theoretical Model.

Public Affairs and Social Work Significance of Research

Over the past several years, the public scrutiny of IHE institutional practices related to CSV policy has increased, bolstered by the efforts of student activists and underlined by policymakers (McCaskill, 2014). While much of the current CSV literature focuses on the efficacy of prevention-related interventions on individual level factors such as knowledge, attitudes, and beliefs, researchers have recently begun to turn their attention to the ecological and institutional level factors related to campus sexual violence. Sarah McMahon (2015) elaborates on this idea and asserts that in order to supplement the growing body of evidence supporting various bystander intervention programming, researchers should also turn their attention to

determine macro level factors affecting campus sexual violence. Using ecological theory (Bronfenbrenner, 1979), McMahon argues that individual level interventions (e.g., students' knowledge, attitudes, and beliefs) need to be understood in the context of their environment to determine how campus climate and setting interact. She generates several guiding questions for future research that pursue the impact ecological factors have on individual level factors.

This research proposal will contribute to the ecological understanding of CSV by looking at how organizational characteristics through the lens of Resource Dependency Theory (Pfeffer & Salancik, 1978) impact IHE adherence levels. The intention is to focus on the institutional behavior vis-à-vis these three domains: (1) policy adherence; (2) prevention programming and; (3) interim supportive measures. These domains were selected because they represent the major elements of IHE compliance to not only federal policies (e.g. Clery Act and Title IX) but also recommended prevention and interim supportive measures. In doing so, the researcher is addressing a gap in the literature in reference to institutional behavior by applying Resource Dependency theory (Pfeffer & Salancik, 1978) to the issue of IHE compliance.

Additionally, this proposal intends to provide social workers, researchers and policymakers with important descriptive data regarding an in-depth analysis of not only the CSV policy behaviors of IHE, but also in terms of the less studied CSV intervention and prevention efforts by IHE. In terms of this proposal's significance to public affairs and community science, Wandersman (2003) defines community science as "an interdisciplinary field, which develops and researches community-centered models that enable communities to use evidence-based interventions more effectively and efficiently" (p. 227). This proposal relies on the blending of

multiple disciplines, including social work, criminal justice, public administration and governance, in order to properly conceptualize the research design and questions and to gather the data, with the ultimate intention of improving policy-making and practice.

The framework provided by RDT provides the social work practitioner the necessary units of analysis that allows her to use a shared epistemology, methods and standards through which to operate as a public affairs practitioner and community scientist. Further, the intersection of theory, the emphasis on policy and the assessment of the organization as the unit of analysis in this proposal encapsulates the mission of public affairs research as the balancing of scientific validity and perspectivism, expanding community science's methodology to include context-based alternatives for an emerging community science (Tebes, 2005).

Research Question and Hypotheses

The primary research questions associated with this proposal are as follows:

- (1) What are the levels of adherence to CSV policy among a sample of public two-year and four-year IHE? Are there differences between two-year and four-year compliance scores?;
- (2) How do external forces relate to levels of adherence to best practices among IHE, specifically the reliance on federal student financial aid funding?; and
- (3) Is a history of recent investigations of CSV violations by the Department of Education associated with compliance?

Drawing from the theoretical framework informing this study, the hypotheses that pertain to this proposal are as follows:

H1: There is an association between IHE reliance on federal funding support in the form of federal student financial aid and adherence to IHE CSV policies and guidelines.

H_{1a}: Greater dependence on federal student aid funding correlates with higher levels of policy adherence.

H_{1b}: Greater dependence on federal student aid funding correlates with higher levels of adherence to prevention programming.

H_{1c}: Greater dependence on federal student aid funding correlates with higher levels of adherence to interim and supportive measures.

H_{1d}: Greater dependence on federal student aid funding correlated with higher levels of adherence overall to CSA policies.

H2: There is a relationship between recent investigations regarding CSV violations and adherence to IHE policies and guidelines as it relates to constraints of RDT and possible loss of Title IV funding.

H_{2a}: Recent CSV investigations are correlated with higher levels of total adherence overall.

The subsequent chapter will describe the research methodology employed in this cross-sectional exploratory study, including the research study design and the measurement of study variables utilized to test these hypotheses in the sample data.

CHAPTER FOUR: RESEARCH METHODOLOGY

Introduction

This cross-sectional, exploratory study measured organizational trends in IHE compliance with CSV policies and guidelines. A national sample of ninety-four ($n=94$) IHE, including fifty-three ($n=53$) four-year and forty-one ($n=41$) two-year colleges and universities, were sampled from a sampling frame of 1,716 eligible schools. Primary data was gathered by the researcher using information obtained from a content analysis of IHE websites and secondary data on organizational characteristics was accessed from the U.S. Department of Education (ED), the National Institute of Justice (NIJ), and the National Center for Education Statistics Integrated Postsecondary Education Data System (IPEDS). Descriptive statistical analyses to indicate current levels of adherence in the compliance domains and across characteristics were generated and a multiple regression analysis explored relationships between the dependent and independent variables derived from the application of resource dependency theory.

Sample

IHE were sampled from a national listing of IHE, including four and two-year colleges and universities that are Title IV eligible (students receive financial aid). IHE that are applicants for participation in any federal student financial aid program (such as Pell grants and federal student loans) authorized by Title IV of the Higher Education Act of 1965, as amended (20 USC 1094, Section 487(a)(17) and 34 CFR 668.14(b)(19)) were considered eligible for inclusion in the study sample. The sampling frame used is the list of 1,716 two-year and four-year post-secondary institutions located in the U.S. or U.S. territories currently eligible for Title IX funding

available through the U.S. Department of Education's (2016) IPEDS website. Of the 1,716 two and four-year IHE, there are 747 four-year institutions (43.5% of the eligible 1,716 IHE) and 969 two-year institutions, (56.4% of the eligible 1,716 IHE).

A random sampling technique of two and four-year colleges and universities was employed. A list of all Title IV eligible two and four-year institutions was generated from the IPEDS database using the unique numerical identifier as the defining variable. The unique identifier list for the four-year IHE and the two-year IHE were submitted separately to an online random list generator (Random.org) and used until an almost equivalent number of randomly selected two-year and four-year IHE was generated for each subgroup. Ultimately, 53 four-year IHE and 41 two-year IHE were included in the final analysis for a total sample of ($n=94$) IHE. A power analysis indicated that the final sample of 94 IHE at 95% confidence level has a 9.8% margin of error and is sufficient for an exploratory study. The burden of data collection that required two to five hours of researcher time per IHE sampled restricted the researcher's ability to collect a larger sample.

Data Collection

Since these data are from existing public websites and databases, they were considered non-human subjects' data and were exempted from review by the University of Central Florida's IRB. Primary data was collected via content analysis techniques to translate content from IHE materials and websites into quantitative data using the variable indices as a guide starting in 2016 and extending into 2017. These methods are based in part by previous research on CSV using website and published materials as primary data, including Karjane, Fisher and Cullen's (2002)

described technique and as utilized by Schwartz, McMahon and Boradnax (2015) in their assessment of sexual assault information on college websites. The indices and variables are defined in detail in the following sections.

Data collection and coding took place in three stages: first, the keyword search was conducted utilizing the information from the indices pertaining to the policy, prevention, or interim and supportive services element. The researcher analyzed the IHE's Annual Security report and the Faculty and Student Code of Conduct handbook or manual of student rules, required to be published by Clery Act, Title IV, Title IX, and Department of Education mandates as per the methods described by Karjane, Fisher, and Cullen (2002). Like the Karjane study, the examination of code of conduct manuals are necessary as a supplement because the IHE's ASR might only contain partial information mandated by the Clery Act and examination of the codes of conduct or additional materials could provide a more complete picture of IHE published CSV policies and procedures.

If the initial keyword search for each item on the policy, prevention, or interim/supportive services indices was unsuccessful, the next stage was to search the website thoroughly for any indications of the item, examining all sources of data using and employing additional keywords. The final stage of data collection was coding the content of the information on the webpages and IHE materials as per the variable indices' checklist. This process transpired for all three of the dependent variable domains. This method has been used in previous CSV policy research, including a content analysis of CSV materials on IHE websites by Streng and Kamimura (2015). Additionally, Schwartz, McMahon, and Broadax (2015) employed a similar

technique, using CSV key word searches via the IHE website or IHE specific Google to search CSV key words within the IHE website.

Measurement of Study Variables

The measurement tool created for this study created an index of policy compliance which incorporates as variables a comprehensive accounting of the elements of federal sexual violence policies. The basis for this index was provided using the proposed *Not Alone* compliance checklist, generated by the WHTF (2014) as a guide and the index items are specified in Appendix D. This document was contemporary to the time-frame during which the data was collected and included all current applicable federal laws, including Title IX of the Education Amendments of 1972, Title IV of the Civil Rights Act of 1964, the Family Educational Rights and Privacy Act of 1974, and the Clery Act. Under the current Trump Administration and the tenure of Betsy DeVos as Education Secretary, there have been proposed changes to the guidance contained in the Dear Colleague letter (WHTF, 2014) and these elements are no longer being fully implemented. As the following policy guidelines were relevant at the time of data collection, they are therefore still considered viable to the data in this retrospective analysis.

Additionally, the measurement tool incorporates items assessing sexual violence prevention activities based on a document and checklist generated by the Centers for Disease Control's Sarah Degue (2014) entitled *Evidence-Based Strategies for the Primary Prevention of Sexual Violence Perpetration*. Lastly, measurement of institutional characteristics, such as federal reliance on aid, size and other characteristics, were downloaded via the U.S. Department of Education's International Postsecondary Education Data System (IPEDS) website.

Appendices D through G include tables detailing variables, sources, measurement questions and attributes. A detailed discussion of each of these measures and their corresponding sources is included in the following section.

Dependent Variables

There are four dependent variables, levels of adherence to policy, prevention activities, and interim services which are additive to the final dependent variable, overall compliance score. In order to quantify levels of adherence three indices were constructed from the IHE documents and website data in the sample of IHE for this study. For each of these dependent variables the researcher computed an additive index score that varies based on the number of elements measured under each variable. The higher the earned score on each index, the greater the level of adherence to the policy or practice as it is reflected in IHE documents and website data. It must be cautioned that the dependent variables do not reflect an evaluation of the appropriateness of the application of the policy, prevention, or intervention element being examined at each sampled IHE, but rather reflect the IHE's documentation that this element is present within their institutional environment. The following sections defined the information and sources used to create each of three indices: (1). Levels of IHE compliance to federal policies; (2). Levels of IHE provision of CSV prevention services and programs; and (3). Levels of IHE provision of CSV interim and supportive measures.

Policy Index Dependent Variable. The first of the dependent variables to be discussed is the policy adherence variable. This variable is an index variable comprised of 67 observations on multiple sub-indices that measure the IHE's documented level of federal policy adherence

and is included in detail in Appendix D. The observations for each item on the index were recorded using a binary response: if the policy statement or item was present in IHE documents or on the IHE website, “yes” was recorded in the data set resulting in 1 point. If the element is not found in the documents or on the website, an answer of “no” was recorded in the data set with 0 points awarded on the index.

The researcher wanted to create more precision in the measurement of levels of policy adherence and was thorough in incorporating all elements of the required federal CSV policies. The basis for this index was provided using the proposed *Not Alone* compliance checklist, generated by the WHTF (2014) as a guide. This document included all applicable federal laws, including Title IX of the Education Amendments of 1972, Title IV of the Civil Rights Act of 1964, the Family Educational Rights and Privacy Act of 1974, and the Clery Act and their implementing regulations and related guidance (WHTF, 2014) during the time of data collection.

While it does not capture any state or local laws that may apply to IHE policy compliance, the WHTF (2014) checklist that forms the basis of this index does provide the threshold for IHE compliance with CSV policy at the federal level. The WHTF (2014) cautions in its preface to this information that the checklist is not exhaustive, nor it is exclusive, but should be viewed as guidelines through which the IHE can “cover the important bases” (WHTF, 2014, p. 1). As this checklist is the best existing document to benchmark federal CSV policy compliance in practice at the time of data collection, and as this is an assessment of the ideal implementation of these federal laws, it provides a reasonable list of items to include as the basis for this study’s policy dependent variable.

Prevention Index Dependent Variable. The prevention level index is scored the same as the preceding dependent variable, utilizing an index format with the higher score indicative of more observations recorded that represent the existence of a particular CSV prevention program. The index does not evaluate the particular program, but serves to represent the presence of this program or service as noted in IHE websites or documents. This variable is an index variable and comprises multiple sub-indices that measure the IHE level of compliance in regard to recommended practices related to CSV prevention programming. The observations for each item on the index will be recorded using a binary response: if the prevention program is present in IHE documents or on the IHE website, “yes” will be recorded in the data set resulting in 1 point. If the program or element is not found in the IHE documents or on the IHE website, an answer of “no” will be recorded in the data set with 0 points awarded.

The basis for the items included on the prevention index (see Appendix E) comes from a document and checklist generated by the Centers for Disease Control’s Sarah DeGue (2014) entitled *Evidence-Based Strategies for the Primary Prevention of Sexual Violence Perpetration* describing the best practices in developing, selecting, and implementing CSV prevention with the “latest evidence regarding the best chance for successfully changing sexual violence” (p. 2). In addition to describing programs that work, the document, which is based upon a larger systematic review of prevention programming also developed by DeGue and her CDC colleagues (DeGue, Valle, Holt, Massetti, Matjasko, & Tharp, 2014), outlines specific CSV prevention strategies that serves as a checklist for best practices in sexual violence prevention (Degue, 2014).

In terms of the selected programs, DeGue et al. (2014) caution that they are not officially endorsing these programs but they do acknowledge that among the limited data available regarding effective CSV programming, there are four programs listed as “promising” with varying levels of supporting evidence and a diverse array of other programs that are suggested. In the following sections, a brief description will be given for each of the four main programs that are included in the first sub-scale on this index: Safe Dates (Foshee, 1996); Shifting Boundaries (Taylor, Stein, Woods, & Mumford, 2011); Coaching Boys Into Men (Miller et al., 2012a) and Bringing In the Bystander (Banyard et. al, 2007). IHE could receive a point for each one of these programs present should multiple programs be indicated in their documents and materials.

Safe Dates. The Safe Dates program (Foshee, 1996) is selected by the CDC document and is a program that has been developed specifically for dating violence prevention among middle and high school aged students. It is a 10-session curriculum that is designed to address attitudes, social norms, and healthy relationship skills, including using theater and arts as additional components to addressing these issues. Safe Dates has been rigorously evaluated over a four-year longitudinal study (Foshee et al., 2004), and results indicated that participants were significantly less likely to be victims or perpetrators of sexual violence involving a dating partner four years post program exposure.

Shifting Boundaries. Shifting Boundaries (Taylor, Stein, Woods, & Mumford, 2011) is the only other recommended program by the CDC document, and was also developed for use with middle and elementary school students. Targeting efforts at the environmental level, the 6 to

10-week program involves examining policy and safety concerns in the school through the use of building-based restraining orders, hotspot mapping to identify unsafe locations in the school, and a poster campaign. It was also subject to an evaluation study defined by Degue (2104) as “rigorous,” with results showing that the building level intervention was effective in reducing perpetration of sexual harassment, peer sexual violence and sexual violence victimization (Taylor et al., 2011; Taylor, Stein, Mumford, & Woods, 2013).

Coaching Boys into Men. Developed by Miller et al. (2012a), this program is geared toward high school athletes and utilizes 11 sessions ten to fifteen minutes in length covering dating violence, respectful relationships, bystander intervention, gender equity education, and positive expressions of masculinity. A one year follow up showed the program to have positive effects on overall attitudes related to dating violence, with no specific subscale assessing the impact on sexual violence (Miller et al., 2012b).

Bringing in the Bystander. This bystander training and education program was developed by Banyard et al. (2007) and is specific for the college population. The program is 4.5 hours in length and delivered over the course of several sessions, providing education and training regarding how to identify and intervene when they are exposed to behavior that might put their peers at risk of sexual violence victimization. The skills involved in this training program focus on deconstructing rape myths, decoding sexist language, supporting victims, and imparting skills to participants regarding how to intervene in situations where sexual violence may be at risk. Banyard et al. (2007) and Moynihan, Banyard, Arnold, Eckstein and Stapleton (2010) evaluated the impact that exposure to the program had on participants, showing increases

in positive attitudes towards bystander intervention, increases knowledge of bystander skills, increases in measuring intentions related to bystander approaches, and measuring bystander related behaviors among the participants.

Other primary prevention strategies. The report also details additional overall strategies to CSV prevention that are not specific to any one existing program and are generally untested but potentially useful in the CSV prevention realm. There are five types of education programming mentioned: 1). Bystander Intervention (teaching students intervention skills to effectively intervene in cases of potential sexual violence); 2). Programs that engage men specifically as the target population of the CSV education; 3). Healthy sexual education programming; and finally, 4). Public awareness campus wide campaigns to address the issue of CSV (DeGue et. al, 2014).

Sexual Violence Prevention Program Checklist. The last subscale on this index details strategies endorsed by the CDC in regard to CSV prevention programming as recommended by DeGue (2014) and her colleagues as applicable and important to CSV prevention. In an effort to compensate for the limited evidence supporting specific prevention programs and strategies, the CDC recommends that IHE consider the “principles of prevention” as set forth by Nation et al. (2003) in a review of delinquency, violence, substance abuse, and risky sexual behavior prevention programs as elements common to effective programming. DeGue (2014) recommends to IHE several common elements to bolster CSV programming on campus, some of which were selected as feasible and measurable for inclusion in this dependent variable index. These elements are: (1) Multiple intervention strategies mentioned; (2) Multiple participant

groups; (3). Multiple settings; (4) Repeated programming over time; (5) Evidence of program evaluation; (6) Evidence of trained staff implementing the program. Following consultation on the measure with colleagues who are researchers in the field of CSA, a suggestion was made to add to this subdomain items to assess specifically whether the teaching methods included: 1). Online training; (2) Student courses; (3) Presentations by faculty; (4). Student theater; and (5) Facilitated discussions. .

CSV Interim and Supportive Measures Dependent Variable

In terms of CSV support on campus, often the victim receives services with a community provider outside of the confines of the IHE. Because it would prove too cumbersome to make an assessment of the IHE and their ancillary support providers or community collaborators, this variable will be operationalized as a measure of Title IX specific interim measures that should be provided by an IHE per federal policy and that can be defined as “the services, accommodations, or other assistance that colleges must provide to victims after notice of alleged sexual misconduct but before any final school outcomes – investigatory, disciplinary, or remedial – have been determined” (WHTF, 2014, p. 1). The interim measures relate to support-related activities, including access to counseling, disability measures, changes in housing, medical and mental health services, academic accommodations, and changes in dining, work or other schedules. These services are intended to be supplied prior to adjudication of the alleged assault.

Additionally, this variable assesses the “supportive measures” that should be made available to students at IHE, in particular students who elect not to report the sexual misconduct to the college but who would like to seek assistance from counselors or from victim advocates

(WHTF, 2014). To clarify, “counselors at a college’s mental health center may request changes to classes or housing on behalf of victims of trauma, including but not limited to sexual assault, without disclosing the nature of the underlying trauma” (WHTF, 2014, p1). The elements included under the interim and supportive services scale are included in Appendix F.

Independent Variables

Independent variables measuring elements of organizational characteristics were assessed against the aforementioned dependent variables. These independent variables include basic institutional demographics ascertained from the IPEDS database and are as follows: amount of dollars received for federal financial aid by students for each IHE, institutional size, degree of urbanization, four year or two year sector, region, number of reported incidents included in the annual safety report for Clery required offenses (rapes and sexual assaults; liquor violations; intimate partner violence and dating violence events) and amount of dollars spent on student services.

Organizational Characteristics. Appendix G details the independent variable and its relationship to the hypotheses. In terms of the organizational characteristics, the data will be culled from the U.S. Department of Education’s International Postsecondary Education Data System (IPEDS) website. This site gives researchers and students access to the data culled from an interrelated set of surveys conducted annually by the U.S. Department of Education’s National Center for Education Statistics. IHE that are applicants for participation in any federal student financial aid program (i.e., Pell grants, federal student loans) authorized by Title IV of the Higher Education Act of 1965, as amended (20 USC 1094, Section 487(a)(17) and 34 CFR

668.14(b)(19)) must report IHE organizational statistics to IPEDS. The Higher Education Act of 1965 requires IHE that participate in federal student aid programs to report data on organizational characteristics, including enrollments, program completions, graduation rates, details regarding faculty and staff, finances, tuition rates, and student financial aid. The most recent and relevant completed data for these variables in IPEDS comes from 2014-2015 data (IPEDS, 2016).

In regards to the primary independent variable of IHE reliance on federal Title IV financial aid funding, the researcher used as a measure the data regarding the amount of Title IV student federal financial aid funding in dollars that each IHE receives, which is available through the IPEDS database. The most complete dataset in IPEDS for this variable is 2014-2015. As previously discussed, close to 75% of public tuition revenues are subsidized by federal financial aid (The College Board, 2018) and tuition at public institutions in recent year makes up nearly 46% of IHE budget (Woodhouse, 2014).

Initially, there was consideration of constructing a bounded variable representing the proportion that federal student aid funding makes up in regard to each IHE overall operating budget. The decision was made to include the amount of federal student aid each IHE receives in dollars because it most directly relates to the sanctions proposed by Clery Act regulations. Additionally, bounded variables restricted to a ratio are generally unsuitable for use in multiple linear regression (Kieschnick & McCullough, 2003), specifically when it comes to failures of assumptions of normality and homoscedasticity (Ferraro & Cribari-Neto, 2004 and Paolino, 2001 as cited by Migliaroti, DiBrisco & Ongnaro, 2018). While this variable is limited in that it does

not capture the percentage of the IHE operating budget that federal aid monies comprise, it does directly capture the amount in Title IV dollars that the IHE receives and this was directly linked to the proposed sanctions on IHE if non-compliant with CSV policies. Tuition dollars comprised 47 percent of revenues for public higher education rivaling state appropriations for funding (Woodhouse, 2014) with two-thirds of students in 2014-2015 subsidizing their tuition with federal aid funding (The College Board, 2018), indicating that the measure of financial aid per IHE represents significant funding (resources) for two-year and four-year public universities.

An additional independent variable related to organizational characteristics is the variable defining recent investigations into CSV policy violations by the Department of Education. To define recent violations, the variable includes any IHE who has been the subject of an investigation, either resolved or still pending, over the course of the previous five years. The source for this data was the Chronicle of Higher Education Title IX Investigation tracker (2018) which maintains a list of current, open Title IX investigations and resolved investigations starting in 2011, obtaining its data from the federal government via Freedom of Information act requests.

Finally, the researcher obtained information from IHE annual safety reports (ASR) regarding the number of Clery reportable offenses indicated in each IHE's report. Specifically, data was obtained from the ASR for each IHE sampled regarding the number of reports of intimate partner violence and domestic violence incidents over the three previous ASR reporting years, the number of reported incidents of rapes and sexual assaults reported over the three previous ASR reporting years, and the number of liquor violations reported over the three previous ASR reporting years. Since Clery Act requirements indicate all Title IV eligible IHE

must make these data available in their ASR reports, data on all three report categories was available for 95% of IHE in the sample. These data represent reports made to campus authorities and do not reflect adjudicated cases or resolutions. The inclusion of these categories to the independent variables list is to discern whether there are any associations between number of reported incidents and levels of adherence.

Secondary data was obtained on IHE characteristics using the NCES IPEDS website data collection tool and allowing for a downloadable data set of the sampled schools. School characteristics were selected from the IPEDS data repository using the list of independent variables. The IPEDS database was limited to the most recent complete data available at the time of analysis from the 2014-2015 academic year. Collection of the original data from IHE websites took on average between two to five hours per IHE to complete. Barriers to collection included broken links on IHE webpages, poorly organized IHE web-sites, missing documents, and incomplete data in ASR reports.

Research Design

This pilot study employed a non-experimental, retrospective, cross-sectional design utilizing primary data collected by the researcher vis-à-vis a content analysis of IHE websites, publications and other materials and the collection of secondary data regarding IHE characteristics obtained through accessing the national IPEDS website. Data collected are housed in an encrypted, password-protected database accessible only to the researcher. The research protocol was exempted from review by the Internal Review Board at the University of Central Florida.

Design Validity and Measurement Error

The primary concern for internal validity is the degree to which valid conclusions can be drawn about the effects of the independent variables, IHE characteristics, on the dependent variables, levels of adherence to policy, prevention, interim and overall adherence. Issues related to measurement error and validity are present in this pilot study. To minimize these issues, the overall measure was reviewed for face and content validity by colleagues at Rutgers University Center on Violence Against Women (VAWC) who are also working on developing a measure to assess IHE CSA federal policy adherence.

The measure is also limited by a reliance on binary categories (yes for presence of policy in website content or materials, no if the policy is not found in materials or website) as the scoring method for the measurement scales. In certain cases, there may be ambiguity in terms of the presence or application of a particular policy based on how the information is extracted from the IHE website or documents. By conferring with colleagues that are working on their own measure of IHE compliance, the researcher addressed any bias in regard to recording and coding these data. A comprehensive review of all study limitations will be addressed in the discussion.

Finally, regarding the use of the current scales as a measure of assessing adherence to CSA federal policies across the three domains, there are limitations in terms of understanding the application and functionality based on these measures. The extraction of the data based on content analysis of the websites and IHE documents does not assess the quality or functionality of these policies as they exist at the various IHE. Future research could improve upon these measures by evaluating the quality and accessibility of the interventions and applications of federal policies.

Coding of Variables. The three domains related to the dependent variables (policy index, prevention index, interim services/support index) were coded using index measurements, with a higher score representative of a greater presence of each of the concepts in the published materials and IHE websites. The index variables are continuous and do not need to be recoded for analysis. Particular elements can be broken out of the index and treated as distinct variables if exploratory data analyses indicate there may be sufficient reason to examine a particular element as its own dependent variable, in which case the variable would likely be considered binary (1=yes, 0=no). For more details on the coding of each of these dependent variables, please consult the variables section of this proposal.

The independent variables are a combination of categorical and continuous variables and the coding and configuration for each is detailed in the independent variables section of this proposal. Variables were tested against the dependent variables in an effort to examine the hypotheses using various regression models.

CHAPTER FIVE: RESULTS

This chapter discusses the results of data analysis in depth, including a descriptive profile of the data, the differences between the sample subgroups of two and four-year IHE and the results of tests of association, relationship and prediction using the dependent variables of total compliance scores and the sub-domains of compliance scores (policy, prevention, and interim measures). Data were coded and stored in encrypted, password-protected database accessible by the researcher and analyzed using the Statistical Product and Service Solutions (SPSS) software (IBM Corporation, 2012), version 25.

Data Analysis

Detailed descriptive statistics were generated using IBM SPSS Statistics version 25.0 for Windows (IBM Corporation, 2012). T-tests were used to determine significant differences in the two groups, two-year and four-year IHE, examining overall compliance score totals and differences in score totals across the three domains (policy; prevention; interim measures). Additionally, the strength, relationship and direction of association between the primary dependent variable of overall compliance scores and the three sub-domain categories were assessed using simple linear regression.

Finally, multiple linear regression models were tested to assess possible predictor variables of total compliance score overall, across the two subgroups (two and four-year colleges) and in relation to the total score and the three sub-domains of compliance scores (policy, prevention, and interim). To assess the relationship that recent Title IX violations have on policy, prevention, interim and total compliance scores, nonparametric tests were used

because of disproportionately sized groups and issues with normality of distribution. These results will be discussed below.

Descriptive Analysis

Sample. Table 1 gives an overview of the frequencies regarding the final study sample. In terms of the sample, there are 1,716 total two and four-year public IHE in IPEDS that receive Title IV funds that were eligible to be included in the study sample. Of the 1,716 eligible schools, 748 are four-year schools (44%) and 969 are two-year schools (56%). The final sample for this study included 94 schools ($n=94$), with 53 four-year IHE included and 41 two-year IHE. The final sample of 94 schools puts power at 95% confidence level with a 9.8 margin of error. Since this study is an exploratory study there are limitations of generalizability to the total population of eligible two and four-year IHE.

Table 1. *Four-year and Two-year IHE Included in the Study Sample*

	Frequency	Percent	Total in universe	Eligible IHE in IPEDS (N=1,716)
Four-year IHE	53	56.8	56.8	748/44%
Two-year IHE	41	43.2	43.2	969/56%
Total	94	100.0	100.0	1,716/100%

Table 2 gives an overview of the characteristics and demographics related to the IHE included in the sample, such as Region (Northeast, Midwest, South and West), Institutional Size (Under 1K students, 1k to 4,999K students, 5K to 9,999K students, 10K to 19,999K students, and 20K or more students), and Degree of Urbanization (Suburbs, Rural, Town, or City). These

data were obtained from the IPEDS database. Only Urbanization was recoded and collapsed from its original form in IPEDs of 12 categories specifying size and type (i.e. City:large, City:Midsize, City:Small) to four categories defined by type alone. The overall sample, as well as the sample broken down by sector (two-year and four-year) show higher representation of IHE sampled from the South, followed by the Midwest, Northeast, and finally, West. This distribution came as a result of random sampling. Visual inspection of IHE concentration across continental US shows (IPEDs, <https://nces.ed.gov/ipeds/CollegeMap/>) that this sample does not differ substantively from actual regional distribution of public IHE.

In terms of the institutional size category, the distribution for four-year IHE mirrors the national distribution, with lesser representation at the small-campus size level (under 2,000 students) and the large-campus size (15K plus) level, and the most representation at the midsize-campus (2k to 15k students) level (NCES, 2018). Regarding two-year IHE, the distribution captured by this random sample also mirrors the national distribution of two-year IHE, with the largest representation at the midsize campus level, followed by small-campus, and large-campus size (NCES, 2018).

Table 2. *Demographic Data and Frequencies for Four-year, Two-year and Overall IHE*

		4 Year Frequency	4 Year Percent	2 Year Frequency	2 Year Percent	Total IHE Frequency	Total IHE Percent
Region	Northeast	7	13.2	9	22.0	16	16.8
	Midwest	15	28.3	12	29.3	27	28.4
	South	23	43.4	15	36.5	37	40
	West	8	15.1	5	12.2	14	14.7
	Total	53	100.0	41	100.0	94	100.0
Size	Under 1K students	0	0	5	12.2	5	5.3
	1K to 4,999K students	12	22.6	16	39.0	28	29.5
	5K to 9,999K students	14	26.4	11	26.8	24	26.3
	10K to 19,999K students	13	24.5	7	17.0	21	22.1
	20K or more students	14	26.4	2	4.9	16	16.8
	Total	53	100.0	41	100.0	94	100.00
Urbanization	Suburbs	11	20.8	8	19.5	19	20.0
	Rural	3	5.7	11	26.9	14	14.7
	Town	18	33.9	9	21.9	27	28.4
	City	21	39.6	13	31.7	34	36.8
	Total	53	100.0	41	100.0	94	100.0

Policy Score Descriptive Data. Table 3 shows the frequencies involved with the Policy index for four-year, two year and all IHE. The percentage represents the frequency of the item being found in the IHE documents. For almost every item in the policy index, there was a higher frequency for four-year IHE than for two-year IHE. Notably, there were several items that were under the 50% threshold for both two- and four-year schools including a description of campus geography (GEO) in the Annual Security Report, the presence of information pertaining to a Sexual Assault Response Team or the process (ASST3), and information regarding a Sexual Assault Nurse Examiner (ASST4). In terms of the definitions suggested for inclusion in the IHE

policy materials, all were fairly well represented in the two and four-year IHE with the exception of sexual exploitation (DEF6) and intimidation (DEF9).

Table 3. Policy Index Item Frequencies for Two-year IHE, Four-year IHE, and Overall IHE

Policy Index Item – Percentage represents item being present on school website, annual security report and other publicly available IHE documents	Two-year IHE (n=41)	Four-year IHE (n=53)	Overall IHE (n=94)
GEO- Map showing campus geography, including public and adjacent non-public spaces	29.3%	61.1%	47.4%
INTRO1 - Clear statement of school’s prohibition against sex discrimination/misconduct	97.6%	96.3%	96.8%
INTRO2 - Statement of the school’s commitment to address sexual misconduct.	87.8%	98.1%	93.7%
POL1 - Identify the persons, conduct, locations (including off campus), programs, activities, and relationships covered by the sexual misconduct policy.	73.2%	75.9%	74.7%
POL2 - Policy applies to all students, employees, third parties regardless of sexual orientation or gender identity	36.6%	63.0%	51.6%
POL3 - Briefly explain the school’s confidentiality policy, including reference to more detailed policy	78.0%	92.6%	86.3%
ASST1 - Provide contact information for trained on/off campus advocates and counselors who can provide an immediate crisis response	78.0%	96.3%	88.4%
ASST2 - Provide emergency numbers for on- and off- campus safety, law enforcement, and other first responders (e.g., the Title IX coordinator);	90.2%	96.3%	93.7%
ASST3 - Describe the sexual assault response team (SART) process and resources	17.1%	44.4%	32.6%
OPT1 - Ensure the victim is aware of the options to seek treatment for injuries, preventative treatment for sexually transmitted diseases, and other health services.	75.6%	87.0%	82.1%
OPT2 - Discuss the option of seeking medical treatment in order to preserve evidence.	75.6%	96.3%	87.4%
OPT3 - Identify where/how to get a rape kit or find a Sexual Assault Nurse Examiner (SANE)	39.0%	57.4%	49.5%
OPT4 - List locations, including contact information, for an advocate (e.g., a local rape crisis center, on-campus advocacy program) who can accompany a victim to the hospital or health provider	61.0%	74.1%	68.4%
DEF1 – Sexual Harassment Definition	70.7%	94.4%	84.2%
DEF2 – Hostile Environment Definition	51.2%	74.1%	64.2%
DEF3 – Sexual Assault Definition	100.0%	98.1%	98.9%
DEF4 – Domestic Violence Definition	90.2%	100.0%	95.8%
DEF5 – Dating Violence Definition	85.4%	96.3%	91.6%
DEF6 – Sexual Exploitation Definition	31.7%	57.4%	46.3%
DEF7 – Stalking Definition	87.8%	98.1%	93.7%
DEF8 – Retaliation Definition	31.7%	70.4%	53.7%
DEF9 – Intimidation Definition	22.0%	48.1%	36.8%
INCAP- Incapacitation definition included (such as due to the use of drugs or alcohol, when a person is asleep or unconscious, or because of an intellectual or other disability that prevents student to consent)	46.3%	85.2%	68.4%
CON1 - -Consent is a voluntary agreement to engage in sexual activity;	90.2%	98.1%	94.7%
CON2 - Someone who is incapacitated cannot consent	87.8%	92.6%	90.5%
CON3 - Past consent does not imply future consent	68.3%	66.7%	67.4%
CON4 - Silence or an absence of resistance does not imply consent;	65.9%	74.1%	70.5%
CON5 - Consent to engage in sexual activity with one person does not imply consent with another	14.6%	25.9%	21.1%
CON6 - Consent can be withdrawn at any time;	65.9%	57.4%	61.1%
CON7 - Coercion, force, or threat of either invalidates consent.	78.0%	81.5%	80.0%

Policy Index Item – Percentage represents item being present on school website, annual security report and other publicly available IHE documents	Two-year IHE (n=41)	Four-year IHE (n=53)	Overall IHE (n=94)
REP1-Identify formal reporting options – e.g., criminal complaint, institutional complaint, report to “responsible employee,” including the Title IX coordinator.	87.8%	96.3%	92.6%
REP2- Explain how each reporting option works /include contact information	68.3%	87.0%	78.9%
REP3 - Identify alternatives to reporting – e.g., privileged or confidential disclosure	68.3%	88.9%	80.0%
REP4 - Describe policies governing confidentiality	80.5%	94.4%	88.4%
REP5 - Specify employees to whom a student can disclose in confidence and those “responsible employees” who must report incidents to the Title IX Coordinator	70.7%	90.7%	82.1%
REP6 - Include information on how a school will ensure that a student understands an employee’s reporting obligation before he or she reveals any information to that employee	19.5%	37.0%	29.5%
REP7 - Describe what information will be kept confidential, what may be disclosed, to whom and why	31.7%	66.7%	51.6%
REP8 - Explain when the school may not be able to honor a student’s request that his or her name not be disclosed to the alleged perpetrator or that no investigatory or disciplinary action be taken	29.3%	59.3%	46.3%
REP9 - Identify the employee responsible for evaluating such requests for confidentiality or no action.	14.6%	53.7%	36.8%
REP10 - Explain the school’s reporting obligations under the Clery Act, including the annual reporting responsibilities of Campus Security Authorities and the school’s obligation to issue timely warnings.	92.7%	96.3%	94.7%
REP11 - Explain the process for third-party and anonymous reporting.	46.3%	72.2%	61.1%
REP12 - Describe when the school will grant amnesty from drug, alcohol, other student conduct policies	31.7%	50.0%	42.1%
INV1 - Identify the Title IX Coordinator(s) and explain roles and responsibilities.	80.5%	96.3%	89.5%
INV2 - Identify who conducts the investigation and what an investigation might entail.	63.4%	85.2%	75.8%
INV3 - Specify a reasonably prompt time frame for conducting the investigation and resolving the complaint, as well as the process for extending the timeframe.	56.1%	85.2%	72.6%
INV4 - Explain the processes for preserving evidence	41.5%	64.8%	54.7%
INV5 - Provide the respondent and complainant equitable rights during the investigative process	75.6%	81.5%	78.9%
INV6 - Set forth parameters and clarify what information may and may not be shared during a parallel investigation with law enforcement (e.g., via a Memorandum of Understanding)	17.1%	31.5%	25.3%
GR1 - Mediation is never appropriate in sexual misconduct cases	19.5%	33.3%	27.4%
GR2 - Preponderance-of-the-evidence standard will be used in Title IX fact-finding, related proceedings, including hearings	73.2%	96.3%	86.3%
GR3 – Identify the trained individuals who determine whether the alleged sexual misconduct occurred	46.3%	79.6%	65.3%
GR4 – Identify the individuals who determine the sanction	41.5%	68.5%	56.8%
GR5 – Identify process by which either party may raise issues related to potential conflicts of interest	29.3%	59.3%	46.3%
GR6 – Identify the persons who may attend and/or participate in the adjudication process	58.5%	79.6%	70.5%
RIGHTS1 - Notice of hearing(s) to both parties	65.9%	92.6%	81.1%
RIGHTS2 – Provide an opportunity for both parties to present witnesses and other evidence	48.8%	77.8%	65.3%
RIGHTS3 - Prohibit questioning or evidence about complainant’s prior sexual conduct with anyone other than the alleged perpetrator	22.0%	31.5%	27.4%
RIGHTS4 - Clarifying that evidence of a prior consensual dating or sexual relationship between the parties by itself does not imply consent or preclude a finding of sexual misconduct	17.1%	33.3%	26.3%
RIGHTS5 - If the school conducts a hearing, and generally allows for cross examination, a description of alternative methods that preclude the respondent from personally cross-examining the complainant	12.2%	31.5%	23.2%
ADJ1 - Sanctions as a result of the adjudication process	92.7%	96.3%	94.7%
ADJ2 – Identify additional remedies for the school community	12.2%	24.1%	19.9%
RES1 - Simultaneous written notice to both parties of the outcome and option to appeal, if applicable	73.2%	88.9%	82.1%

Policy Index Item – Percentage represents item being present on school website, annual security report and other publicly available IHE documents	Two-year IHE (n=41)	Four-year IHE (n=53)	Overall IHE (n=94)
RES2 - A statement that the school will not require a party to abide by a nondisclosure agreement, in writing or otherwise, that would prevent the redisclosure of information related to the outcome	4.9%	7.4%	6.3%
RES3 - Describe the appellate procedures (if appeals are permitted), including grounds for appeal, standards of review, the person/entity that will decide appeals, and the applicable of prompt time frames	65.9%	74.1%	70.5%
TRAIN1 - Outline how faculty and staff are trained and on what issues	29.3%	74.1%	54.7%
TRAIN2 - At minimum, the Title IX coordinator, law enforcement, “responsible employees,” victim advocates, and anyone involved in investigating, or adjudicating sex misconduct must receive training.	46.3%	87.0%	69.5%
STMT – Provide statement advising campus community where law enforcement agency information provided by a state concerning registered sex offenders may be obtained, such as the law enforcement agency with jurisdiction for the campus or a computer network address?	73.2%	88.9%	82.1%

Regarding consent, there were four items that were less represented in the IHE materials, including the recognition that past consent does not imply future consent (CON3; overall at 67%), silence or absence of resistance does not imply consent (CON4; overall 70%), and consent can be withdrawn at any time (CON6; overall 61%). The consent item with the least representation is the acknowledgement that consent to engage in sexual activity with one person does not extend to other individuals (CON5; overall 21%).

Looking at the policy items related to reporting, there were several areas of weakness indicated by frequencies under 50% for both four year and two-year schools. Information was lacking on how a school will ensure that a student understands an employee's reporting obligation before he or she reveals any information to that employee (REP6; overall 29%). Additionally, information explaining when the school may not be able to honor a student's request that his or her name not be disclosed to the alleged perpetrator or that no investigatory or disciplinary action be taken (REP8; overall 46%) was not frequently found in the materials, as well as information identifying the employee responsible for evaluating such requests for confidentiality or no action (REP9; overall 36%).

In regard to (REP12), "Describe when the school will grant amnesty from drug, alcohol, other student conduct policies" it had an overall frequency of 46% in the sample, being found in 50% of four-year and 31% of two year schools. Information related to the due process element of the investigation were fairly well-represented in the materials, with some variations worth noting for the investigation, grievances, rights, adjudication, and resolution items. One less frequent item among the investigation items group (INV6) "Set forth parameters and clarify what information may and may not be shared during a parallel investigation with law enforcement

(e.g., via a Memorandum of Understanding)” was represented at 25% for both two and four-year IHE. Overall, the remaining items were above the 50% mark, with the next overall frequency at 54% for (INV4) “Explain the processes for preserving evidence.”

In terms of item related to grievance process, nearly 86% of IHE overall mentioned in their materials that the preponderance-of-evidence standard is used in investigations, with 96% of four-year IHE and 76% of two-year IHE indicating this in their materials. The lowest frequency item (GR1) “Mediation is never appropriate in sexual misconduct cases” was present overall at 27%, followed by (GR5) “Identify process by which either party may raise issues related to potential conflicts of interest” at 46% overall.

Of the five items measuring complainant and respondent rights, three were under the 50% threshold. Overall, only 23% of IHE indicated a description of alternative methods that preclude the respondent from personally cross-examining the complainant (RIGHTS5), followed by 26.3% overall for (RIGHTS4) “Clarifying that evidence of a prior consensual dating or sexual relationship between the parties by itself does not imply consent or preclude a finding” and 27.4% overall for (RIGHTS3) “Prohibit questioning or evidence about complainant’s prior sexual conduct with anyone other than the alleged perpetrator.” It is salient to recognize that these less represented rights specifically pertain to the rights of the complainant.

In regard to response, 94.7% of all IHE in this sample indicate that sanctions are a potential consequence of the adjudication process, with far fewer (19%) indicating in their materials that they identify additional remedies for the school community as a result of the adjudication process. The majority of IHE overall (73%) indicated that both parties receive simultaneous written notice of the outcome and option to appeal (RES1), 70% indicated in their

materials that they provided information about appellate procedures (RES3), with only 6% indicating that the school will not require a party to abide by a nondisclosure agreement, in writing or otherwise, that would prevent the re-disclosure of information related to the outcome (RES2).

Prevention Index Frequencies. Frequencies for the prevention index are represented in Table 4. Overall, there were far fewer items present in the prevention frequencies as compared to the policy index and four-year schools were more likely to indicate the presence of an index item in this domain than two-year IHE. The first set of items in this index looks at whether there is an indication in IHE materials that any of the CDC suggested prevention programs are being utilized. All but one of the CDC recommended programs were absent from the materials, with Bringing in the Bystander being mentioned in one two-year IHE and one four-year IHE for a total of two IHE overall in the overall sample.

Table 4. *Prevention Index Frequencies for Two-year, Four-year and Overall IHE*

Prevention Index Item	Two-year IHE (n=41)	Four-year IHE (n=53)	Overall (n=94)
PROG1- Selected Prevention Programs by CDC: Safe Dates	0	0	0
PROG2- Selected Prevention Programs by CDC: Shifting Boundaries	0	0	0
PROG3- Selected Prevention Programs by CDC: Coaching Boys into Men	0	0	0
PROG4 - Selected Prevention Programs by CDC: Bringing in the Bystander	2.4% (n=1)	1.9% (n=1)	2.1% (n=2)
CDC1- Bystander Intervention programming	26.8%	71.7%	52.1%
CDC2- Engaging Men (e.g. Men for Consent) programming	2.4%	15.1%	9.6%
CDC3 -Health Sexuality Education programming	0	30.2%	17.0%
CDC4- Public Awareness programming (i.e. Take Back The Night)	26.8%	67.9%	50.0%
COMP1- Multiple prevention strategies	19.5%	52.8%	38.3%
COMP2- Multiple participant groups	26.8%	73.6%	53.2%
COMP3- Multiple settings	17.1%	67.9%	45.7%
REPEAT-Repeated programs	0	30.2%	17.0%
EVA1 - Evidence of program evaluation	0	11.3%	6.4%
TRAINED STAFF – Evidence of trained staff	24.4%	73.6%	52.1%
METH1 Online Training	29.3%	67.9%	51.1%
METH2 Coursework	7.3%	52.8%	33.0%
METH3 Presentations by staff and faculty	34.1%	71.7%	53.3%
METH4 Student theater	2.4%	15.1%	9.6%
METH5 Discussion sessions	14.6%	56.6%	38.3%

Of the CDC recommended types of prevention programs (CDC1 Bystander intervention, CDC2 programs engaging men regarding CSA, CDC3 health sexuality awareness, CDC4 public awareness programs regarding CSA), the most frequently mentioned CDC recommended programming was related to bystander intervention at 52% overall, with 71% of four-year IHE indicating bystander programming and 26% of two-year IHE. It is important to note that a positive score for bystander intervention on this index measured only the mention of bystander related programming in IHE materials and not the scope; this type of programming varied, from full bystander intervention classes for students to a module regarding bystander intervention provided during online training.

The next most frequently mentioned type of programming related to public awareness programs creating awareness around sexual violence, such as Take Back the Night and the Clothesline project, with 50% overall, 67% for four-year IHE and 27% for two-year IHE. Only 17% of schools overall indicated in their materials that they included programs exclusively engaging men, with 30.2% of four-years and no two-year IHE mentioning this type of programming and 9% of IHE overall referring to health sexuality education programs in their CSA related documents, with 15% of four-year and 2.4% of two-year schools.

Multiple prevention strategies were defined as schools mentioning more than one type of program in their materials that targeted a different aspect of CSA or incorporated a different approach (for example, bystander education and public awareness events like Take Back the Night). Multiple strategies were evident in materials for 38% of IHE overall, with more four-year schools (53%) than two-year schools (19.5%) documenting it in materials. Programs in multiple settings (45%) and with multiple participant groups (53%) were more frequently found in the IHE documents. Evidence of evaluation (6% overall) and evidence of repeated programming (17% overall; courses with several lessons, multiple modules related to CSA) were less frequently found in the documents.

It was difficult to determine whether two-year or four-year IHE evaluated programming by examining their materials, with no two-year IHE making mention of this in their online materials and only 11.3% of four-years indicating there was evaluation of their CSA prevention programs. Regarding trained staff implementing the programs, 24% of two-year program and 73% of four-year programs indicated that staff who implement their programs are trained.

Interim Services Index Frequencies. The next subdomain is the interim services index and frequencies for this are represented in Table 5. In all areas in this index, the four-year schools outperformed the two-year schools in terms of frequency. It was difficult to discern in the online materials whether or not IHE are providing a written statement of services available for victims and this was evident for 34% of two-year IHE and just over 50% of four-year IHE. Interim services primarily describe the accommodations IHE are stating that they will provide for victims in the event that an investigation is ongoing.

Table 5. *Prevention Index Frequencies for Two-year, Four-year and Overall IHE*

Interim Services index item	Two-year IHE (n=41)	Four-year IHE (n=53)	Overall (n=94)
STMT Written statement of services provided to victims	34.1%	50.9%	43.6%
POSSIBLE INTERIM ACCOMMODATIONS FOR VICTIMS:	75.6%	98.1%	88.3%
ACCOM1 Academic accommodations			
ACCOM2 Medical and mental health services, including counseling	53.7%	71.7%	63.8%
ACCOM3 Change in campus housing and/or dining locations	48.8%	90.6%	72.3%
ACCOM4 Assistance in finding alternative housing	39.0%	77.4%	60.6%
ACCOM5 Assistance in arranging for alternative College employment arrangements and/or changing work schedule	43.9%	71.7%	59.6%
ACCOM6 “No contact” directive pending the outcome of an investigation. Such a directive serves as notice to both parties that they must not have verbal, electronic, written, or third-party communication with one another	46.3%	73.6%	61.7%
ACCOM7 Providing an escort to ensure that the student can move safely between school programs and activities	24.4%	39.6%	33.0%
ACCOM8 Transportation accommodations, such as shuttle service, cab voucher, or parking arrangements to ensure safety and access to other services	31.7%	62.3%	48.9%
ACCOM9 Assistance identifying an advocate to help secure additional resources or assistance including off-campus and community advocacy, support, and services	24.4%	37.7%	31.9%
RAPECRISI Partnerships with community rape crisis center for 24 hour services	58.5%	86.8%	74.5%

The most prevalent of these accommodations found in the IHE materials were academic accommodations (two-year 75%; four-year 98%) followed by changes in housing or dining (two-year 49%; four-year 90%), partnerships with a local rape crisis center (two-year 59%; four-year 87%), medical and mental health counseling (two-year 53%; four-year 72%), provision of a no-contact directive pending outcome of the investigation (two-year 46%; four-year 73%),

assistance finding alternate housing (two-year 39%; four-year 77%), assistance finding alternative employment (two-year 44%; four-year 72%), transportation accommodations (two-year 32%; four-year 62%), providing an escort (two-year 24%; four-year 40%), and lastly, assistance identifying an advocate to help secure additional resources or assistance including off-campus and community advocacy, support, and services (two-year 24%; four-year 38%).

Additional Independent Variable Descriptive Statistics. Descriptive statistics were also generated for the primary independent variables measuring the amount in dollars received by IHE in Title IV federal financial aid for each of the IHE sampled. Additionally, descriptive statistics were generated regarding the number of Title IX violations (Table 6), the number of dollars in student services funding, the number of reported IPV incidents, the number of reported rapes/sexual assaults, and the number of reported liquor violations over the past three years as found in IHE ASR documents (Table 7).

Table 6. *Title IX Cases Active or Resolved in Past 5 Years (2012-2017)*

	Two-year (n=41)	Four-year (n=53)	All sampled (n=94)	Overall percentage (n=94)
None	0	74	77.9	77.9
>1	1	21	22.1	100.0
Total	95	100.0	100.0	

1 = Active/resolved title ix case in past five years (n=21)
 (0) = if none (n=74).

Table 7. *Descriptive Statistics for Continuous Independent Variables*

	(N =94)	Minimum	Maximum	Mean	Std. Deviation
Federal financial aid funding for students in dollars	93	0	112,149,195	19,748,369.70	23,406,353.44
Amount in dollars of students services funding	94	546,277	214,252,654	15,049,951.32	24,962,631.190
Number of reported Rapes/Sexual assault incidents	91	0	138	10.76	19.945
Number of reported liquor violation incidents	90	0	984	64.44	152.670
Number of reported domestic violence or dating violence incidents	89	0	938	23.25	101.242

Research Question 1 What are the levels of adherence to CSV policy among a sample of two-year and four-year public IHE? Are there statistically significant differences in scores?

T-test Comparing Two and Four-year IHE Scores. An independent samples t-test was performed to assess whether there were significant differences in the mean scores across all three sub-domain indices of policy, prevention and interim services index scores and in regard to the overall compliance index score and the total index compliance score between two and four-year IHE. Overall, the analysis indicated a statistically significant difference in scores, with higher scores for the four-year IHE across all domains. The results are shown in Table 8.

There were no outliers in the data, as assessed by inspection of a boxplot. Policy, Prevention and Interim indices scores were normally distributed, as assessed by Kolmogorov-Smirnov test ($p > .05$) and visual inspection of Q-Q Plots for normality. There was homogeneity of variances, as assessed by Levene's test for equality of variances for the policy index scores (p

= .310), the interim index score ($p = .189$) and total index scores ($p = .624$). Levene's assumption of homogeneity of variances was violated for the prevention index scores ($p = .035$).

Table 8. *T-test Comparing Two-Year and Four-Year IHE on Policy, Prevention, Interim, Total Scores*

IHE Sector					
Variable		Two-Year ($n=41$)	Four-Year ($n=53$)	<i>t</i> -value	<i>P</i>
Policy score	M	37.34	49.74	6.973	.000
	SD	9.348	7.874		
Prevention Score	M	2.34	7.60	7.153	.000
	SD	2.929	4.194		
Interim Services score	M	4.80	7.60	5.309	.000
	SD	2.777	2.332		
Total score	M	45.41	65.89	8.322	.000
	SD	11.500	12.237		

Four-year schools scored consistently higher than two-year schools on all levels of the compliance score index and these differences were considered statistically significant. The average policy index score for 4 year schools was 12.4 points higher ($M=49.74$, $SD=7.874$) than two-year schools ($M=37.34$, $SD=9.348$), a statistically significant difference 95% CI [8.86 to 15.93], $t(92)=6.973$, $p < .001$, with a large effect size per the Cohen's d statistic $d=1.435$ (Cohen, 1992). In regards to the prevention index score, there was a statistically significant difference between 4 year and 2 year IHE, with four year IHE scoring higher than 2 year schools, $M=5.262$, $SE=.736$, $t(91.14)=7.153$, $p < .001$. The average interim services index score was 2.8 points

higher for four-year IHE (M=7.60, SD=2.332) than 2-year IHE (M= 4.80. SD=2.777) and was also a statistically significant difference 95% CI [1.752 to 3.846], $t(92)=5.309$, $p<.001$, with a large effect size of $d=1.09$ per the Cohen's (1992) statistic.

Finally, the total score index for 4-year schools was 20.472 points higher for the 4-year schools (M= 65.89, SD=12.237) than the 2-year schools (M=45.41, SD= 11.5) and was statistically significant 95% CI [15.54 to 25.39], $t(92) =8.256$, $p<.001$, also with a large effect size per the Cohen's $d=1.72$ (Cohen, 1992). While these data are limited by small sample size and are not nationally representative, it provides evidence to support the suggestion that IHE designation as a two-year or four-year school has influence over compliance.

Research Question 2: How do external forces (e.g. IHE federal student aid funding in dollars) relate to levels of adherence to best practices among IHE?

Simple Regression: Title IV Funds and Index Scores. Simple linear regressions were initially run to understand the effect of the primary independent variable, amount of federal student aid dollars received by an IHE for two of the primary independent variables, policy score and total score among the four-year IHE only. Additionally, simple regression was run with federal student aid received in dollars and the total score for all IHE in the sample. Four-year IHE interim and prevention services scores were not able to be analyzed using a simple linear regression because initial analysis revealed a non-linear relationship between the variables. This was also true of the relationship between all two-year IHE and all levels of index scores. To assess these relationships, additional nonparametric tests were performed and these results will be reported in the next section.

In regards to the regressions, linearity was assessed using a scatterplot of policy score against federal aid monies received with superimposed regression line plotted. Visual inspection indicated a linear relationship between the variables. There was homoscedasticity and normality of the residuals as established by visual inspection of normal pp plots and graph of residuals. The Durbin Watson for all IHE and policy scores was 1.917 and for four-year and policy score was 1.910, showing no autocorrelation in the sample. The Durbin Watson for all IHE and prevention scores was 1.894. The Durbin Watson for all IHE and interim scores is 2.127. Finally, the Durbin Watson scores for four-year IHE and the total score was 1.736; the Durbin Watson for all IHE and total score was 1.689. There were two outlier values detected, which were not due to measurement error, and both regressions were run with these outliers and without the outliers, as suggested by Weissburg (2004). There were no appreciable differences in significance and confidence intervals, so the decision was made to include these outliers in the analysis. The results for these data are highlighted in Table 9.

Table 9. *Regression for Federal Student Aid Funding and Four-year and All IHE by Score*

	<i>B</i>	β	<i>F</i>	<i>R</i> ₂	Adj <i>R</i> ₂	<i>p</i>
Four-year IHE and policy score	1.655	.552	22.388 (1, 51)	.305	.291	<i>p</i> < .001
All IHE and policy score	2.511	.560	41.679 (1, 91)	.314	.307	<i>p</i> < .001
All IHE and prevention score	9.753	.506	31.385 (1, 91)	.256	.248	<i>P</i> < .001
All IHE and interim services score	5.164	.420	19.531 (1, 91)	.177	.168	<i>p</i> < .001
Four-year IHE and total score	5.537	.493	22.388 (1, 51)	.243	.228	<i>p</i> < .001
All IHE and total score	4.005	.602	16.381 (1, 91)	.362	.355	<i>p</i> < .001

The prediction equation among four-year IHE and policy score was: policy score = $44.811 + 1.655 * \text{federal student aid dollars received}$. The amount of federal student aid dollars received statistically significantly predicted policy score among four-year IHE $F(1, 51) = 22.388, p < .001$, accounting for 30.5% of the variation in the policy score subdomain with an adjusted $R_2 = 29.1\%$, a medium effect size according to Cohen (1992). This indicates that for each dollar in federal student aid received for four-year IHE in the sample, the policy score increased by 1.655.

The prediction equation among all IHE and policy scores was: policy score = $39.503 + 2.511 * \text{federal student aid dollars received}$. The amount of federal student aid monies received statistically significantly predicted policy score among four-year IHE $F(1, 91) = 41.679, p < .001$, accounting for 31.4% of the variation in the policy score subdomain with an adjusted $R_2 = 30.7\%$, a medium effect size according to Cohen (1992). This indicates that for each dollar in federal student aid received for four-year IHE in the sample, the policy score increased by 2.511.

In terms of all IHE and prevention score, the prediction equation was: prevention score = $3.440 + 9.753 * \text{federal student aid dollars received}$. For each dollar in federal financial aid that all IHE received in the sample, the prevention index score increased by 9.753. The amount of federal student aid dollars received statistically significantly predicted prevention score among all IHE in the sample, $F(1, 91) = 31.385, p < .001$, accounting for 25.6% of the variation in the prevention score with an adjusted R_2 of 24.8%, a small effect size according to Cohen (1992).

Regarding all IHE and the relationship between federal student aid dollars received and interim service score, the amount of federal financial aid dollars statistically significantly predicted interim score, $F(1, 91) = 19.531, p < .001$ and the model accounted for 17.7% of the

variation in interim score, with an adjusted R_2 of 16.8%, a small effect size according to Cohen (1992). The prediction equation among all IHE and interim score was: interim score= $5.400+5.164*\text{federal student aid dollars received}$. For each dollar in federal financial aid that all IHE in the sample received, the interim score increased by 5.164.

The prediction equation among four-year IHE and total score was: total score= $58.540+5.537*\text{federal student aid dollars received}$. For each dollar in federal financial aid that four-year IHE received in the sample, the total index score increased by 5.537. The amount of federal student aid monies received statistically significantly predicted total score among four-year IHE, $F(1, 51) = 16.381, p < .001$, accounting for 24.3% of the variation in the policy score subdomain with an adjusted $R_2=22.8\%$, a small effect size according to Cohen (1992). For each dollar increase in federal student aid, the total score among four-year IHE in the sample increased by 5.537.

Finally, the prediction equation for all IHE was: total score= $49.273+4.005*\text{federal student aid monies received}$. The amount of federal student aid monies received statistically significantly predicted total score among all IHE, $F(1, 91) = 51.688, p < .001$, accounting for 36.2% of the variation in the total score among all IHE with an adjusted $R_2=35.5\%$, a medium effect size according to Cohen (1992). For each dollar increase in federal student aid for all the schools in the sample, the total score increases by 4.005.

Additional Tests of Association: Title IV Funds and Index Scores. Because the remaining variables failed the assumptions needed for regression and were non-linear, and because the data failed to demonstrate a monotonic relationship required for Spearman's Correlation, a Kendall's Tau B was chosen to examine the relationship between all two-year IHE

and the scores and with the four-year IHE and prevention and interim scores. Kendall's Tau B tests are designed to measure the strength and direction of association between two paired ordinal or continuous variables (Laerd, 2018). The results of these data are found in Table 10.

Table 10. *Kendall's Tau B Results for Two-year IHE and All Scores and Four-year IHE and Prevention/Interim Services Scores by Federal Student Aid in Dollars*

Variables tested:	τ_b
Two-year:	
Policy x Federal Student Aid	.082
Prevention x Federal Student Aid	.006
Interim x Federal Student Aid	.160
Total Score x Federal Student Aid	.090
Four-year:	
Prevention X Federal Student Aid	.286*
Interim services X Federal Student Aid	.219**

*Significant at .005 **Significant at .05

Among two-year IHE and the index scores, the associations appeared weak and were not statistically significant according to the Kendall's Tau B test. Among two-year IHE's, there was a weak, positive association between federal student aid in dollars and the policy subdomain totals, which was not statistically significant, $\tau_b = .082, p = .462$. Two-year IHE's federal student aid funding and prevention totals were similarly weak in positive association and not statistically significant, $\tau_b = .006, p = .960$, as were federal student aid dollars and interim scores among two-year IHE, $\tau_b = .160, p = .168$. Finally, the Kendall Tau B test suggested a possible weak, positive association among two-year IHE's federal student aid funding and the total score that was not statistically significant, $\tau_b = .090, p = .420$

The results differed for four-year IHE and the remaining prevention and interim services scores. Four-year IHE and prevention scores were found to have a statistically significant moderate positive association according to the Kendall Tau B test, $\tau_b = .286, p = .003$. Four-year IHE and interim scores were also found to be statistically significant, with a moderate positive association, $\tau_b = .219, p = .028$.

Multiple Linear Regression Modeling. A multiple regression was run to predict total index score from the following independent variables: federal student aid dollars received, degree of urbanization (town, city, rural, suburb), institution size (under 1K, 2k to 4,999K, 5k to 9,999k, 10K to 19,999K, and 20kplus), ASR violation reports (number of rapes and sexual assaults reported in the ASR, number of liquor violations reported in ASR, number of IPV events reported in the ASR), amount of funding going to student services in dollars and sector status as 4 year or 2 year IHE. There was linearity as assessed by partial regression plots and a plot of studentized residuals against the predicted values. There was independence of residuals, as assessed by a Durbin-Watson statistic of 1.687. Homoscedasticity was assessed by visual inspection of a plot of studentized residuals versus unstandardized predicted values. There was no evidence of multicollinearity, as assessed by tolerance values greater than 0.1. There were no studentized deleted residuals greater than ± 3 standard deviations, no leverage values greater than 0.2, and values for Cook's distance above 1. The assumption of normality was met, as assessed by a Q-Q Plot.

The multiple regression model statistically significantly predicted total index score, $F(16, 69) = 6.964, p < .001$. R^2 for the overall model was 61.8% with an adjusted R^2 of 52.9%, a large effect size according to Cohen (1992). Total federal student aid in dollars received ($B = 1.931$),

institution size from 10K plus ($B=7.262$), and four year sector ($B=11.988$) statistically significantly predicted Total Index Score, $p < .05$. Regression coefficients, standard errors, and the final regression equation can be found in Table 11 (below).

Table 11. *Summary of Multiple Regression Analysis Including All Independent Variables*

Variable	B	SE _B	β	t	Sig.
1 (Constant)	39.939	3.712		10.758	.000
Federal student aid dollars	1.931E-7	.000	.293	2.304	.024*
# of Rapes/SA in ASR	.144	.080	.189	1.801	.076
# of Liquor violations ASR	-.002	.009	-.019	-.198	.844
# of IPV reports in ASR	.001	.013	.006	.070	.944
Student Services total \$	4.117E-8	.000	.069	.699	.487
Northeast region	3.407	3.798	.086	.897	.373
Midwest region	-1.216	3.304	-.036	-.368	.714
West region	-.494	4.113	-.010	-.120	.905
Suburbs	-1.388	3.616	-.037	-.384	.702
Town	2.021	3.505	.058	.577	.566
Rural	5.544	4.801	.124	1.155	.252
Under1K students	-9.106	5.780	-.138	-1.575	.120
From 5K to 9,999k student	7.262	3.683	.211	1.972	.053
From 10K plus students	8.832	4.201	.233	2.102	.039*
From 20K plus students	1.789	6.274	.044	.285	.776
Four Year sector	11.998	3.103	.383	3.867	.000*

a. Dependent Variable: Total score on index * Statistically significant at .05

Regression equation:

Predicted total score= 39.939 + (1.931x federal aid monies received) + (.144 x the number of rapes/sexual assaults reported in ASR) – (.002 x the number of liquor violations reported in ASR) + (.001 x the number of IPV assaults reported in ASR) + (4.117 x the amount in dollars spent on student services) + (3.407 x Northeast) – (1.26 x Midwest) – (.494 x West) – (1.388 x Suburbs) + (2.021 x Town) + (5.544 x Rural) – (9.106x Under 1K size) + (7.262 x From 5K to 9,999K) + (8.832 x From 10K to 19,999K in size) + (1.789 x from 20K plus in size) + (11.998 x four-year institution)

Federal student aid dollars received by the IHE, the primary independent variable central to this study's hypotheses, was proven statistically significant in this model ($p=.024$), with the data indicating that total compliance scores were 1.91 points higher for each federal student aid dollar received. Sector status as four-year IHE was also statistically significant ($p<.001$) in the model, indicating an 11.998-point increase when compared with two-year IHE in the model.

Region was modeled as a set of three dummy variables, with South as the reference category. Although none were statistically significant in the model, IHE in the Northeast in this sample had a higher total score by 3.407 points, with the Western IHE showing a lower score by .494 points and the Midwest region IHE indicating a lower score by 1.26 points.

IHE size was also modeled as a set of four dummy variables, with IHE from 1K to 4,999K as the reference category. The smaller IHE, such as those with less than 1,000 students, showed total scores that were 9 points lower than IHE in the sample than schools with one thousand or more students. IHE with 5K to 9,999 students had a total score that was 7 points higher than schools with less than five thousand students and was marginally statistically significant in this model ($p=.053$). IHE with 10K to 19,999K students had a total score that was 8.832 points higher and this difference was statistically significant ($p=.039$). The effects of IHE size appear to level off in this sample's model, with the largest IHE of twenty-thousand or more students indicating a total score that is 1.789 points higher, although this result was not statistically significant in the model.

Degree of urbanization was also modeled as a set of three dummy variables in the model, with Town as the reference category. While none of these variables proved statistically significant in this regression, rural schools were 5.5 points higher in total score when compared

to the reference group and other urbanization categories, followed by 2 points higher for Town designated IHE. Suburban IHE in the model were 1.388 points lower than other urbanization designations.

The additional variables measuring ASR reporting rates: IPV reports ($B = .001$); Rapes and sexual assaults reported ($B = .144$) and liquor violations reported ($B = -.002$) were not statistically significant in this model and showed minimal influence on total score. The decision was made to remove these variables and run the model again. Results are below.

Regression Model Revised. The regression model was revised and ASR reported incidents (rapes/sexual assaults; liquor violations; and IPV incidents) were removed. The revised regression met all necessary assumptions required of multiple linear regressions using the techniques discussed in the previous section, with a Durbin Watson of 1.748. The revised multiple regression model statistically significantly predicted Total Index Score, $F(13, 79) = 8.530, p < .001$. R^2 for the revised model was 58.4% with an adjusted R^2 of 51.6%, a large effect size according to Cohen (1992). Total federal student aid monies received ($B = 1.979$) and four-year sector ($B = 14.045$) were the only two variables in this model that were reported as statistically significantly predicted Total Index Score in this model, $p < .05$. Regression coefficients and standard errors can be found in Table 12. The relative contribution of each of the remaining variables in this model remained constant from the previous model.

Table 12. *Summary of Revised Multiple Regression Analysis*

Variable	<i>B</i>	SE _B	β	t	Sig.
(Constant)	40.706	3.668		11.097	.000
Federal student aid dollars	1.979E-7	.000	.297	2.418	.018*
Student Services total \$	3.020E-8	.000	.049	.511	.611
Northeast region	5.616	3.682	.137	1.525	.131
Midwest region	1.077	3.168	.032	.340	.735
West region	.805	3.788	.017	.213	.832
Suburbs	-2.390	3.459	-.062	-.691	.492
Town	-.411	3.375	-.012	-.122	.903
Rural	1.245	4.570	.029	.272	.786
Under1K students	-6.577	5.671	-.096	-1.160	.250
From 5K to 9,999k student	6.169	3.646	.177	1.692	.095
From 10K plus students	6.193	4.104	.164	1.509	.135
From 20K plus students	3.185	6.155	.076	.517	.606
Four Year sector	14.045	2.894	.449	4.853	.000**

* Significant at .05 level **Significant at .001 level

Research Question 3: How is a history of recent investigations related to CSV policy associated with current levels of compliance?

Mann-Whitney U Test. Due to violations of normality and non-equivalent groups, a nonparametric Mann-Whitney U test was performed to examine differences between IHE with a recent Title IX investigation and those without in relation to compliance scores. The Mann-Whitney U test is a nonparametric test that can be used to determine differences between two groups (IHE with or without a recent Title IX investigation) against a continuous dependent variable (all domains of compliance scores; Laerd, 2018).

Distributions of all levels of compliance scores for IHE with a recent Title IX investigation and without were not similar, as assessed by visual inspection, therefore medians could not be reported. Total compliance scores for IHE with a recent Title IX investigation (mean rank = 64.76) were statistically significantly higher than for schools without a recent Title IX investigation (mean rank = 42.53), $U = 1,129$, $z = 3.293$, $p < .001$. Prevention scores for IHE with a recent Title IX investigation (mean rank = 65.95) were statistically significantly higher than for those without (mean rank = 42.19), $U = 1,154$, $z = 3.556$, $p < .001$. Policy scores for IHE with a recent Title IX investigation (mean rank = 63.64) were statistically significantly higher than for those without (mean rank = 42.86), $U = 1,105$, $z = 3.080$, $p = .002$. Interim measures scores for IHE with recent Title IX investigations (mean rank = 54.00) and without (mean rank = 45.63) were not statistically significantly different, $U = 903$, $z = 1.247$, $p = .212$.

Results of Hypothesis Testing

Table 13 displays the results of hypothesis testing, organized by category.

Table 13. *Results of the Hypothesis Testing*

H1: There is an association between IHE reliance on federal student aid funding support and adherence to IHE CSV policies and guidelines.	
H _{1a} : Greater dependence on federal student aid funding correlates with higher levels of policy adherence.	X
H _{1b} : Greater dependence on federal student aid funding correlates with higher levels of adherence to prevention programming.	X
H _{1c} : Greater dependence on federal student aid funding correlates with higher levels of adherence to interim and supportive measures.	X
H _{1d} : Greater dependence on federal student aid funding correlated with higher levels of adherence overall to CSA policies (total scores).	X
H2: There is a relationship between recent investigations regarding CSV violations and adherence to IHE policies and guidelines as it relates to constraints of RDT and possible loss of Title IV funding.	
H _{2a} : Recent Title IX investigations are correlated with higher levels of total adherence overall.	X

*An X indicates that the hypothesis was supported in these data and a hyphen (-) indicates that the hypothesis was not supported by these data.

H1a: Greater dependence on federal student aid funding correlates with higher levels of policy adherence.

This hypothesis was supported by the data among all IHE sampled, with regression results indicating that the amount of federal student aid dollars received statistically significantly predicted policy score: for each federal student aid dollar received overall, the policy score increased by 2.511. In regards to the four-year IHE, the amount of federal student aid dollars

received statistically significantly predicted policy score among four-year IHE, with each dollar in federal student aid received for four-year IHE in the sample, the policy score increased by 1.655. The analysis for two-year IHE in regard to this hypothesis did not support this hypothesis, showing non-significant weak positive associations.

H1b: Greater dependence on federal student aid funding correlates with higher levels of prevention programming.

This hypothesis was supported by the data among all IHE sampled. The amount of federal student aid dollars received statistically significantly predicted prevention score among all IHE in the sample, $F(1,91)=31.385, p<.001$ and for each dollar in federal financial aid that all IHE received in the sample, the prevention index score increased by 9.753. In regards to the four-year IHE, the results are limited by the non-parametric test Kendall's Tau B, but analysis revealed that four-year IHE and prevention scores were found to have a statistically significant moderate positive association according to the Kendall Tau B test, $\tau_b = .286, p = .003$. The hypothesis was not supported by two-year IHE in the data generated by the Kendall's Tau B test.

H1c: Greater dependence on federal student aid funding correlates with higher levels of adherence to interim and supportive measures.

This hypothesis was supported in the data among all IHE sampled. Regarding all IHE and the relationship between federal student aid dollars received and interim service score, the amount of federal financial aid dollars statistically significantly predicted interim score, $F(1,91) = 19.531, p < .001$ and for each dollar in federal financial aid that all IHE in the sample received,

the interim score increased by 5.164. The nonparametric Kendall's Tau B test found evidence in the data to support this hypothesis regarding all four-year IHE and interim scores, with a statistically significant result and a moderate positive association, $\tau_b = .219, p = .028$. The data for two-year IHE did not support this hypothesis.

H1d: Greater dependence on federal student aid funding correlated with higher levels of adherence overall as reflected by total index scores.

This hypothesis was supported in the data among all IHE sampled both in linear regression and multiple regression modelling. The amount of federal student aid monies received statistically significantly predicted total score among all IHE, $F(1, 91) = 51.688, p < .001$ and for each dollar increase in federal student aid for all the schools in the sample, the total score increases by 4.005. In the multiple regression model, federal student aid dollars received by the IHE, was shown as statistically significant in this model ($p=.024$), with the data indicating that total compliance scores were 1.91 points higher for each federal student aid dollar received. Among four-year IHE in this sample, for each dollar in federal financial aid that four-year IHE received, the total index score increased by 5.537 and the amount of federal student aid monies received statistically significantly predicted total score among four-year IHE, $F(1, 51) = 16.381, p < .001$. The analysis of this dataset did not provide evidence to support this hypothesis among two-year IHE.

H2a: Recent Title IX investigations are correlated with higher levels of total adherence overall.

The data showed provisional support for this hypothesis, although limited by the use of a nonparametric test. Due to disproportionate groups (recent Title IX case, $n=23$; no recent Title IX case, $n=71$) and issues with distribution and normality, nonparametric Mann Whitney U tests was used to assess potential evidence for this hypothesis in the dataset among all IHE sampled. The Mann Whitney U test showed that total compliance scores for IHE with a recent Title IX investigation (mean rank = 64.76) were statistically significantly higher than for schools without a recent Title IX investigation (mean rank = 42.53), $U = 1,129$, $z = 3.293$, $p < .001$, as were prevention scores for IHE with a recent Title IX investigation (mean rank = 65.95) were statistically significantly higher than for those without (mean rank = 42.19), $U = 1,154$, $z = 3.556$, $p < .001$. The dataset did not show evidence for this in regard to interim support scores.

CHAPTER SIX: DISCUSSION

This final chapter discusses the implications of the results of this exploratory study. In addition to examining the key findings and the impact of these data in regard to the current body of literature, the discussion will also center on the implications for policy development and social work practice in the context of the current political climate. Specifically, it is critical to assess these results as they relate to the rescinding of the guidelines this measure is based on by current Secretary of Education, Betsy DeVos (Department of Education, 2017; 2018). Additionally, limitations of this study will be discussed, as well as the potential of these results to inform and incite further research studies.

Key Findings

Theoretical Findings

In this study, the application of RDT to the behaviors associated with compliance may not be innovative, however, its application to the issue of CSV is novel. This exploratory study provides a previously unexamined and retrospective view on how RDT applied to CSV policies can perhaps be of use to scholars and policymakers as these policies continue to evolve. This analysis provides provisional evidence to support that there is a relationship between the receipt of federal student aid dollars by public IHE and an inclination towards higher rates of compliance to federal CSA policies. It also contributes to a small body of knowledge applying RDT to institutions of higher education (Askin, 2007; Huismann, 1991; Machado, 2005; McAllister-Spooner & Kent, 2009) and can help illuminate, through example, the ways in which the application of RDT influences public IHE behaviors and policy compliance.

Fowles (2014) authored one of the few assessments of the influence of tuition on public IHE. In his analysis, he asserts that there is a noticeable gap in the literature regarding the applicability of RDT to public IHE and that further research could help to “inform policymakers struggling to inform the trade-offs between allocating tax dollars to higher education and other competing policy areas” (p. 276). This paper extends that line of thinking to include informing policymakers regarding the potential influence of tying IHE campus sexual violence compliance to the receipt of Title IV funding in an effort to contribute to any potential future policy developments in this area.

The current cross-sectional study relied upon a small sample of two-year and four-year IHE (n=94) to explore this relationship and measured compliance in a detailed way that has not been previously attempted in the literature. In all three categories of compliance: policy, prevention, and interim services, and in relation to the total score, the influence of federal student aid dollars received by an institution increased the level of compliance among IHE in the sample to varying degrees. In alignment with predictions, the total compliance score and the policy compliance score showed evidence of a positively correlated relationship in the regression data, while the prevention and interim services scores, although significant, were weaker in their correlation among all IHE and four-year IHE. This is not surprising as the items measured by the prevention and interim services indices are only minimally tied to compliance regulations and to the receipt of federal student aid funds. Overall, the findings in this report echo early research on institutional compliance by Salancik (1979) regarding organizational responses to affirmative action pressures, which found compliance to be positively related to resource dependence on the

government. This report contributes some evidence for policymakers regarding the effectiveness of linking CSV compliance with the receipt of Title IV funds.

It is useful to mention the potential intersection that Institutional theory, or New Institutionalism (DiMaggio & Powell, 1983) has in regard to the application of RDT (Pfeffer & Salancik, 1978) in this study. New Institutionalism considers the net effect of institutional level pressures to drive similar organizations towards homogeneity in three ways: coercive isomorphism, mimetic isomorphism, and normative pressures (DiMaggio & Powell, 1983). Coercive isomorphism ties most directly into this study's application of resource dependency theory in that it suggests that organizations will be driven to similarity when they face pressure from regulatory or legal mandates that they are dependent on and that are external to the institution (Levy, 2004). The primary coercive force in New Institutionalism is the state, typically associated with a primary provision of financial resources with conditions attached (Levy, 2004). Specifically, at the organizational level, the more dependent an IHE is on another external organization for resources, such as the receipt of federal financial aid from the federal government, the more alike it will become to other IHEs with similar levels of dependence, thus intersecting with the hypothesis tested in this study as it relates to RDT.

At the field level, coercive isomorphism would dictate that the greater the interaction the IHE has with state or federal entities, the more isomorphism found among IHEs sharing this characteristic and this may be operative when considering the similarities between higher levels of compliance among four-year IHE and similarly lower levels of compliance among two-year IHE. However it is useful to address the potential that mimetic isomorphism might have in the

discussion of these same exploratory study results. Mimetic Isomorphism is “the process in which organizations deal with uncertainty or ambiguity by ‘copying’ other organizations” (Verbruggen, Christianne, & Mills, 2010, p. 8). Uncertainty “is a powerful force that encourages imitation” (DiMaggio & Powell, 2003, p. 151) and mimetic isomorphism addresses these ambiguities by allowing organizations to legitimize themselves by “emulating well-established and (at least in that sense) successful organizations” (Levy, 2004, p.4). The associated hypothesis as put forth by DiMaggio and Powell (2003) is that the fewer the number of visible alternative organizational models in a field, the faster the rate of isomorphism is in that field.

In terms of CSV, the continued evolution of new regulatory requirements coupled with unclear expectations of how IHEs will implement the newly recommended evidence based prevention and intervention efforts, creates a backdrop of uncertainty and ambiguity among IHE and could be a potential factor influencing compliance. While this study focuses primarily on RDT, a concept most directly linked to coercive isomorphism (i.e., Title IX or Clery requirements and regulatory oversight involving Title IV funds), further exploration of the applicability of mimetic isomorphism with an expanded sample of IHE representing multiple IHE subtypes could be useful.

The key findings of this exploratory study provide insight into the applicability of Resource Dependency Theory as it relates to compliance in the area of campus sexual assault policies. While this is the primary intention of this research endeavor, there is also much to be gleaned from the description of compliance among public two and four-year IHE as provided by this report in the following sections. The results of this study provide a detailed description of

overall CSA compliance at a granular level, including policy, prevention activities, and interim services, among a sample of public IHE just prior to shifts in the federal oversight of these policies.

Compliance Score Subdomains and Descriptive Findings

Policy. Of the subdomains included in this study's measurement tool, the policy subscale was the largest, with 67 items that make up the majority of the regulations associated with federal policies related to Title IX and Clery Act regulations. This 67-item scale is the most comprehensive measurement of these policies in the literature to date. Recent research by Richards (2016) on IHE and CSV policy compliance were less detailed and reduced the policy assessment to broad terms and to less than 20 items. Of the 67 items on this scale, 87% of the items (57 items) had frequencies of 75% or greater, indicating the presence of these items in many of the sampled schools' materials. T-tests comparing the mean scores on the policy items between the two and four-year schools showed that four-year schools had a statistically significantly higher score than two-year IHE on this subscale and this was a trend that was evident in the data for all subscales and in regard to the overall score.

To further investigate trends in the policy subscale frequencies, it is useful to revisit the aforementioned Campus Sexual Assault Policy Study by Karjane et al. (2002) and the more recent findings by Richards (2016). Although the Karjane study (n=1,105) and the Richards (n=820) studies had much larger samples not exclusively restricted to public IHE, there were many similar findings in the results among items that all three studies assessed. The inclusion of a clear written statement against sexual misconduct in IHE materials were present in the

Richards study (96%) and the current study (95%), indicating that at a minimum, most of the IHE in that same timeframe (2015-2017) have some sort of public statement regarding sexual misconduct.

In regard to the investigation process, information pertaining to the importance of preserving evidence was indicated in 87% of the IHE sampled in this study, compared to 43% in the Karjane (2002) study and 73% in the Richards (2016) data. Other investigation items had slight differences in frequency when compared, such as the indication of confidential reporting options (Karjane, 84%; Richards, 76%; current study, 80%), anonymous reporting options (Karjane, 46%; Richards, 75%; current study, 61%), notice of outcome (Richards, 97%; current study, 82%), restrictions on asking about previous sexual history (Richards, 12%; current study, 27%) and indications regarding who can be present at a disciplinary hearing (Richards, 97%; current study, 70%). It is possible that the differences in prevalence between the current study and Richards could be due to Richard's more diverse sample of IHE or to random fluctuations as a result of this study's smaller sample size.

The concept of amnesty "Describe when the school will grant amnesty from drug, alcohol, other student conduct policies" had an overall frequency of 46% in this study's sample, being found in 50% of four-year and 31% of two-year schools. This was higher than the 15% frequency Richards (2016) found in her sample. CSA research focusing on the impact of alcohol on CSV has found that alcohol is a risk factor in regards to CSA, with an estimated 50% sexual assaults on campus occurring when one or both parties were consuming alcohol (Abbey, Zawacki, Buck, Clinton, & McAuslan, 2004) and an estimated 15% of assaults occurring when

victims may be incapacitated due to alcohol and unable to consent (Carey, Durney, Sheperdon, & Carey, 2015). Considering the already low rates of reporting of CSA (US Department of Justice, 2014) it is surprising that more schools do not indicate amnesty for students making a report to lessen any fear of reprisal for alcohol violations. Additionally, it could be argued that this represents a significant due process issue for victims and could be included in the current debate as an equally pressing concern.

Regarding due process concerns, the items that have been identified by critics of the 2011 and 2014 Obama era guidelines (Joyce, 2017) focus on the perceived lack of fairness for students accused of CSV. As far as this study's findings, it is important to point out that many of the due process rights were present in the IHE documents examined at over the 65% threshold for both complainant and accused. For example, the IHE overall in this study showed:

82% - Timely access to any information used at the hearing, including outcome

81% - Timely and simultaneous notice of hearing to both parties

76% - Provide the respondent and complainant equitable rights during the investigation

70% - Appeal of the findings or remedy or both, if allowed, equally for both parties.

70% - Representatives allowed to be present for both parties involved.

65% - Equal opportunity to present relevant witnesses and other evidence.

These rights were already ensconced in the Obama era guidance and if these rules were being followed faithfully by IHE, then many of the protections for due process would be covered. For the majority of IHE in this study, these items were present in the majority of IHE materials.

Missing from other research on IHE compliance but included in this assessment are a measurement of items related to definitions of consent. In these data, a definition of

incapacitation as it relates to consent was present in 85% of four-year IHE documents and 46% of two-year schools' documents. Given that research indicates that drugs and alcohol are a common factor in college sexual assaults (Abbey, 2002; Carey, Durney, Shepherdson, & Carey, 2015) and that incapacitated sexual assault are nearly double the rate for college women (Krebs et al., 2007), these data suggest that two-year IHE need to include more information in this regard. Borges, Banyard & Moynihan (2008) and Potter et al. (2016) found that students benefit from being engaged in an explicit, active discussion of consent policies, but schools do not often address policies in their prevention programs (DeGue et al., 2014).

Prevention. Two-year IHE had lower rates of prevention programming overall and this is consistent with Richards' (2016) findings related to prevention programming by IHE sector type. The most common type of prevention programming mentioned in the IHE documents in this study's sample were bystander related programs (52% overall; 71% four-year; 26.8% for two-year) and public awareness programming, (50% overall; 68% four-year; 26% two-year) like Take Back the Night. Bystander intervention training has been shown in the literature to be a useful approach to CSV (Banyard, Plante, & Moynihan, 2004; Banyard, Moynihan, & Plante, 2007; Berkowitz, 2010; Katz & Moore, 2013) and it is a promising finding that the majority of IHE in this sample employ some element of bystander training in their prevention programming. In terms of specific programming addressing men, very few IHE at the two (2,4%) or four-year level (15.1%) were indicated in the documents. This is unfortunate because evidence suggests that CSV programming aimed at engaging men has been successful (Gidycz, Orchowski & Berkowitz, 2011; Katz, Heisterkamp & Fleming, 2011; Langhinrichsen-Rohling, Foubert, Brasfield, Hill, & Shelley-Tremblay, 2011) and IHE are missing an opportunity to engage their

students. There is potential to address the gap in engaging men through the findings that the majority of IHE in this sample indicate bystander education training in their materials, providing the opportunity to expand already existing bystander programming to specifically target men on campus.

Comprehensive and multi-faceted prevention strategies are recommended as part of an effective CSV prevention strategy (DeGue, 2014). In this study, four-year IHE sampled had higher rates of the three recommended strategies for comprehensive prevention programming (multiple strategies, 52%; multiple participant groups, 73%; multiple settings, 67%) than two-year IHE. Presentations (53% overall), online training (51%) and discussion sessions (38%) were the most common forms of programming. Banyard (2011) recommends a multi-pronged approach to intervention, with other research by Moynihan et al. (2015) indicating that multiple strategies demonstrated better results for a prolonged period. Based on these data, it would be useful for four-year IHE to assess their current forms of programming and to take Banyard's (2014) recommendation to align their CSV prevention activities in order to achieve a "synergistic and ecological approach" on their campuses.

Interim services. Overall, the T Test results showed that four-year IHE ($M=7.6$) had statistically significantly ($p<.001$) higher scores than the two-year IHE ($M=4.8$) on prevalence of interim services in their documents. Accommodations such as academic changes (88%), changes in campus housing (72%), mental health counseling and medical services (63%), no contact directives (61%), housing (60%) and alternate employment (59%) were most common accommodations offered. Under the newly introduced changes (Department of Education, 2017; 2018), the process for accommodations now requires an individualized risk and safety

assessment prior to removing an accused student from classes or before making these changes, allowing the accused student the opportunity to challenge their removal. This additional requirement may slow down the process of providing accommodations for victims and may prevent others from getting the necessary accommodations.

Differences in Two-year and Four-year Compliance Scores. In terms of overall compliance, this study indicated statistically significant differences between four-year and two-year compliance scores, with two-year schools less compliant in the sample. While this is consistent with previous research (Karjane et al., 2002; Richards, 2016), this analysis updates the data and indicates that these gaps in compliance still persist for two-year IHE. One can speculate that factors influencing CSV compliance for two-year IHE may relate to the notion that two-year schools sometimes lack certain characteristics on campus shown to increase the risk for CSV, such as membership in a Greek organization (sororities), the presence of alcohol at parties, and the opportunity for students to congregate on weekends during the evening hours when campus sexual assaults are more likely to occur (Krebs et al., 2009; Minow & Einoff, 2009). Nevertheless, all Title IV recipients are still required to be compliant with federal CSV policies in order to maintain their Title IV status and two-year IHE students can still be affected by certain CSV risk factors, such as the propensity for sexual violence to occur in the context of off-campus housing (Krebs et al., 2009). The gap in two-year compliance presents policy-makers and advocates with a mandate to specifically target two-year IHE with efforts to identify areas in which their compliance is lacking and to work to enhance overall compliance.

Implication of Key Findings

In September of 2017, the Department of Education under Betsy DeVos' guidance, rescinded the 2011 "Dear Colleagues" letter and the 2014 guidance on implementation of federal CSA policies, simultaneously releasing a document detailing interim guidance for schools that would act as the current measure of compliance until new requirements were formally introduced (Department of Education, 2017). Of the major changes from the previous guidance measured by this report, the 2017 guidance gives IHE the choice of which evidentiary standard to use instead of the preponderance of evidence standard, allowing for the use of a clear and convincing evidentiary standard which requires a higher burden of proof (Department of Education, 2017). In this report, 86% of IHE sampled overall (96% four-year; 73% two-year) indicated that they used the preponderance of evidence standard.

Weizel (2012) argues that the use of preponderance of evidence in CSV is consistent with OCR applications in civil rights offenses and it is the very standard OCR would apply in assessing institutional compliance to CSV policies. Using previous Supreme Court precedent and the due process balancing test as a guide, she makes the case that when the preponderance of evidence standard is employed, it affords students the opportunity to respond to the charges against them without having to impose highly technical and unwieldy procedures on schools and "more properly allocates the risk of error between the accused student and the school" (Weizel, 2012, p. 12). As the majority of IHE in this sample indicate they currently use the preponderance of evidence standard, it begs the question, what impact will these new rules have on IHE decisions to move to the more stringent evidentiary standard?

Additionally, the 2017 guidelines remove any requirements of IHE for a reasonable turnaround in response time (i.e. 60 days) after a complaint is made, allows IHE to utilize mediation in informal complaints, and formally establishes an appeals process for misconduct hearings, allowing the IHE to choose if the appeals are available to both parties or to only the accused, stating specifically “i) solely by the responding party or (ii) by both parties, in which case any appeal procedures must be equally available to both parties” (Department of Education, 2017; 2018). Previously, schools were not required to offer an appeals process through Clery Act or Title IX, but the 2014 guidance did recommend it and the presence of an appeals process is something that was measured by the tool used in this study.

In regard to this data set, 70% of the schools sampled indicated that they have in place an appeals process that is available to both complainant and accused. This compares to other research on IHE compliance, with Karjane et al. (2002) showing a rate of 62% of IHE offering appeals and Richard’s (2016) finding of 84% offering students the opportunity for appeal. Since IHE currently appear to offer this process to the students at a majority of IHE in these two samples, it is useful to consider the potential impact that the new guidelines will have on due process in CSV proceedings.

Regarding mediation, previous Obama era rules (WHTF, 2014) required that institutions include a statement in their policies indicating that mediation was not to be used in CSV disciplinary hearings. This study found that only 27% of the IHE sampled included such a statement in their materials, with a few IHE sampled in this dataset actively suggesting mediation be used in CSV cases, although this was not explicitly measured by this tool. A statement issued by the Association of Governing Boards by Universities and Colleges (2018)

reiterated the commitment of its member schools to promote a supportive environment for survivors of CSV and encouraged governing bodies to consider the implications of these proposed changes in light of current IHE resources and the impact on efficacy.

In November of 2018, as this manuscript was being completed, the Department of Education under DeVos issued its formal rewriting of Clery Act and Title IX guidance, a document which is currently in the process of the 60-day public comments period. In addition to formalizing several of the changes already mentioned as part of the 2017 interim guidelines, the new guidelines restricts the definition of sexual harassment from the previous definition of “unwanted conduct of a sexual nature” to “unwelcome conduct on the basis of sex that is so severe, pervasive and objectively offensive that it denies a person access to the school's education program or activity" (Department of Education, 2018). Further, it restricts the responsibility of the IHE to respond to incidents occurring only “within its education program or activity” creating ambiguity when it comes to IHE responsibility to respond to incidents off-campus (Department of Education, 2018).

It also specifies that schools are only required to act on a complaint if they have “actual knowledge” that an event occurred, as opposed to the former threshold of “reasonable” knowledge, and IHE will only be faulted if they are found to be “deliberately indifferent” in response (Department of Education, 2018). The new rules also narrow the focus of which school employees are responsible for addressing reports of CSV, determining only those with the “authority to institute corrective measures” (Department of Education, 2018) are required to respond.

Reporting rates for sexual violence are already low, with estimates between 12 to 36 percent (Kilpatrick, Resnick, Ruggiero, Conoscenti, & McCauley, 2007; Planty et al., 2013; Rennison, 1999; Tjaden & Thoennes, 2000) and at about 5% among college females (Koss et al., 1987; Fischer, Daigle, Cullen & Turner, 2003). The current study found that IHE overall have very high frequencies for the majority of the items enhancing the ability of victims to make a report, with 92% of schools sampled providing explicit contact information regarding where and to whom to report, 80% identifying alternatives to reporting for privileged or confidential disclosure, and 82% of schools defining the difference between confidential employees and responsible employees, who are required to make a report. If these reporting capabilities are functional at the rate they were indicated in IHE materials in this sample and are underused by students as reflected by other sources of data, it begs the question as to whether students are actually aware of these reporting resources and what are their attitudes towards use? These are questions that can be answered by way of campus climate assessments surveys (Cantor et al., 2015), which seek to gather individual student level data on CSV, and could work in conjunction with compliance assessments such as this one to provide a comprehensive picture of CSV .

Lastly, the 2018 guidelines allow for direct cross-examination of the accuser by representatives of the accused (Department of Education, 2018), something that was previously not allowed in fear that this could potentially harm students who have been victims of CSA incidents. Survivor advocacy groups (Tang, 2018) and school administrators were also critical of this change, with a statement from the senior vice president of the American Council on Education stating this could transform campus disciplinary hearings into “courts of law” that could allow one “student to hire a highly paid legal pit bull to grill another student” (Meckler,

2018). An occasional critic of the 2011 and 2014 guidelines, University of California President Janet Napolitano (2018) echoed this concern in an opinion piece in the Washington Post, stating that in many schools like UC, students are allowed to question the complainant through a neutral intermediary in an effort to avoid causing any further harm.

In this study's findings, only 23% of IHE sampled (32% of four-year; 12% of two-year) indicated a description of alternative methods that preclude the respondent from personally cross-examining the complainant. In regard to the types of content being asked during a cross examination, 27% of IHE overall in this sample prohibited questioning a complainant about previous sexual history. Taking these two data points under consideration, it is possible that within the new rules, there will be very little protections from potential harm to victims in this regard.

Advocacy groups concerned with the rights of students accused with CSA violations indicated that the reversal of the 2011 and 2014 guidance now affords all parties with equal treatment (Joyce, 2017). As the discussion of these key findings indicate, this concept is contradicted, in part, by the picture these data provide of the equitable rights that were already available to all parties involved in CSA investigations under the 2011 and 2014 guidelines, specifically, appeals proceedings and other elements of due process.

While shifts in CSV oversight occurred during the analysis of these data, creating many questions about the future implementation of CSV policies, it has also inadvertently contributed to the significance of these data as an important cross-sectional picture of compliance prior to the policy changes. Furthermore, the changes in guidance recommended by Education Secretary DeVos have reignited the issue in the public discourse, bringing attention to particular aspects

embedded into this study's measurement of these policies, such as due process, the rights of students involved in CSA investigations, and the debate over whether these issues are appropriate for federal oversight as it relates to IHE implementation.

Contributions to Social Work and Public Affairs

The results of this study provide a comprehensive picture of CSV policies, prevention, and interim services that can help deepen practitioners and macro social workers understanding of the issue. Social workers involved in supporting student victims of CSV will benefit from the prevalence data regarding policy, prevention and interim services, and perhaps can use the tool to assess their own organizations. Completing an organizational assessment like the measure of compliance tested here, in addition to conducting a campus climate assessment, can help social worker to further develop areas where CSV policy, prevention, or interim services may fall short.

Social workers who are focused on policy-making can utilize the evidence suggesting that resource dependence in the form of student tuition dollars can function as an effective tool in compelling compliance among institutions of higher education. Furthermore, the key findings in this report can help social workers to craft an advocacy or policy message to influence legislators in regards to possible future directions for CSV policies, highlighting the areas in which IHE are more compliant (i.e. in regards to aspects of due process) and areas that are lower in compliance (among two-year IHE; in regard to prevention programming overall).

Finally, for social work researchers in the CSV realm, these data provide insight into the practices of a small sample of IHEs prior to shifts in rules and guidance. It may be that these data, however limited by sample size, stand alone as one of the few research studies done on

compliance with this level of detail prior to the 2018 regulations being implemented. It is possible that social work researchers in CSV might be able to replicate this study in a period of time after the 2018 regulations have been fully introduced to note whether or not there are significant changes in terms of the evidentiary standards or in regards to other areas of compliance.

Limitations

This exploratory study faced multiple limitations in regards to internal and external validity concerns. Because this was intended to be exploratory, the sample size is small and the generalizability limited; a power analysis indicates that the final sample of 94 IHEs is at a 95% confidence level and has a 9.8% margin of error. Random assignment of two-year and four-year IHEs to the sample was used to bolster external validity.

This study is further limited in that it did not sample private IHE to explore whether RDT (Pfeffer & Salancik, 1978) is active when considering the reliance on or the amount of Title IV dollars and its influence over compliance levels. The decision was made to exclusively sample public IHE and the rationale behind limiting the sample to public IHE is a function of the previous research establishing the reliance of public IHE on Title IV funded tuition dollars (Bothwell, 2018; SHEEO, 2017; Woodhouse, 2014). Data on private sector IHE do show that 59% of full-time undergraduate students at private, four-year, non-profit IHE, 75% of full-time undergraduate students at private, four-year, for-profit institutions and 86% of full-time undergraduate students at private, two-year, non-profit IHE received student aid funding for tuition (NCES, 2017) and excluding them from this sample has limited the understanding of how

this predictor operates among private sector schools. It could be useful to consider expanding the sample in future research endeavors to include private for-profit and private non-profit IHE.

The primary concern for internal validity is the degree to which valid conclusions can be drawn about the effects of the independent variables, IHE characteristics, on the dependent variables, levels of adherence to policy, prevention, interim and overall adherence. Issues related to measurement error and validity are present in this pilot study. To minimize these issues, the overall measure was reviewed for face and content validity by colleagues at Rutgers University Center on Violence Against Women (VAWC) who are also working on developing a measure to assess IHE CSA federal policy adherence.

Additionally, the measurement tool used by the researcher in this study was not subject to reliability and validity testing. If future studies are conducted using this measure, it would benefit from further testing. The independent variables were not collected by the researcher using the measurement tool and were instead obtained from a secondary data source, the IPEDS database. These data are limited in that IPEDS relies on self-reporting by all IHEs who receive Title IV funding, introducing the potential for bias or errors in reporting these data.

There is also always the risk that the researcher will suffer from instrumentation effects, particularly in regard to conducting an in-depth content analysis of IHE documents using an untested measurement tool. To counterbalance these effects, the researcher did a sample check of her data and re-visited IHE data collected early in the research process to ensure that experience did not affect the way the variables were being interpreted and coded. The lack of inter-rater

reliability methods is a limitation of this study as its use could have improved measurement reliability and it is recommended for consideration in future research.

Additionally, it must be cautioned that the presence of an item in IHE documents and the coding of this item on the compliance scale does not measure the implementation or functionality of this element as it exists on a particular campus. Evaluations of policy practices, prevention programming, and interim accommodations must be made on a unit level basis by the IHE implementing the program or policy and this study does not examine this in its measure of compliance.

Lastly, there are always concerns related to internal validity based on the rigor of the statistical tests utilized. Because the sample is small, multiple linear regression modelling can be affected by the number of predictor variables included (Harrell et al., 1984). The researcher first tested the primary independent variable, federal student aid in dollars, and the primary dependent variable, compliance scores, using simple linear regression to determine strength of association between the variables. Due to non-normal distributions of variables, some nonparametric tests were used to discern association between the variables, and the report recognized the limitations presented by reliance on these types of nonparametric analyses.

Conclusions

If CSV policies continue to evolve in a manner that weakens the possible financial sanctions for noncompliance, specifically the loss of Title IV funding, it may be necessary to reconceive the utility of RDT to this issue. According to previous research on RDT and compliance, organizational compliance is considered “more active” in that organizations, in this

case IHE, will consciously and strategically choose to comply with institutional pressures in anticipation of receipt of benefits (Oliver, 1991). The notion of benefits in this context can be extended beyond the conceptualization of the removal of resources by way of government regulation – i.e. the penalties associated with non-compliance leading to the loss of Title IV funding. As previously established, because public IHE are dependent upon the receipt of student tuition (primarily subsidized through federal financial aid funding), it can also be posited that RDT may act to encourage CSV compliance among IHE in an effort to maintain a beneficial relationships with their stakeholders (students and parents) or risk financial impacts through decreases in student enrollment. Stakeholder relationships, (i.e. prospective students) maintain control over this important IHE resources via their tuition dollars and can affect the IHE decision making process. As Szymaniec and Austen (2011) state, “that is why appropriate management of stakeholders relationships is crucial for success of public organizations” (p. 77). If stakeholders communicate to IHE that they view CSV compliance as favorable, the threat of resource loss (tuition) by stakeholder choice, may still operate as a means of encouraging compliance.

Unfortunately, the dataset was not large enough to sufficiently test the relationship between recent Title IX investigations as it intersects with RDT and compliance behavior. The smaller sample in this study was lopsided in its representation of schools with violations (n=23) and the dataset was not normally distributed, limiting more advanced statistical analyses. Nevertheless, the nonparametric Mann Whitney U demonstrated there was at least provisional support for the hypothesis that recent Title IX investigations, and by extension, the increased threat of financial penalties, would lead to higher scores among IHE.

Of the limited research regarding the impact of Title IX investigations on IHE behaviors is a study by Yung (2015) that examined the relationship between recent Title IX investigations and the number of reported incidents included in the IHE annual security report. Yung discovered that in the time an IHE was being audited following an active Title IX investigation, reported incidents of CSV in the annual security report increased by 44 percent, indicating that the external pressure of the audit compelled schools to provide a more accurate picture of CSV in their reporting. The data collected in this study regarding recent Title IX investigations could eventually be expanded upon in an effort to investigate whether this phenomenon appears in other samples beyond Yung's and could possibly include looking at potential interactions between compliance, federal aid and the number of Clery reported incidents.

Future Recommendations

This exploratory study is one step in the direction towards discerning institutional level factors and their relationship to the implementation of CSV policies, prevention activities, and interim accommodations. The provisional support for the theoretical application of RDT opens the door for future research, not only in regards to CSV compliance, but also in a more broad application of RDT to other types of compliance behaviors required of public institutions of higher education. More evidence is needed to better define institutional level indicators and to assist in developing measurement tools geared at organizational level factors so that IHE can better assess their efforts to address CSV on their campus, while simultaneously identifying the possible gaps in services (McMahon, Wood, Cusano, & Macri, 2018).

While there is value in regression models using equally weighted predictor variables (Graefe, 2015), specific recommendations for future research could include the careful consideration of weighting certain variables in the regression analysis. For example, it may be useful to consider weighting comprehensive, CDC recommended programs like Bringing in the Bystander (Banyard et al., 2007) to better represent its potential contribution in comparison to less comprehensive prevention activities, such as Take Back the Night or the Clothesline Project, potentially providing a more nuanced picture of the level of prevention programming. Additionally, weighting certain policy, prevention, or interim services index items based on whether the programs have universal applications or applications to specific groups (e.g. fraternities vs. campus-wide) could be useful in better assessing the targeted or comprehensive nature of the item and its relative contribution to overall compliance. Finally, it might be useful to consider weighting by type of CSV being reported in the ASR data, specifically, whether reported incidences involve faculty-to-faculty offenses, student-to-student offenses or faculty-to-student offenses, to measure if the differences in types have any specific influence over IHE compliance behaviors.

Future research building on this exploratory study could also benefit from revisiting the variables included in the measurement indices. For example, only one of the prevention programs suggested by the CDC's *Evidence-Based Strategies for the Primary Prevention of Sexual Violence Perpetration* (DeGue, 2014), Bringing in the Bystander (Banyard et al., 2007), was indicated in only two IHE of the 94 schools in this sample. None of the other three recommended programs by DeGue (2014), Safe Dates (Foshee, 1996), Shifting Boundaries (Taylor, Stein, Woods, & Mumford, 2011) and Coaching Boys Into Men (Miller et al., 2012a)

were indicated in the IHE materials and it is possible that this is because these programs are specifically designed to be used with younger students or in a non-college school setting. Future research using this measure would benefit from dropping these programs from the prevention programming index and researchers should consider the inclusion of additional programs, like Green Dot (Coker et al., 2015), that might reflect more current and age-appropriate CSV programming.

Additionally, it may be helpful to consider additional independent variables to be included in future research expanding on this study. Researchers could consider including other organizational level variables, such as the amount of funding in dollars that an IHE receives in CDC sexual violence prevention funding or the presence of on-campus housing, as independent variables that could better contextualize possible influence over levels of IHE compliance.

Considering the recent changes made to CSV policy, a suggestion for future research would include employing the measure used in this research protocol in a follow-up assessment of IHE after the 2018 guidelines have been fully implemented. It could prove valuable to discern whether or not IHE decide to maintain the same levels of compliance or if they opt to make changes to evidentiary standards and to the appeals process based on the new standards. It is also useful to consider different methods of generating data for analysis other than relying on analysis of IHE websites/materials and the challenge for future researchers is to identify a viable source of these data that do not rely on IHE self-report.

While this pilot study is impacted by certain limitations, it contributes to the growing body of ecological and organizational data related to campus sexual violence. It would be useful

to extrapolate from these data specific examples of model two and four-year IHE to serve as an exemplar for IHE compliance. Furthermore, these data and any future data gathered as the sample is expanded, can be scored and published in a document detailing IHE compliance to be used as an evaluation tool for prospective students and their parents when considering applying to colleges and universities. Publishing the compliance scores with the IHE identified could also act to increase external pressure on IHE towards CSV compliance.

Overall, research in this area has focused on individual outcomes related to prevention or intervention programs but this report builds upon the limited data on organizational level factors. The findings of this study also serve to introduce the consideration of RDT as a viable theoretical framework when considering the institutional behaviors of IHE in regard to campus sexual violence. As policies continue to evolve and policymakers continue to implement different versions of CSV regulations, it is possible that this pilot study can provide a framework through which to build upon future research, regardless of the specific CSV policies being implemented.

APPENDIX A – MAJOR CSV PREVALENCE STUDIES

Appendix A. Major CSV Prevalence Studies, Samples, Finding, and Significance

Citation	Sampling Approach	Measurement	Major Findings	Significance
<p>Sexual Experiences Survey (SES):</p> <p>Koss, Gidycz, & Wisniewski (1987)</p>	<p>National sample of 6,159 females and males at 32 U.S. IHE. Estimated to be representative of approximately 26% of all people in the U.S. ages 18 to 24.</p>	<p>Used legal statutes to define rape and applied specific, descriptive language to clarify the acts, including a wide range of victimization such as attempted and completed sexual assault, unwanted sexual contact and acts related to coercion.</p> <p>Internal consistency r was 0.74 (for females) and 0.89 (for males), with a test-retest rate of 93% between administrations at 1 week apart.</p>	<p>Females:</p> <ul style="list-style-type: none"> • 53.7% of reported some form of sexual victimization including: • 14.4% reported sexual contact • 11.9% reported incident of sexual coercion • 12.1% reported attempted rape; • 15.4% reported a completed rape <p>For males, rates were much lower:</p> <ul style="list-style-type: none"> • 25.1% of men surveyed reported some form of sexual aggression; • 10.2% revealing forced sexual contact; • 7.2% reporting sexual coercion; • 3.3% reporting attempted rape; • 4.4% reporting rape for 4.4%. 	<p>SES used legal statutes as a basis for developing its measures of rape and sexual assault.</p> <p>SES included specific language to describe CSV intended to cue respondent recall.</p> <p>Assessed a wide range of criminal acts including unwanted sexual contact, sexual coercion, and attempted and completed rape.</p>

<p>The Campus Sexual Assault Survey (CSA): Krebs, Lindquist, & Warner (2007)</p>	<p>Non-representative sample which randomly sampled 2,093 male and 5,446 female undergraduate students from two large universities in the South and Midwestern regions of U.S. Response rate for females was 42% while the response rate from was from 32 to 35%.</p>	<p>Respondents were asked about five different types of assault: forced sexual touching, oral sex, sexual intercourse, anal sex and sexual penetration with a finger or object.</p>	<ul style="list-style-type: none"> • 19% of female undergraduates reported an attempted or completed sexual assault since becoming college students • 12.6% of the women surveyed by the CSA reported an attempted sexual assault • 13.7% reported a completed sexual assault during their tenure as college students, with some overlap of experience found between the groups. 	<p>Concurrent with some previous data (Fisher, Cullen, & Turner, 2000; Moher-Kuo, et al., 2004) high rate of assaults occurred in the context of alcohol and drug use.</p> <p>Frequencies with which women reported getting drunk or using marijuana since entering college were positively associated with the experience of sexual assault that was facilitated by consumption, however these data showed that voluntary use of other drugs was not significant.</p>
<p>National Crime Victims Survey (NCVS) Rape and Sexual Assault Among College-Age</p>	<p>20 years of data from the NCVS - a nationally representative sample of about 90,000 U.S. households and</p>	<p>Two-phased approach to identifying incidents of rape and sexual assault starting with a screener, with short and specifically worded questions about experiences with rape and</p>	<ul style="list-style-type: none"> • The rate of rape among college students is 6.1 per 1000, as opposed to 7.6 per 1000 for non-students • 80% of the victims reported knowing their assailant 	<p>Large-scale analysis of representative data from 20 years of NCVS surveys which allowed trends to be</p>

<p><i>Females, 1995–2013 (NCJ 24847):</i> Sinozich & Langton, 2014</p>	<p>approximately 160,000 respondents each year.</p>	<p>sexual assault to trigger recollection. Screener is followed by detailed questions about the incident, including type of injury, use of weapon, offender characteristics, and reporting to police.</p> <p>Sexual assault by is captured by measuring incidents, including attacks or attempted attacks involving unwanted sexual contact that may or may not involve force, grabbing or fondling</p>	<ul style="list-style-type: none"> • 80% of the student victims did not report their assault to the police, as compared to 67% of non-students • Reasons for non report- 26% of the student victims felt that it was a personal matter; 20% stating they feared reprisal if they reported, and 12% of student victims compared to 5% of nonstudent victims stated incident was not important enough. • Fewer than 1 in 5 female student (16%) and nonstudent (18%) victims of rape and sexual assault received assistance from a victim services agency. 	<p>identified between students and non-student populations.</p>
<p>National Intimate Partner and Sexual Violence Survey (NISVS): Black et. al (2011)</p>	<p>Nationally representative random digit dial (RDD) includes both landline and cellphones of 12,727 complete interviews, and 1,428 partially complete interviews with 9,086 women and 7,421 men who are non-institutionalized English and/ or Spanish-speaking women and men aged 18 or older in the United States.</p>	<p>NIVS measures lifetime victimization as well as victimization in the 12 months prior to taking the survey including sexual violence by any perpetrator, information related to rape, forced penetrate of someone else, sexual coercion, unwanted sexual contact, and non-contact unwanted sexual experiences.</p>	<ul style="list-style-type: none"> • 19.3% of women and 1.7% of men report having been raped during their lifetimes • Most female victims of completed rape (79.6%) experienced their first rape before the age of 25; 42.2% experienced their first completed rape before the age of 18 years. • 51.1% of female victims are raped by an intimate partner and 40.8% by an acquaintance; for male victims, more than half (52.4%) reported being raped by an acquaintance and 15.1% by a stranger 	<p>Provides the first ever simultaneous national and state-level prevalence estimates of violence for all states.</p> <p>Showed that most female victims of sexual assault were in the range of college-aged students (before the age of 25 years old).</p>

<p>American Association of Universities (AAU) Campus Climate Assessment: Cantor et al., 2015</p>	<p>Large but not nationally representative sample of students from 27 universities and surveying over 150,000 students out of a possible 780,000 in the sampling frame for a 22% female response rate and a 15% male response rate.</p>	<p>Defined sexual assault and misconduct with two types of victimization. One type focused on nonconsensual sexual contact involving two behaviors: sexual penetration and sexual touching.</p> <p>Respondents were asked whether one or more of these contacts occurred as a result of four tactics: (1) physical force or threat of physical force, (2) being incapacitated because of drugs, alcohol, or being unconscious, asleep, or passed out, (3) coercive threats of non-physical harm or promised rewards, and (4) failure to obtain affirmative consent. The first two tactics generally meet legal definitions of rape (penetration) and sexual battery (sexual touching). The other two tactics are violations of student codes of conduct.</p>	<ul style="list-style-type: none"> • 11.7 percent of students across the 27 universities reported nonconsensual sexual contact by physical force, threats of physical force, or incapacitation since they enrolled at their university. • 23.1 of female undergraduate stated that they had been the victim of non-consensual sexual contact, experiencing sexual assault and sexual misconduct due to physical force, threats of physical force, or incapacitation, including 10.8 percent who experienced penetration. • Rates of reporting to campus officials and law enforcement were low, ranging from 5% to 28%, depending on type of behavior. • Most common reason for non-report was that it was not considered serious enough. Other reasons: “embarrassed, ashamed or that it would be too emotionally difficult,” and “did not think anything would be done about it.” • More than six in ten student respondents (63.3 percent) believe that a report of sexual assault or misconduct would be taken seriously by campus officials. 56% said it was very or extremely likely that the safety of those reporting incidents of sexual assault/misconduct would be protected by university officials. 	<p>First large scale test of campus climate surveys after the White House Task Force endorsed their application to CSV in 2014.</p>
<p>BJS 2016 Campus Climate Survey Validation Study</p>	<p>9 IHE including 23,000 respondents, comprised of 15,000 female college students and</p>	<p>Respondents were asked about sexual harassment victimization and experiences with coerced sexual contact and the survey</p>	<ul style="list-style-type: none"> • In terms of a cross-school average, overall, 21% of female undergraduates report experiencing a completed sexual assault since entering college; 34% of the overall sample of females 	<p>The significance of the CCSVS was to develop and test another campus</p>

<p>(CCVS) and Final Technical Report: Krebs, Lindquist, Berzofsky, Shook-Sa, & Peterson, 2016</p>	<p>8,00 male college students.</p> <p>Completed surveys were obtained from 14,989 undergraduate females and 8,034 undergraduate males across the nine schools.</p> <p>The overall female response rate ranged from 43% to 71%, exceeding the expected response rate of 40% in all schools, and the overall male response rates ranged from 30% to 60%, exceeding the expected 35% response rate in 5 of the 9 schools.</p>	<p>described five types of sexual contact that would be relevant throughout the survey:</p> <ul style="list-style-type: none"> • Sexual contact includes: touching of a sexual nature (kissing, touching of private parts, grabbing, fondling, rubbing up against you in a sexual way, even if it is over your clothes) • oral sex • anal sex • sexual intercourse • sexual penetration with a finger or object <p>After answering the questions about sexual harassment and coerced sexual contact, respondents were provided with the definition of “unwanted sexual contact” (sexual contact that the person did not consent to and did not want to happen) and descriptions of tactics that could be used to achieve unwanted sexual contact. Respondents were required to check a box next to each tactic description.</p>	<p>reported sexual assault over their lifetime.</p> <ul style="list-style-type: none"> • Completed sexual assault among undergraduate female students was 10.3%, and ranged from 4.2% to 20.0%. • Average rate for completed sexual battery among females was 5.6% and ranged from 1.7% to 13.2%. • The average prevalence rate for completed rape among females was 4.1%, and ranged from 2.2% to 7.9%. • For males, overall rates for completed sexual assault since entering college ranging from 3.7% to 11.8%, with an average rate of 7.0% across all participating schools. • Percent of undergraduate males in the sample who experienced completed sexual assault at some point in their lifetime ranged from 8.4% to 16.3%, with an average prevalence rate of 11.2% across the 9 schools. 	<p>climate survey instrument and methodology to collect valid school-level data on campus climate and CSV in an effort to contribute the empirical evidence and to support the WHTF 2014 endorsement.</p>
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APPENDIX B – LIST OF OPEN SEXUAL VIOLENCE INVESTIGATIONS AS OF 2016

Appendix B- List of Open Sexual Violence Investigation as of 2016.

AK	UNIVERSITY OF ALASKA SYSTEM OF HIGHER EDUCATION	5/5/2014
AL	MARION MILITARY INSTITUTE	4/16/2015
AZ	ARIZONA STATE UNIVERSITY	1/26/2012
CA	BUTTE-GLENN COMMUNITY COLLEGE DISTRICT	2/27/2013
CA	CALIFORNIA INSTITUTE OF THE ARTS	9/30/2014
CA	CALIFORNIA POLYTECHNIC STATE UNIVERSITY-SAN LUIS OBISPO	12/9/2015
CA	CHAPMAN UNIVERSITY	7/27/2015
CA	OCCIDENTAL COLLEGE	5/2/2013
CA	POMONA COLLEGE	10/2/2015
CA	SAN FRANCISCO STATE UNIVERSITY	3/10/2015
CA	SAN JOSE-EVERGREEN COMMUNITY COLLEGE DISTRICT	11/12/2014
CA	SANTA CLARA UNIVERSITY	11/24/2015
CA	STANFORD UNIVERSITY	Case 1: 2/26/2015 Case 2: 5/28/2015 Case 3: 7/23/2015 Case 4: 7/23/2015
CA	UNIVERSITY OF CALIFORNIA-BERKELEY	Case 1: 3/25/2014 Case 2: 7/15/2015
CA	UNIVERSITY OF CALIFORNIA-DAVIS	3/24/2015
CA	UNIVERSITY OF CALIFORNIA-LOS ANGELES	8/8/2014
CA	UNIVERSITY OF CALIFORNIA-SAN FRANCISCO	Case 1: 5/6/2015 Case 2: 1/12/2016
CA	UNIVERSITY OF CALIFORNIA-SANTA CRUZ	3/13/2015
CA	UNIVERSITY OF SAN DIEGO	8/6/2015
CA	UNIVERSITY OF SOUTHERN CALIFORNIA	6/26/2013
CO	COLORADO STATE UNIVERSITY	6/24/2014
CO	REGIS UNIVERSITY	4/30/2013
CO	UNIVERSITY OF COLORADO AT BOULDER	6/18/2013
CO	UNIVERSITY OF COLORADO AT DENVER	4/29/2014
CO	UNIVERSITY OF DENVER	Case 1: 12/12/2013 Case 2: 3/10/2015
CT	UNIVERSITY OF CONNECTICUT	2/17/2015
DC	AMERICAN UNIVERSITY	3/11/2015
DC	CATHOLIC UNIVERSITY OF AMERICA	1/8/2014
DE	UNIVERSITY OF DELAWARE	5/8/2014
DE	WESLEY COLLEGE	7/28/2015
FL	FLORIDA STATE UNIVERSITY	4/3/2014
FL	FULL SAIL UNIVERSITY	7/20/2015
FL	UNIVERSITY OF MIAMI	10/9/2015
FL	UNIVERSITY OF SOUTH FLORIDA	9/3/2014
GA	EMORY UNIVERSITY	12/13/2013
GA	MOREHOUSE COLLEGE	11/19/2015
GA	OGLETHORPE UNIVERSITY	6/23/2015
GA	SPELMAN COLLEGE	11/19/2015
HI	UNIVERSITY OF HAWAII AT MANOA	5/28/2013
IA	DRAKE UNIVERSITY	10/3/2014
IA	GRINNELL COLLEGE	7/22/2015

APPENDIX C – KARJANE, FISHER AND CULLEN (2002) NINE NIJ PARAMETERS

Issue #	Content Area	Karjane, Fisher, & Cullen (2002) Nine NIJ Parameters and Associated Research Methods				
		Content Analysis	Mailed Survey	Field Research	Legal Research	Focus Group
I	Definitions (State and IHE)	X			X	
II	Policies	X				
III	Reporters		X	X	X	X
IV	Reporting Options	X	X	X		
V	Resources	X	X	X		
VI	Reporting Barriers		X	X		X
VII	Reporting Facilitators		X	X		X
VIII	Investigation and Adjudication	X	X	X	X	
IX	Sanctions	X	X	X	X	

APPENDIX D –POLICY COMPLIANCE INDEX (WHTF, 2014).

Policy Compliance Index Items		POINT	TOTAL	SOURCE
<p>I. GEOGRAPHY: Has the IHE clearly identified campus geography controlled by and reasonably contiguous, including public and adjacent non-public spaces and made this map available?</p>	Yes/No	1/0	1/1	IHE websites
<p>II. Introduction</p> <p>Clear statement of school’s prohibition against sex discrimination, which includes sexual misconduct</p> <p>Statement of the school’s commitment to address sexual misconduct.</p>	YES/NO	1/0	2/2	IHE websites
<p>III. Scope of the Policy</p> <p>a. Identify the persons, conduct, locations (including off campus), programs, activities, and relationships covered by the school’s sexual misconduct policy.</p> <p>b. State the policy applies to all students and employees, regardless of sexual orientation or gender identity, and to third parties.</p> <p>c. Briefly explain the school’s confidentiality policy, including reference to the more detailed confidentiality provisions in the policy</p>	YES/NO	1/0	3/3	IHE websites
<p>Options for Assistance Following an Incident of Sexual Misconduct</p> <p>a. Immediate Assistance:</p> <p>i. Identify and provide contact information for the trained on- and off campus advocates and counselors who can provide an immediate confidential response in a crisis situation ;</p> <p>ii. Provide emergency numbers for on- and off- campus safety, law enforcement, and other first responders (e.g., the Title IX coordinator);</p> <p>iii. Describe the sexual assault response team (SART) process and resources SART members can offer;</p>	YES/NO	1/0	3/3	IHE websites

<p>Identify health care options, both on- and off- campus:</p> <ol style="list-style-type: none"> 1. Ensure the victim is aware of the options to seek treatment for injuries, preventative treatment for sexually transmitted diseases, and other health services. 2. Discuss the option of seeking medical treatment in order to preserve evidence. 3. Identify where/how to get a rape kit or find a Sexual Assault Nurse Examiner (SANE). 4. List locations, including contact information, for an advocate (e.g., a local rape crisis center, on-campus advocacy program) who can accompany a victim to the hospital or health provider. 	YES/NO	1/0	4/4	IHE websites
<p>Definitions a. Clearly define all conduct prohibited by the policy, including:</p> <ol style="list-style-type: none"> 1. Sexual harassment 2. Hostile environment 3. Sexual assault 4. Domestic violence 5. Dating violence 6. Sexual exploitation 7. Stalking 8. Retaliation 9. Intimidation 	YES/NO	1/0	9/9	IHE websites
<p>Additional terms that should be defined include:</p> <ol style="list-style-type: none"> i. Incapacitation (such as due to the use of drugs or alcohol, when a person is asleep or unconscious, or because of an intellectual or other disability that prevents the student from having the capacity to give consent) 	YES/NO	1/0	1/1	IHE websites
<p>Additional terms that should be defined include:</p> <ol style="list-style-type: none"> ii. Consent <ol style="list-style-type: none"> 1. consent is a voluntary agreement to engage in sexual activity; 2. someone who is incapacitated cannot consent; 3. past consent does not imply future consent; 4. silence or an absence of resistance does not imply consent; 5. consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another; 6. consent can be withdrawn at any time; and 7. coercion, force, or threat of either invalidates consent. 	YES/NO	1/0	7/7	IHE websites

<p>Reporting Policies and Protocols</p> <ol style="list-style-type: none"> 1. Identify formal reporting options – e.g., criminal complaint, institutional complaint, report to “responsible employee,” including the Title IX coordinator. 2. Explain how each option works and include contact information for the people to whom one can make a report. 3. Identify alternatives to reporting – e.g., privileged or confidential disclosures 4. Describe policies governing confidentiality 5. Specify those employees to whom a student can disclose in confidence and those “responsible employees” who must report incidents (including personally identifying details) to the Title IX Coordinator. 6. Include information on how the school will ensure that a student understands an employee’s reporting obligation before he or she reveals any information to that employee. 7. Describe what information will be kept confidential and what information may be disclosed, to whom it will be disclosed, and why. 8. Explain when the school may not be able to honor a student’s request that his or her name not be disclosed to the alleged perpetrator. 9. Identify the employee responsible for evaluating such requests for confidentiality or no action. 10. Explain the school’s reporting obligations under the Clery Act, including the annual reporting responsibilities of Campus Security Authorities and the school’s obligation to issue timely warnings. 11. Explain the process for third-party and anonymous reporting. 12. Describe when the school will grant amnesty from drug, alcohol, and conduct policies 	YES/NO	1/0	12/12	
<p>Investigation Procedures and Protocols</p> <ol style="list-style-type: none"> 1. Identify the Title IX Coordinator(s) and explain roles and responsibilities. 2. Identify who conducts the investigation and what an investigation might entail. 3. Specify a reasonably prompt time frame for conducting the investigation and resolving the complaint. 4. Explain the processes for preserving evidence. 5. Provide the respondent and complainant equitable rights during the investigative process. 6. Set forth parameters and clarify what information may and may not be shared during a parallel investigation with law enforcement (e.g., via a Memorandum of Understanding with local law enforcement). 	YES/NO	1/0	6/6	IHE WEBSITE
<p>Grievance/Adjudication Procedures</p> <ol style="list-style-type: none"> a. Explain the grievance/adjudication process, including: <ol style="list-style-type: none"> 1. that mediation is never appropriate in sexual misconduct cases; 	YES/NO	1/0	6/6	IHE WEBSITE

<ol style="list-style-type: none"> 2. that the preponderance-of-the-evidence (i.e., more likely than not) standard will be used in any Title IX fact-finding and investigation; 3. identify the trained individuals who determine whether the alleged sexual misconduct occurred 4. Identify the individuals who determine the sanction 5. Identify a process by which either party may raise issues related to potential conflicts of interest of such individuals 6. Identify the persons who may attend and/or participate in the adjudication process 				
<p>Outline the rights and roles of both parties in the adjudication process, including:</p> <ol style="list-style-type: none"> 1. notice of hearing(s) to both parties; 2. an opportunity for both parties to present witnesses and other evidence 3. a description prohibiting questioning or evidence about the complainant’s prior sexual conduct with anyone other than the alleged perpetrator 4. clarifying that evidence of a prior consensual dating or sexual relationship between the parties by itself does not imply consent or preclude a finding of sexual misconduct 5. if the school conducts a hearing, and generally allows for cross examination, a description of alternative methods that preclude the respondent from personally cross-examining the complainant 6. extension of any other rights given to the alleged perpetrator to the complainant 	YES/NO	1/0	6/6	
<p>Explain the possible results of the adjudication process, including:</p> <ol style="list-style-type: none"> i. sanctions; ii. additional remedies for the school community 	YES/NO	1/0	2/2	
<p>Outline how the parties will be informed of the results of the adjudication, including:</p> <ol style="list-style-type: none"> 1. simultaneous written notice to both parties of the outcome of the complaint 2. a statement that the school will not require a party to abide by a nondisclosure agreement, in writing or otherwise 3. Describe the appellate procedures (if appeals are permitted) 	YES/NO	1/0	3/3	
<p>Training</p> <ol style="list-style-type: none"> 1. Outline how faculty and staff are trained and on what issues. 2. At a minimum, the Title IX coordinator, law enforcement, “responsible employees,” victim advocates, and anyone else who is involved in responding to investigating, or adjudicating sexual misconduct must receive adequate training. 	YES/NO	1/0	2/2	
<p>Have you provided a statement advising the campus community where law enforcement agency information provided by a state concerning registered sex offenders may be obtained, such as the</p>	YES/NO	1/0	1/1	

law enforcement agency with jurisdiction for the campus or a computer network address?				
TOTAL INDEX SCORE	67			

APPENDIX E PREVENTION INDEX (DEGUE, 2014)

PREVENTION DEPENDENT VARIABLE INDEX ITEMS				
ITEM			TOTAL SCORE	SOURCE
SELECTED PREVENTION PROGRAMS BY CDC: a). Safe Dates b). Shifting Boundaries c). Coaching Boys into Men d). Bringing in the Bystander	Yes/No	1/0	4/4	IHE websites
OTHER CDC SUGGESTED PRIMARY PREVENTION STRATEGIES: a). Bystander Intervention b). Engaging Men c). Health Sexuality Education d). Public Awareness campaigns	YES/NO	1/0	4/4	
Principles of effective prevention: COMPREHENSIVE a). Multiple prevention strategies b). Multiple participant groups c). Multiple settings	YES/NO	1/0	3/3	
Principles of effective prevention: REPEATED PROGRAMS Prevention programs and strategies should engage participants repeatedly over time. One-time programs or sessions are rarely effective for changing behavior	YES/NO	1/0	1/1	
EVALUATION of PROGRAMS: Is there evidence programs are evaluated?	YES/NO	1/0	1/1	
TRAINED STAFF IMPLEMENTING PROGRAMS	YES/NO	1/0	1/1	
UTILIZE VARIOUS TEACHING METHODS: 1. Online training 2. Courses 3. Presentations by staff or faculty	YES/NO	1/0	5/5	

4. Student theater				
5. Discussions				
Total			19	

APPENDIX F INTERIM AND SUPPORTIVE MEASURES INDEX (WHTF, 2014).

INTERIM AND SUPPORTIVE MEASURES DEPENDENT VARIABLE		POINT	TOTAL SCORE	SOURCE
WRITTEN STATEMENT OF SERVICES PROVIDED TO VICTIMS AVAILABLE ON CAMPUS OR CMTY:	Yes/No	1/0	1	IHE websites
<p>POSSIBLE INTERIM ACCOMMODATIONS FOR VICTIMS:</p> <p>a). Academic accommodations (for additional information, see below)</p> <p>b). Medical and mental health services, including counseling</p> <p>c).Change in campus housing and/or dining locations</p> <p>d).Assistance in finding alternative housing</p> <p>e). Assistance in arranging for alternative College employment arrangements and/or changing work schedules</p> <p>f). A “No contact” directive pending the outcome of an investigation. Such a directive serves as notice to both parties that they must not have verbal, electronic, written, or third party communication with one another</p> <p>g). Providing an escort to ensure that the student can move safely between school programs and activities</p> <p>h). Transportation accommodations, such as shuttle service, cab voucher, or parking arrangements to ensure safety and access to other services</p> <p>i). Assistance identifying an advocate to help secure additional resources or assistance including off-campus and community advocacy, support, and services</p>	YES/NO	1/0	0-9	
The first option allows the victim to report the misconduct to a College employee whom the College has designated as responsible for receiving and/or responding to reports of sexual misconduct and to request interim measures from these “responsible employees.”	Yes/No	1/0	1	IHE websites
The second option allows a victim who has not reported the misconduct to a responsible employee to disclose the misconduct to a professional counselor, non-professional counselor, or victim	YES/NO	1/0	1	IHE websites

advocate who in turn can request interim measures on the victim's behalf from the College.				
Partnerships with community rape crisis center for 24 hour services	YES/NO	1/0	1	IHE Websites
Annual Safety Report on website	YES/NO	1/0	1	
Total			14	

APPENDIX G INDEPENDENT VARIABLE STUDY ITEMS FROM IPEDS (ED, 2016).

APPENDIX G- INDEPENDENT VARIABLE STUDY ITEMS FROM IPEDS (ED, 2016)

Variable	Definition/ Coding	Sources
IHE ID number	Unique identifier	IPEDS
Geographic Region	Pertaining to geographic location within 50 U.S. states 1- Northeast CT ME MA NH RI VT NY PA NJ WI MI OH IN IL 2 – Midwest – ND MN SD NE IA KS MO 3 – South – KY WV VA DC DE MD TN NC SC MS AL GA FL OK YX AR LA 4- West – WA MT OR ID WY CA NV UT CO AZ MN	IPEDS
Institution size	1 - Under 999 2 - 1,000 - 4,999 3 - 5,000 - 9,999 4 - 10,000 - 19,999 5 - 20,000 and above	IPEDS
Institutional sector	1 - Public, 4-year or above 4 - Public, 2-year (recoded for regression and other statistical analysis)	IPEDS
Degree of urbanization	1 – City- Territory inside an urbanized area and inside a principal city with population of 100,000 to 250,000 or more. 2 – Suburb - Territory outside a principal city and inside an urbanized area with population of 100,000 to 250,000 or more. 3 - Town - Fringe: Territory inside an urban cluster that is less than or equal to 10 miles from an urbanized area to 35 miles from an urbanized area. 4 - Rural- Census-defined rural territory that is less than or equal to 5 miles to 25 miles from an urbanized area, as well as rural	IPEDS

	territory that is less than or equal to 2.5 miles from an urban cluster.	
Control of institution. Used to sort database for public institutions exclusively.	1 Public 2 Private for-profit 3 Private not-for-profit (no religious affiliation) 4 Private not-for-profit (religious affiliation) 0-Not reported	IPEDS
Total amount of Federal student loan aid received by students Undergraduate - A student enrolled in a 4- or 5-year bachelor's degree program, an associate's degree program, or a vocational or technical program below the baccalaureate	In whole dollars. Variable Description Total amount of federal loan aid received by students. Loans to students - Any monies that must be repaid to the lending institution for which the student is the designated borrower. Includes all Title IV subsidized and unsubsidized loans. Does not include PLUS and other loans made directly to parents.	IPEDS, Winter 2014-15, Student Financial Aid component
Does the IHE have a recent case being investigated by ED regarding Title IX violations?	1 – Yes 0 - No (Recent is defined as within the past five years)	Chronicle of Higher Ed via FOIA requests

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