APPROVAL SHEET

Title of Dissertation: Enabling the Prevention and Reporting of Sexual Assault at
                         Maryland Colleges and Universities

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NOTE: *The Approval Sheet with the original signature must accompany the
             thesis or dissertation. No terminal punctuation is to be used.

Higher Education Administration

Dedicated and passionate higher education professional with 12+ years of experience advising and teaching college and university students. I possess a proven track record of establishing rapport with students and collaborating with staff, administrators, and faculty to promote student success. I am student-centered, inclusivity focused, and demonstrate strong administrative and leadership skills. My graduate level training in research methodology and statistical analysis allows me to assess best practices and analyze policy and process for the sake of improving the educational experiences of diverse groups of students. I will:

- Learn quickly and contribute to the organization's mission immediately.
- Employ creativity to solve problems and reach goals successfully and efficiently.
- Apply honed communication skills—written and verbal—to be both empathetic and effective.
- Use organizational skills to take on multiple complex responsibilities simultaneously and accomplish tasks successfully.

Education

Doctor of Philosophy   **August 2021**

University of Maryland, Baltimore County | Baltimore, Maryland
Public Policy, 3.9/4.0
Dissertation: *Enabling Sexual Assault Prevention and Reporting at Maryland Colleges and Universities*

Master of Arts   **August 2008**

The Ohio State University | Columbus, Ohio
Sociology, 3.7/4.0
Thesis: *The Impact of Family Processes on Adolescent Sexual Initiation and Contraceptive Use*

Bachelor of Arts   **May 2001**

Michigan State University | East Lansing, Michigan
Interdisciplinary Humanities, 3.7/4.0

Research Experience

Quantitative Projects:

- <u>Testing Policy Evaluation:</u> Initiated research project to assess UMBC English placement testing policy. Created data set, cleaned and analyzed data using Stata and proposed changes based on evidence. A new testing policy was implemented in late 2019.
- <u>Multivariate Regression with Panel Data:</u> Created panel dataset using data from multiple sources, including IPEDS and Clery Crime Reports. Used multivariate regression to analyze the impact of institution-level characteristics on sexual assault reporting at Maryland HEIs.
- <u>Lottery Access to Magnet School:</u> Co-managed a team of ten graduate students through an education evaluation research project on SEED schools in Baltimore. Using student data, we created an intent to treat (IOT) and a treatment on the treated (TOT) model and analyzed these using multivariate regression to evaluate Math, English, and disciplinary success at the school.
- <u>Multivariate Logistic Regression:</u> Examined relationship between parenting style experienced by young teens (12-15 years old) and sexual initiation and safety behavior among those who did initiate sex. I used the National Longitudinal Study of Youth 1997 and found that authoritarian and lenient parenting styles are correlated with younger age at first sex.

Qualitative Projects:

- <u>Content Analysis of Sexual Misconduct Policies:</u> Collected, coded, and analyzed the sexual misconduct policies and website content of University System of Maryland institutions using

Nvivo. Analyzed themes present in the data and interpreted results in the context of the theory of enabling conditions.

- Evaluation of Teacher Responses to Common Core Implementation: Analyzed qualitative teacher responses to the implementation of common core in Maryland as well as the use of computers in the testing process. Collaborated with research team to identify codes and themes with the use of Nvivo. Assisted in writing report for the state of Maryland.
- Diversity in City Strategic Plans: Collected and analyzed data on diversity related content and actions in local government strategic plans in large cities in Texas under the direction of my primary investigator. Presented results at the Midwest Political Science Association.

Other Related Experiences:
- Additional Policy Projects Impact of Homeschooling on College Readiness, Case Study of Mississippi's State System of Higher Education, For Profit Colleges and Universities (Three projects: policy analysis, economic analysis, and stakeholder campaign). Campus Sexual Assault (multiple projects on various aspects of the issue), Charter Schools in Maryland, and Improving College Graduation Rates via Developmental Education.
- Coursework in Education Policy: Evaluating Interventions in Education, State Level Higher Education Research (panel data methods/stats), Economics of Education, American Politics and Education, State Systems of Higher Education, Inequality in Education, Strategic Planning for Public Administration (higher education institutions focus).

Academic Advising

Communicated and connected with students in one-on-one as well as group settings. Established ongoing rapport with students from diverse backgrounds and abilities. Created a reputation for excellent customer service and for delivering complex information in an easy-to-understand manner. Advised and counseled students on curriculum, major programs, career choices, personal challenges, and academic and strategic plans. Collaborated with staff, faculty, and administrators regarding student success and related policy.

- Worked effectively with diverse students and staff who possess complex, intersecting identities, using cultural competencies and empathy to demonstrate my care and establish connection.
- Promoted to Staff Assistant after one year in the field based on my mastery of the minutia of academic advising. My ability to translate complicated policy paired with my approachability allowed me to serve as a highly competent guide on complex issues.
- Managed new student orientation for the largest college at The Ohio State University: Coordinated and collaborated with admissions, reserved facilities/equipment, prepared materials, recruited faculty speakers and participants, scheduled advisors and other support staff, presented to students and their families, evaluated feedback, strategically planned future sessions, and implemented changes.
- Promoted from Academic Advisor to Enrollment Advisor (competitive position) and successfully coordinated the opening and daily operation of an advising and enrollment office at a new regional campus.
- Implemented successful student completion campaigns with hundreds of student contacts, creating tracking databases from scratch.

Training and Teaching

- Created multiple training curricula and experiences for academic advisors including: Arts & Science advising curriculum and technique, financial aid training manual for general advisors, and petition and advocacy processes.
- Trained advisors to facilitate discussions in "Introduction to the University" classes. Focused on dealing with sensitive topics, being inclusive, challenging implicit bias in participation and response, and managing strong feelings.

- Instructed university and community college students with excellent outcomes and evaluations. Created clear and effective class curriculums, turning complex sociological information into digestible bits with the aid of clean and effective PowerPoint presentations and creative learning activities, and media. Applied advanced understanding of learning styles and human development to maximize student learning.
- *UMBC:* Research Methods (Sociology, Graduate level, TA), Statistical Analysis (Sociology and Public Policy, Graduate Level, TA)
- *Other Classes:* Introductory Sociology (Instructor, Undergraduate Level), Sociology of Race and Ethnicity (Instructor, Undergraduate Level), Sociology of Deviance, Research Methods, and Statistics for Social Science (Recitation Instructor)

Specialized Trainings

- Green Dot (Bystander Intervention), UMBC
- Red Cross First Aid Certification, City of Baltimore
- Safe Zone, UMBC
- Supporting Survivors of Sexual Violence, UMBC

Publication

Gassanov, M. A., Nicholson, L. M. & Koch-Turner, A. (2008). Expectations to marry among American youth: The effects of unwed fertility, economic activity, and cohabitation. *Youth & Society*, 40(2), 265-288.

ABSTRACT

Title of Document:	**ENABLING THE PREVENTION AND REPORTING OF SEXUAL ASSAULT AT MARYLAND COLLEGES AND UNIVERSITIES**
	Amanda Grace Koch, PhD, 2021
Directed By:	Dr. Jane Lincove, Associate Professor Public Policy

In this dissertation, I work to expand social understanding of sexual assault occurrence and reporting challenges on college and university campuses. In an ideal world, sexual assault would be extremely rare, and reporting of those assaults would result in supportive experiences for impacted persons, contributing to a culture of care. To move toward this culture, I apply the theoretical concept of enabling conditions (Correa & Petchesky 1994) to sexual assault occurrence and reporting at University System of Maryland Institutions. Enabling conditions is a perspective that expands our understanding of individual behavior to include the social contexts in which behaviors take place.

One of the key mechanisms through which HEIs facilitate or influence individual behavior is via policy. Policies outline a set of values in the form of acceptable and non-acceptable behaviors. Policies codify norms and layout a system of sanctions for violating the requirements within them. Therefore, policies provide key information on what values are being facilitated or enabled on campus: sexual assault supportive or sexual assault preventative. This dissertation aims to do several things. First, I expand the theory of enabling conditions as a set of not only individual but institutional values that reflect or resist biases. Second, I analyze HEI sexual misconduct policies to determine if these values are present and to what degree they are present. Third, not all values are clearly expressed in policies and therefore, I look for evidence of enabling conditions on portions of institution websites. To achieve these goals, I use qualitative content analysis and examine the ten schools within the University System of Maryland. I conducted two complimentary analyses. The first is a content analysis of each institution's sexual misconduct policy and the second is an analysis of each school's respective website content dealing with sexual assault. I used a hybrid coding approach where codes for enabling conditions were sought out while also allowing other relevant themes to emerge throughout the analysis (Glaser and Strauss 1967).

I found that enabling conditions are not frequently addressed in the sexual misconduct policies of this sample of schools or on their respective websites. However, there is evidence that some institutions have begun the process of embedding the values that create enabling conditions into their policies and websites. My analysis also allowed additional values to emerge which expands enabling conditions to include a total of eight specific values, adding Education/Training, Transparency, Compassion, and Integrity/Accountability. With these results, I provide a road map that higher education institutions can use to take the next steps in cultivating a culture of care. This roadmap guides schools in actively embedding values that combat bias and take values-based actions that support the faithful application of these values into campus life.

ENABLING THE PREVENTION AND REPORTING OF SEXUAL ASSAULT
AT MARYLAND COLLEGES AND UNIVERSITIES.

By

Amanda Grace Koch.

Dissertation submitted to the Faculty of the Graduate School of the
University of Maryland, Baltimore County, in partial fulfillment
of the requirements for the degree of
Doctor of Philosophy
2021

Dedication

I dedicate this dissertation to all those who have experienced the pain and darkness that come with assault, abuse, and harassment. You deserve to be believed, supported, and empowered.

I also dedicate this work to a dear friend, Sarah Coccia who passed away as I was completing this project. She was a light and a joy to those of us who were lucky enough to have known her. Her death reminds us that we are all vulnerable in some way and that we all deserve to live in a culture of care.

Acknowledgements

The process of writing this dissertation has been a long and winding road. There were many a time when I thought perhaps the worry, trouble, and the time away from my career and other pursuits were not worth it. I cannot tell you how many times I said, maybe I should just quit. When I said this, I was lucky to have a chorus of caring voices to let me know they would support me if I quit, but they thought I deserved this PhD. In particular, I thank Trev Rose for his never-ending support and his special talent of helping me to keep it real and find perspective. He is always the first to encourage and to send congratulations even on the smallest accomplishments. His emotional support was invaluable not only as it relates to my dissertation but to the challenges I faced while caring for my father with Alzheimer's disease. I also thank his mother, Lynne for giving me a family away from home, always welcoming me to holiday dinners and being authentically interested in my wellbeing. I also want to thank Christine Powers for her persistent support and compassion during the many academic tribulations I faced while at UMBC. In some of my darkest times, she was a soft place to land, providing security and reliability that helped me start anew as I was finishing my dissertation and my father went into full-time residential care.

Additionally, I want to thank the adult figure skating community here in Baltimore. My PhD journey brought me to Baltimore, but this community welcomed me in with open arms and has provided me with so much joy. Skating and befriending these folks have been the true highlight of my life in Baltimore, and has provided me with the energy, motivation, and balance needed to get through this doctoral program. If it were not for them, I do not think I would be here with the title

of Dr. Mandi Koch. I especially thank my closest of friends Sarah Withrow Cichy and Erin Patel—undyingly supportive and encouraging.   They make Baltimore feel like home, and they are my found family! I love them both dearly. I also want to acknowledge Jeff Nolt, Jenn Knighton, Peggy Goldsborough, George Breckenridge, and Kathy Sack. You are all amazing and your attitudes and encouragement have kept me going on this long academic journey.

Finally, I would like to thank my mentor, Dr. Lauren Edwards. She not only believed in me but believed my ideas to study sexual assault were worthy of a dissertation. She encouraged me to be persistent in the face of resistance and bullying from administration in the department. She is caring, intelligent, and humble. She is what a professor should be. She is dedicated to teaching and student engagement, talented and clever when it comes to her research, and sets a wonderful example of how to fully embrace one's humanness. She is also one of the best people I know. She is not afraid to admit when she or the department is wrong, and she is always working to make things better in the department and in the world. She is what she calls a pracademic (practitioner-academic) and she is an exemplary one. Her department should recognize her and reward her for her unique and special contributions there. She what makes the School of Public Policy at UMBC special.

And a final thank you to my committee members who read this long tome of a dissertation and stuck with me as I tried to acknowledge academic tradition while simultaneously forging an unknown path of resistance. Thank you to Jane Lincove, Lauren Edwards, Marina Adler, Bobbie Hoye, and Barbara Schmertz. I am honored

to go forth in my next chapter having been guided by such an amazing group of

educated and passionate women!

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Chapter 1: Sexual Assault in the Context of Higher Education

Over the last ten years, higher education institutions (HEIs) across the nation have faced significant scrutiny over their handling of sexual assaults on their campuses. Through the 1980s and 1990s, Title IX of the Educational Rights Act came to specifically include sexual assault as a form of sexual discrimination within higher education. In 2011, then President Obama's Department of Education issued a Dear Colleague Letter, outlining ways that HEIs needed to address prevention and response on campuses. In 2014, institutions began to be placed under investigation by the Office of Civil Rights, the federal department that responds to gender inequity complaints as defined by Title IX. While there was much speculation about what this meant for higher education, the general feeling was that a handful of schools would serve as examples and scapegoats on the issue and the rest of higher education would go back to its status quo approach to the matter. However, the investigations multiplied and eventually hundreds of HEIs across the country found themselves under investigation and having to demonstrate Title IX accountability to the federal government. Only a handful of years later, this movement for justice was reenergized by the nationwide and worldwide #MeToo movement. This movement used social media along with traditional protest methods to call on various industries and organizations to hold their employees and members responsible for sexual assault and sexual harassment.

The #MeToo movement has called attention to not only the scope of sexual assault but to a nagging lack of action by the nation's institutions to reduce the occurrence of sexual assault and improve the outcomes for impacted persons. The

movement has also called institutions and individuals out for giving lip service to the

problem without actively demonstrating they believe the problem is real and actionable

on their part. The lack of action belies a lack of commitment and motivation that sexual

assault and its victims are worthy of our collective care. The complementary movement,

using key phrases such as Believe Her and I Believe You has continued to put pressure

on eradicating the normalized behaviors that have worked to minimize and erase the

negative social and individual impacts of sexual assault. These social phenomena have

all coalesced to maintain pressure on institutions like colleges and universities to

demonstrate not only that they authentically care but that they are willing to not only do

the right thing but embrace their potential to be hugely impactful leaders for change.

In some ways, higher education institutions have indeed tried to create change and

address sexual assault. One of the challenges is that fixing the problem of sexual assault

on campus is a bit like trying to nail Jell-O to the wall. It is wiggly; it is perceived to be

difficult to work out all the contributing factors. A number of factors have been studied

and given serious consideration at the nation's campuses. Those include the influence of

alcohol use among college and university students, the implementation of bystander

intervention training, and the impact of key campus groups such as fraternities and

athletes. For instance, a substantial amount of research has been conducted on alcohol

use among students. Yes, college students drink. A fair proportion of them drink weekly

and drink enough drinks in a sitting to be considered binge drinkers (Abbey, Clinton-

Sherrod, McAuslan, Zawacki, and Buck 2003; Fagen, McCormick, Kontos, Venable,

and Anderson 2011). This tendency for institutions to focus on drinking as a key factor

in sexual assault seems logical. Alcohol is a substance that removes inhibitions and

reduces people's cognitive and physical control over themselves and their environment.

Research does consistently show that was consumed in approximately 50% of sexual

assaults (Abbey, Zawacki, buck, Clinton, and McAuslan 2001). However, it is important

to note that this research indicates alcohol is a correlate and not a cause of sexual assault.

It also shows that 50% of campus sexual assaults are alcohol free, which is a limitation

on the degree to which alcohol can potentially reduce sexual assault. It is also

notoriously difficult for universities to control alcohol use on campus but especially near

campus.

Higher Education Institutions have also been quite interested in the potential of

bystander intervention programs. These programs come in a variety of packages from a

variety of organizations (Green Dot, etc.). Their goal is to increase sexual assault

awareness and prevent it through empathy and neighborly actions. It is a see something,

do something type of idea, where bystanders are seen as intermediaries who can overtly

or covertly prevent a sexual assault. Evidence of its effectiveness is limited in its

practical value. Research shows that bystander intervention increases efficacy (or the

intent to act) of the participants (Barone, Wolgemuth, and Linder 2007; Breitenbecher

2000: Burn 2009; Katz and Moore 2013; Lafrance, Loe, and Brown 2012). There is little

convincing evidence that bystander training changes people's actions, emboldening them

to act on a potential victim's behalf We do know that longer training programs and those

that reoccur over time are potentially more effective. However, research still does not

know if it significantly reduces the incidence of sexual assault or supportive response to

impacted persons (Katz and Moore 2013). For these reasons, colleges and universities

have been hesitant to invest the money and policy strength required to make such trainings mandatory for all community members.

Another popular focus for potential sexual assault prevention has been a focus on certain sets of students such as those affiliated with the Greek system and athletics. Assault cases that involve members of these groups, particularly athletes garner an incredible amount of attention from both the campus and the surrounding community. There is some evidence to suggest that members of these groups have a greater propensity to perpetrate such crimes (Boeringer, Shehan, and Akers 1991; Franklin 2015 Jackson, Gilliland, and Veneziano 2006; Kimmel 2008). However, there is no clear-cut evidence that this is the case, but this unfortunately does not alleviate the worry that such groups promote extreme in groups dynamics that may use objectification of women, gender shaming, and gay bating as key tactics to creating group cohesion (Boeringer et al. 1991; Kimmel 2008). There is also concern that such groups promote the use of sex as a commodity that in greater quantities and with certain females results in higher status and respect within the group. Again, the challenge here is that the research is far too limited to build policy upon. It may also be particularly challenging for colleges and universities to address the social power behind such groups and to determine how to address the gender and racial inequities that are foundational to such power.

The story here is that despite being under scrutiny for not addressing sexual assault as laid out by Title IX, colleges and universities have not necessarily been doing nothing. They have been searching for answers. Those answers have unfortunately been the panacea that many hoped they would be. The lesson learned is that even when HEIs think they have identified the key factors of sexual assault on campus, little if any change

has been realized in the actual occurrence and reporting rates. We often don't know what we don't know and HEIs must continue to seek out what they might not know if they are to make a serious impact on this problem.

One of the other ways colleges and universities have tried to address sexual assault on campus is through policy. Policies dealing with sexual misconduct on campus are a relatively recent occurrence. Not all schools have had them until even more recently as the need to maintain compliance with Title IX became a reality. Insert info here on the handful of studies that looked at existence and content of early policies. In the last several years, there has been a flurry of activity at HEIs surrounding sexual misconduct policies, first in response to the Dear Colleague letter in 2011, later pressure to demonstrate schools were embracing these mandates, and then again as the Trump administration revoked the letter and left schools in flux as they tried to make significant changes and then again as the administration once again changed leadership.

The relative newness of sexual misconduct policies also meant that there is little to no studies focusing on the content and impact of the policies themselves. Studying policies also tends to be done internally to an organization and not always put forth for peer review or otherwise made available publicly. The trends make it difficult to access policy analyses that others have completed. Lack of access is yet another example of not knowing what we don't know and as a result, collective learning is shut off. Those seeking to write new policy or use other analyses to improve policy are left to fend for themselves or to go to great lengths and seek out and interview others. What little research that is out there on the content and impact of policy is itself limited in what it can contribute to the future of policy in this area or the culture of care that HEIs could be

crafting. Research on HEIs in Ohio indicates that many schools as of #year have policies that are very basic, and a substantial number of policies were lacking in key aspects as well as adherence to Title IX (Krivoshey, Adkins, Hayes, Nemeth, and Klein 2013). This finding was supported when Lund and Thomas (2015) used a greatly expanded sample and examined the sexual misconduct information on 102 school websites across the country.

Unfortunately, the approaches that HEIs have taken to curb sexual assault and improve responses to assaults that do occur is not working to the degree needed to make a dent in this serious social problem. Researchers and administrators, myself included, think the missing link may be cultural. Culture is essential to our understanding of sexual assault in that it sets the context in which we make choices, act out our lives, and sets the stage for our experiences (Goffman 1959). In the case of sexual assault, we therefore must ask whether our culture sets a context in which sexual assault is common and tolerated or sets a context in which sexual assault is rare and effectively deterred. Theorists, researchers, and activists have made the case that our current culture creates a context in which the former is true (Brownmiller 1975; Buchwald, Fletcher, and Ross 2005). This phenomenon has been referred to as rape culture[1], meaning that our institutions and their policies make perpetrating sexual assault easier than it could or should be. It also means that institutions make getting away with sexual assault easier than it could or should be. Of course, the assertion that we live in a rape culture is not an

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[1] The term "rape culture" has been a contentious one. Some would recommend using a less assertive term. However, this paper seeks to alter a culture that allows and even promotes sexual assault. Naming the culture for the results it produces allows us to acknowledge reality and implement accountability. It is only inflammatory because men and conservatives have framed it as such. By buying it to that notion, we contribute to our own oppression.

easy one to accept and is even actively rejected by those who do not see sexual assault as a particularly worrisome problem. I recognize that there are diverse approaches to sexual assault. However, I will move forward and through this analysis assuming that rape culture is real whether we want it to be or not.

In this paper, I seek to explore the extent to which colleges and universities are using their powers as influential institutions to initiate and create cultural change as it relates to sexual assault. To change the rape culture, we must consciously alter the policies of our institutions to enable the prevention rather than the perpetration of such acts. Specifically, I will examine sexual assault policies as a mechanism through which change can be initiated and a culture of care can be maintained. My focus will be on the impact the institutions can have, deliberatively transitioning our collective thought processes to one that understands that sexual assault prevention and response is an organizational responsibility and not the sole onus of individuals. Preventing sexual assault should not be interpreted as a burden but an expected and willingly fulfilled duty of being a steward of a college community. In my efforts to examine policy and culture, I will first review the literature to layout the elements of HEIs that shape their abilities to enable a culture of care. I will then use the theory of Enabling Conditions to establish standards for culture of care and discuss how this may work in a model of social change that merges both the macro and micro aspects of social life. From there, I will examine the policies of ten schools in Maryland and their respective website content to look for evidence of both Title IX and Enabling Conditions. After presenting, my findings, I will discuss the implications and present a framework that blends Enabling Conditions and the policy making process to assist HEIs in creating campus cultures that enable the

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reduction of sexual assault and promote the safe and just reporting of those assaults that do occur.

Chapter 2: Background and Literature

In this chapter, I provide background on sexual assaults as a social problem in general and on American college and university campuses. I will briefly review the rates of sexual assault occurrence, consequences of experiencing such an assault and the challenges of reporting assaults. I will also review several elements that shape higher education institutions' ability to reduce sexual assault and promote response that are just and beneficial to the impacted person. In other words, what factors influence a school's ability to create a culture of care. These include institutional values, biases, and the specific but complex issues of gender and inclusivity on campuses.

Section 1: Sexual Assault as a Social Problem

Subsection 1.1: Sexual Assault Occurrence

One in five women will experience a sexual assault[2] in her lifetime (Fisher, Cullen, and Turner 2000; Planty, Langton, Krebs, Berzofsky, and Smiley-McDonald 2013). While most victims are women, they are certainly not alone in their vulnerability to assault. It is estimated that somewhere between 6% and 9% of men will experience sexual assault in his lifetime (Copenhaver and Grauerholz 1991; Fisher, Cullen, and Turner 2000; Sinozich and Langton 2014). Additionally, individuals who identify as part of the LGBTQ community are particularly vulnerable to this crime. According to the Center for Disease Control (2020), gay and bisexual individuals experience sexual assault

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[2] Many interpret sexual assault as rape, but the terms and the offenses it describes are far more varied. Sexual assaults are non-consensual act of a sexual nature. Sexual assaults can be rape, attempted rape, unwanted fondling, groping, kissing, touching, etc. In the higher education context, sexual assault and rape exist on a spectrum of behaviors that fall under sexual harassment. For the sake of this paper, I will use the term sexual assault in an inclusive way and assume it to include all nonconsensual sexual contact.

at similar rates to straight people and a staggering 47% of transgender individuals are estimated to experience sexual assault in their lifetime. Women of college age, whether enrolled in post-secondary education or not have the highest rates of sexual assault of any other adult age group in the wider population (Sinozich and Langton 2014). Turning to the perpetrators of sexual assault, they are by and large men, committing an estimated 95% of all sexual assaults in general (Edwards and Vogel 2015; Planty et al. 2013) and 94-95% of assaults on college campuses (Krebs, Lindquist, Berzofsky, Shook-Sa, and Peterson 2016; Morgan and Kena 2017). These statistics demonstrate that there are too many victims come survivors and indicate that there are gender issues underlying these crimes.

Subsection 1.2: Consequences of Sexual Assault

These numbers are impressive in both the magnitude and the consequences they have for individuals and for society as a whole. Regardless of the age of women at the time of their assault, they experience well-documented consequences. Acute or short-term consequences include but are not limited to: post-traumatic stress disorder (PTSD), anxiety, depression, difficulties with social adjustment and sexual functioning, and psychosomatic complaints (Jordan, Combs, and Smith 2014; Koo, Nguyen, Gilmore, Blayney, and Kaysen 2013; Mason and Lodrick 2013; Messman-Moore, Ward, Zerubavel, Chandley, and Barton 2015; Orchowski and Gidycz 2015; Turchik and Hassija 2014). Survivors also experience chronic or long-term consequences such as persistent PTSD, substance abuse, anxiety, depression, irritability, feelings of hopelessness, and suicidal ideation (Chang, Lian, Yu, Qu, Zhang, Jia, Hu, Wu, and Hirsch 2014; Chang, Yu, Jilani, Fowler, Yu, and Lin 2015, Mason and Lodrick 2013,

Santaulari, Johnson, Hart, Haskett, Welsch, and Faseru 2014). Additionally, there is some evidence that survivors of sexual assault may experience higher risk of suicide and other forms of self-harm than those women who have not been sexually assaulted (Chang et al. 2014; Chang et al. 2015). Finally, it is important to acknowledge that some victims never become survivors because their assaults are followed by death. College women who are sexually assaulted are at risk to experience any combination of these outcomes. However, their location as residents on or near college campuses, engaging in everyday activities that are specific to the institutions, results in additional outcomes for these women. These include but are not limited to difficulty with their normal relationship with friends and roommates, low grades, dropping classes, changing living situations, and stopping or dropping out. (Krebs et al. 2016).

Subsection 1.3: Reporting Sexual Assaults

Reporting of sexual assaults tends to be quite low with less than half of victims reporting their assault to an authority. This reporting rate is certainly below the reporting rates for other serious crimes (Morgan and Kena 2017; Planty et al. 2013) and the sexual assault reporting rates are even lower for college and university students (Sabina and Ho 2014; Cophenhaver and Grauerholz 1991; Mason and Lodrick 2013; Morgan and Kena 2017; Sinozich and Langton 2014). Reporting is a sensitive issue and there are many reasons why victims might not report, including shame, stigma, fear of not being believed, revictimization during the investigation, etc. (Fisher, Daigle, Cullen, and Turner 2003; Krivoshey et al. 2013). College women tend to disclose to someone they know but doing so does not often translate into reporting to school or criminal justice authorities (Orchowski and Gidycz 2015; Sinozich and Langton 2014). Climate surveys try to

capture the experiences of these students who have been assaulted but did not report, and National Crime Victims Survey (NCVS) (Morgan and Kena 2017) tries to capture all women, but there is no way of knowing if impacted persons are generally comfortable enough to report their experiences to an anonymous survey.

Section 2: Elements that Shape Campus Culture

In this section I will introduce various structural elements that shape the way colleges and universities think about and interpret sexual assaults on their campuses. I will begin with society's historical focus on individual behavior, demonstrating that this will directly lead us to solving sexual assault. I will then review the ways institutions, state level influences such as the state itself and state level higher education systems. Finally, I will discuss the federal influence, including the impact of Title IX. This section is designed to shift the stereotypical perception that sexual assault is something that exists only in the micro realm that will only be successfully fixed in that realm. It reorients readers to the fact that a more holistic and complete understanding of the problem can lead to logical and creative ways to enable the prevention of sexual assault and enable just and beneficial responses by campus communities.

Subsection 2.1 Individual level Correlates of Sexual Assault

In the case of sexual assaults, we, as a society, have typically taken an individual centered approach to the problem. This lens focuses on individual action involved in individual incidences of sexual assault. Historically, society has been particularly concerned with the behavior and personal characteristics of those individuals. There is strong commitment by the culture overall to the notion that individual correlates and cases of rape and sexual assault are the main causes and therefore the main avenue to

eliminating its occurrence. Sociologists refer to this tendency as seeing social problems as private problems rather than public issues. The body of research available on sexual assault is vast and expansive in the topics covered. However, findings show little evidence that individual behavior or characteristics are valid and reliable predictors of sexual assault. The body of literature also demonstrates that the individual behavior and characteristics that are correlated with sexual assault are not particularly actionable routes by which to reduce its occurrence.

There is little evidence that individual behavior on the part of the victim causes or leads to sexual assault. The individual level factors that researchers have found to be associated with sexual assault are not particularly strong predictors (Abbey, Zawacki, Buck, Clinton, and McAuslan 2001. Research does demonstrate that drinking alcohol, particularly heavy drinking is correlated with sexual assault but is not a prerequisite for assault on the part of the victim or the perpetrator (Abbey et al. 2001). Alcohol usage is present in approximately 50% of campus sexual assaults and it is a correlate, not a cause. Alcohol may function to remove inhibition on the part of the victim and perpetrator(s). There is some evidence to suggest that perpetrators and potential perpetrators use alcohol to assault people sexually (Abbey et al. 2001). However, alcohol is notoriously difficult to control on college campuses. Banning it on campuses or from campus supportive organizations (Greek life) drives drinking off campus where it cannot be regulated or controlled at all. This could in fact drive more assaults off campus where Title IX would not apply. Schools as a group have yet to determine how to effectively deal with drinking let alone the complexities of dealing with alcohol facilitated sexual assault.

Childhood sexual abuse and frequent sexual relationships have also been found to be consistently associated with experiencing sexual assault as an adult (Abbey et al. 2001; Fisher, Cullen, and Turner 2000). However, childhood sexual abuse is not a risk factor that can changed after the fact. Its occurrence likely groom girls to be victimized again later in life by normalizing abuse and desensitizing them to warning signs of future assault. While childhood sexual abuse definitely needs to be addressed, it is not an actionable correlate for HEIs to address. Frequent sexual relationships are also not something that HEIs could or should address in their efforts to reduce sexual assault and create a culture of care. Sexual freedom, especially among women and members of the LGBTQ+ community is an essential part of equity and inclusivity. HEIs can and should encourage safe sex and offer opportunities to learn healthy relationship skills to all students. However, attempts to control or limit sexual encounters and frequency among consenting adults is not an actionable way for HEIs to prevent assault.

I will not look at the individual behavior and characteristics of the perpetrators of sexual assault. Research shows that men perpetrate 95% of all rapes and that one in twelve men admit to raping a woman (Edwards and Vogel 2015). Unfortunately, researchers do not know as much about perpetrators as they would like due to the challenging nature of gathering valid and reliable data on a sensitive topic that requires admitting wrongdoing. However, the research available does indicate beliefs about women matter in the perpetration of sexual assault. For example, higher acceptance of rape myths is associated with a higher rape proclivity and therefore a higher likelihood of perpetrating sexual assault (Grubb and Turner 2012). Rape Myths are defined as… and include but are not limited to adherence to beliefs about rape and assault such as: "she

asked for it," "it wasn't really rape," etc. Sex role stereotyping such as adhering to traditional sex roles has been linked to self-confessed propensity for sexual coercion and rape proclivity (Abbey et al. 2001, Grubb and Turner 2012). Perpetrators are also more likely than non-perpetrators to have been victims themselves of sexual and/or physical abuse as children (Abbey et al. 2001). Particularly for college students, prior deviance is also associated with perpetration of sexual assault (Jackson, Gilliland, and Veneziano 2006). Alcohol also plays a part in perpetrator behavior with approximately 50% of all sexual assaults committed by men who have been drinking (Abbey et al. 2012).

Subsection 2.2: Institutional level Research on Sexual Assault

I will now take a brief look at the institutional behaviors and characteristics related to sexual assault. Unfortunately, it will be brief as there is a general lack of research from which to draw any meaningful conclusions. There is very little information available on the contexts and characteristics of universities that specifically influence sexual assault on campus. In one qualitative study, Armstrong, Hamilton, and Sweeney (2006) conclude that the university and the organizations under its purview work to structure student life through rules, distribution of resources, and procedures. They found that sexual danger is the unintended result of many university practices that were initially thought to be benign, working to keep community members safe regardless of gender. In other words, they found that what administrators thought was gender neutral policy was not actually leading to gender equal outcomes on campus including issues surround sexual assault

Hirsh and Khan (2020) found that the ways in which campuses structure access to space and alcohol matters in the occurrence of sexual assault on their large, urban

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campus. Specifically, they found that policies at Columbia give older students access to and control of the very limited space that students use to socialize. These policies also only allow fraternities (men) and not sororities (women) to host parties where alcohol is present. They concluded that such policies exacerbated power inequalities among students that already exist by age (class year), gender, and sexuality. This results in already vulnerable students being placed in social contexts where they are even more vulnerable to assault. Such policies force those vulnerable students either older-student and/or male-controlled spaces in order to participate in campus social life. Similar policies exist at colleges and universities all over the US and point to the influence of policy on student safety and vulnerability.

Subsection 2.3: Federal Influences

The ability of higher education institutions to enable a culture of care is influenced by federal policy. It may, in fact, be the impact of federal mandates like Title IX that influenced colleges and universities to begin to address sexual assault in a more official capacity. While the sex discrimination requirements of the law went into effect in 1972[3] it was not until the 1980s and 1990s that the courts began interpreting sexual assault as a form of discrimination that fell within the scope of Title IX (Melnick 2018). This piecemeal legal process, unfortunately, left colleges and universities on their own to interpret and apply the newly evolved aspects of the law. This resulted in a variety of interpretations and changes at HEIs but also in little ability to demonstrate a reduction in the occurrence of sexual assault or improvement in responses to reports of assault.

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[3] Title IX is a part of a package of amendments made to the Higher Education Act of 1965. This amendment eliminates discrimination based on sex in public education institutions or those receiving Title IV funds (federal financial aid). The amendment initially dealt with direct issues of learning and school related sports.

To combat this, in 2011 President Obama's administration published guidelines for HEIs in a Dear Colleague Letter[4] (OCR 2018). The guidelines in the letter were meant to help HEIs understand their obligations in the case of sexual assault complaints. However, the guidelines, despite good intentions, still left much up to interpretation and did little to concretely outline actions institutions could take to reduce sexual assault and deal with its occurrence effectively. Eventually, institutions found themselves under investigation due to student accusations filed with the Office of Civil Rights[5] stating that their institutions were not (at all or adequately) investigating and dealing with reports of sexual assault. Students asserted that they and their complaints were not being taken seriously and alleged perpetrators were not investigated properly, in a timely manner and were not held accountable for their actions per Title IX.

In addition to lacking concrete actions and guidelines, Title IX faces other challenges. The legal ramifications available to the OCR to dole out in cases of Title IX infringement are quite limited. In theory, schools found in violation can have their Title IV funds withheld. Title IV funds are those that feed the Federal Financial Aid system. Revoking such funds could in essence financially cripple a college or university and reduce needy students' choice of where they can afford to attend school. This is quite a drastic way and likely inappropriate and ineffective way to deal with all or most Title IX infractions on campuses. As a result, the OCR has been unwilling to apply this consequence to schools that are found to be in violation of Title IX. Interestingly though,

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[4] The current administration under President Trump and Secretary of Education, Betsy Devos has revoked the Dear Colleague Letter guidelines. The administration has also changed a number of interpretations. The schools present in this dissertation have for the most part publicly stated that they are still committed to the 2011 guidance, which is above and beyond what is now required.

[5] The Office of Civil Rights is the department within the federal government that is responsible for responding to student complaints under Title IX. It is also the department that oversees general HEI compliance with the law.

in a 2015 Congressional Hearing on the state of Title IX, the OCR failed to ask congress for additional powers to hold HEIs accountable in a meaningful manner even after intense questioning on the issue. Recently, institutions in violation of Title IX have been found in violation of their obligations to students and have been fined. However, there is concern that such fines are minimal and fall on the opposite end of the spectrum, failing to put the necessary pressure on schools to reduce the prevalence of sexual assault on campus or to deal with reports of sexual assault effectively. The question is whether HEIs consider such fines to be significant motivators to change how they respond or whether the fine is considered the lesser burden in comparison to changing institutional policies and behavior

Additional mechanism by which to deal with sexual assault and other crimes on campus includes the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (The Clery Act). This legislation requires HEIs that use Title IV funds to gather and publish information about crimes on and near campus. The initial purpose of the Act was to provide transparency to the campus community and to potential students and parents regarding the safety of the school environment. It is essentially a "right to know" what happens on college and university campuses, attempting to prevent HEIs from burying and downplaying criminal occurrences on campus. However, the Clery Act does not require action be taken to reduce incidences of crime, including sexual assault; it is simply a mandate to report. Again, fines have been used for violations of the Clery Act and are relatively small ($35,000 per violation). Schools can potentially have their Title IV funds reduced or suspended, but again, such a drastic action has not been employed (Marshall 2014, Schroeder 2014).

Both policies created more awareness of sexual assault in the context of higher education institutions. Both policies have required more transparency in situations in which sexual assault is being reporting to a campus representative. Clery provides stakeholders with transparency about the crimes that happen on or near campus and requires institutions to make all community members aware of an occurrence. With the advent of new technology (as long as it is used in a timely manner by the institution) some of those notifications come within minutes or hours of a crime or attempted crime. Title IX created clarity that yes, HEIs have a responsibility to acknowledge that sexual assault happens in and around the Ivory Towers. It also required a bare minimum of acceptable responses and information to be provided to the community. However, neither law has done enough to impact the behavior of institutions in ways that substantially reduces sexual assault and improves reporting rates. There is no research yet that shows that these policies significantly alter outcomes on campus or improves the campus culture.

Section 3: Higher Education's Institutional Values

The next broad themes that shape Higher Education Institutions' abilities to create cultures of care deal with institutional values. According to Hill and Lynne (2015), values are beliefs that form the foundation of our judgments about what is true, just, virtuous, or appropriate. Values are drivers of socially productive policies and programs which can potentially contribute to a campus atmosphere where sexual assault becomes rare and where reporting assault is both expected and beneficial. However, the existence of outdated or socially harmful values and their corresponding biases and prejudices can

perpetuate campus culture that promote discrimination and inequities whether consciously intended or not. As a result, enabling a culture of care will be nigh impossible if institutions do not take the time and humility to question their current value system. In this section, I will touch on several values-based challenges that colleges and universities face in their fight to address sexual assault. These challenges include the hidden nature of biases, especially those that involve norms and expectations around gender and inclusivity.

Subsection 3.1: How Higher Education Values Function

In general, when people think about colleges and universities, they tend to focus on the things these institutions do, like educate students, produce research, and facilitate sports. Less frequently do we tend to think explicitly about the values that higher education institutions possess or represent. Indeed, values are present at all HEIs whether or not those values are made obvious. C. Otto Scharmer (2018) likens this interior condition of the HEI to a field on a farm. "Each field has two dimensions: one that is visible, what's growing above the surface; and one that is invisible, what's beneath the surface—the quality of the soil" (2018: xi). In regard to sexual assault, the visible field would be the practical outcomes that people can witness such as occurrence and reporting rates, adjudication decisions, etc. However, Scharmer states that HEIs rarely pay much attention to what's underneath, the "…interior condition from which we operate" (2018: xi). These inner states are generally taken for granted and can be left unexamined but contain some of the most influential aspects of our institutions such as our values.

There are some that think institutions are defined by these invisible inner conditions. March and Olsen (2006) interpret institutions as defined by their beliefs,

paradigms, codes, culture, and knowledge. These then in turn support rules and routines.

Using this understanding, institutions do not just have or possess these as characteristics,

they are in fact the embodiment of them. Using this understanding, myths, ceremonies,

norms, and values work together with formal structure to define and shape an

organization's work (Hill and Lynne 2015). In this way institutional values provide a

unifying source of meaning and purpose to organization participants. These values can

be called by another name: organizational culture (Hill and Lynne 2015). For anyone

working within or with HEIs, organizational culture or campus culture has been a huge

focus in the industry recently. There is demonstration of great desire to understand the

campus culture and to perhaps even improve it. However, it is unclear whether the inner

conditions, like beliefs and paradigms have been successfully examined to result in a

different visual field.

       These inner conditions/values are key parts of the equation necessary to create a

culture of care. Campus culture can be seen then as a function of institutional values.

What if as scholars and administrators, we interpreted the inner conditions as variables,

things we can consciously change to alter a particular social outcome. If we currently

visually see a field where sexual assault is too frequent and reporting rates too low, what

are the values and beliefs making up the inner condition of such a situation? If HEIs

desire to see a visual field where sexual assault is rare and reporting is beneficial to the

victim and leads to high rates of reporting for the rare assault, what values and beliefs

must occur underneath? However, the garbage in, garbage out motif applies here as it

does to all functions. So, if HEIs throw in old, outdated values or those misaligned with

the current needs and wants of the community, HEIs will produce culture that then produces undesirable behaviors and outcomes.

Subsection 3.2 How Bias Functions

There are likely several important factors that influence a college or university's inner state. One element that shapes HEIs' abilities to see their inner state for what it currently is, is the issue of bias. Recent thinking on how bias works in the brain, is that it comes in two major forms: explicit and implicit. Explicit biases are the ones we consciously acknowledge. We are aware of these biases may be in spite of our desire to be rid of them or maybe because we have chosen to endorse them. Colleges and Universities are interesting places because there is a relatively long-standing notion that education combats bias and HEIs are chock full of the highly educated. However, Banaji and Greenwald (2016) have found that education does not protect us or prevent us from possessing implicit biases. These are the biases that our conscious mind cannot access. These are the stereotypical associations we have been taught over a lifetime to make even if we no longer want to consciously endorse them. Even if an individual is for women's rights, the unconscious mind is more than likely to still make implicit associations between women and weakness and men and power or women as victims and men as perpetrators. Unfortunately, education cannot simply sweep away the implicit associations we have been exposed to and thoroughly internalized (perhaps against our will) for our lifetimes.

This is an important revelation for those charged with creating a campus culture of care. It challenges the assumptions institutions can make about those who make and implement policy. HEIs can no longer safely assume that biases do not seep into our

policy and culture simply because those making the policy are well educated and "know better." The impact of implicit biases also reveals that HEIs cannot assume that campuses are bias free. Stating that a campus is free of gender or racial bias because the policies and procedures are not explicitly discriminatory is no longer a legitimate conclusion. Due to the nature of implicit associations, even our understanding of what is gender- or racial-neutral is shaped by all kinds of unconscious stereotypes that we hold about these specific groups. This then can create a definition of neutral is that is not truly neutral at all and that results in policies and campus culture that reflects the implicit bias rather than the much-desired equal and inclusive outcomes.

This understanding of how biases function and leak without individuals being aware of them doing so indicates that bias is still an important element that shapes HEIs' abilities to create cultures of care. To create a culture of care in which sexual assault is prevented and reporting is facilitated and beneficial to the impacted person, implicit bias must be addressed. By dealing with the implicit bias in HEI sexual misconduct policy and processes, institutions reject and remove unhelpful values in their inner conditions to produce a different visual field.

Subsection 3.3 Gender Bias

When it comes to dealing with sexual assault in any institution, it is necessary to not only acknowledge issues of bias in general but in some of its more specific iterations. One of the most important, if not the most important iteration in this case is gender bias. Gender bias and gender inequality are still alive and well in our society and researchers and activists are persistently addressing it in their many forms. Sexual harassment and sexual assault are symptoms that gender inequality is present and functioning. On the

other hand, reduction in sexual assault and harassment is thought to be indicators that society is moving toward greater equality (United Nations, 2019; World Health Organization 2019). By this standard, HEIs can think of creating a culture of care where sexual assault is prevented, and responses are just and beneficial as a clear and present way for them to demonstrate their true commitment to gender equitable and inclusive campuses. For the sake of this paper, I will keep the discussion of gender limited to issues that are potentially most impactful from a bias and policy standpoint.[6]

   Regardless of our sex, gender identity, sexuality or any other identities, we as humans existing in this society are subjected to gender socialization. Gender socialization is the process of learning socially constructed gendered beliefs and behaviors through interaction with and participation in agents of socialization (Berger and Luckman 1966, Coleman 1990, Lorber 1991).   Agents of socialization include the major social institutions and structures in our society. Of prime importance are our families, but so are our institutions of worship, media, government, and education. Socialization is often subtle and goes unnoticed as the process is gradual, but highly effective. It happens to all humans who engage in society is some way or another, and we often do not realize its impact on us. It is rendered invisible, and its outcomes are therefore interpreted as normal or biologically natural. However, these beliefs about gender are crafted over time by socially powerful groups to maintain a stratified society where some groups are privileged over others (Lorber 1991, Marger 2014). This socialization is what results not only in our explicit but also our implicit biases and associations.

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[6] For more in-depth coverage of gender and sexual assault see Brownmiller (1975) and Harding (2015).

Our current construction of gender is a dichotomous one, forcing all people into the two categories of female or male. Obviously, there is more gender diversity in the world than what this construction allows, but the point of the construction is to maintain power, preference, and privilege to men. This aspect of gender socialization is deeply important to our understanding of sexual assault as a social phenomenon that impacts women but also men and members of the LGBTQ+ community. Part of gender socialization is a set of sexual scripts that pits men and women against one another where sex and women are portrayed as goods to be obtained by men. Women are taught to protect against sex (unless married of course) and men are taught to seek out sex in abundance (Brownmiller 1975, Harding 2015, Kimmel 2008). This script becomes a bias that frames sexual assault as a female matter and a female responsibility. Girls and women are taught that the onus of sexual assault prevention relies on them and their personal choices and behavior. Women were and continue to be rendered sexual gatekeepers. Women as gatekeepers reinforces another gendered notion that boys and men are naturally (read, biologically) incapable of sexually controlling themselves. In fact, they have been socialized to believe that they don't have to because it is a woman's job to stop unwanted sex from occurring not boys and men's responsibility to not coerce or force sex without freely given consent. Any sexual act that does occur is by default consensual because if it happened it was because the gatekeeper "permitted" it (translated in common language "wanted it"). This script becomes a catch 22 for girls and women. If they were unable to stop sexual contact they did not want or consent to, then what should be interpreted as an assault is rendered as simply sex. This particular script leaves us with internalized gendered biases that lead us to believe women have more control

over all sex than they actually do and minimized the power dynamic that sets up men to be sexually entitled to sex without being cognizant or responsible for the autonomy (consent) of the other person involved.

Such biases about the roles each gender plays in sexual encounters is just the tip of the iceberg. Such biases lead to more complex and harmful biases especially for those individuals who are or become victims of assaults. Such biases are called rape myths (Burt 1980) and further occlude our understanding of sexual assaults as assaults rather than sex. These specific messages about assaultive sex result in biases (explicitly or implicitly held) which researchers refer to as Rape Myth Acceptance or RMA (Lonsway and Fitzgerald 1994).

Brownmiller (1975) asserts that most societies, including our own have formed mythologies around the concept sexual assault. These mythologies are stories that are told and referred to over and over that work to define normal and acceptable behavior in sexual scenarios. They define what is normal and serve as scripts people follow (consciously or not) regarding their own sexual behavior. Burt (1980) expanded the idea of mythologies into a theory of rape myths and their ability to inform and influence behaviors, and our interpretations of what is and is not sexual assault. By doing so, she provided feminists, activists, and researchers with a paradigm by which to examine the false stories we culturally tell over and over, internalize, and even act on. Other researchers created measures to evaluate levels to which individuals believe rape myths (aka Rape Myth Acceptance or RMA) their impact on people's beliefs and behaviors in the real world (Lonsway and Fitzgerald 1994).

The most current and widely accepted definition of rape myths comes from Grubb and Turner (2012), who state that such myths consistently, "…blame the victim for their rape, express disbelief in claims of rape, exonerate the perpetrator, and allude that only certain types of women are raped" (p445). Rape myths are a cultural sleight of hand, making us believe one thing when the other is true. Such myths are ultimately inaccurate beliefs that we have come to think of as natural or the result of natural processes when they are in truth socially constructed. The outcomes of these inaccurate beliefs is: we discount sexual assault as a serious problem, and we displace blame for assaults onto the victim rather than on the perpetrators. Grubb and Turner identify seven key rape myths that contribute to false beliefs about sex and sexual assault. They include:

- She asked for it;
- It wasn't really rape;
- He didn't mean to;
- She wanted it;
- She liked it;
- Rape is a trivial event;
- Rape is a deviant event (2012: 445).

Research has established the impact of this particular theory on our thinking and our actions.

- RMAs are perpetuated by institutions, including the media
- Rape myth acceptance/endorsement impacts police and decisions to prosecute
- RMA impacts jury outcomes
- RMA impacts men's likelihood of committing sexual assault
- RMA impacts women' interpretation of their own assaults
- RMA impacts women's likelihood of reporting assaults to authorities of any kind
- RMA impacts people's likelihood of believing the victim
- RMA impacts the policies in place in the legal system and at HEIs (Harding 2015; Lonsway and Fitzgerald1994).

Rape Myths are part of our socialization and create unchallenged biases in our modes of thinking and judging. Thereby, rape myths can end up in both policy and procedures at Colleges and Universities, whether they are written and formal or unwritten and de facto. HEI policies and student conduct codes are reflections of our cultural norms and values overall. However, the individuals in power at a particular college and university also have greater influence over the existence of policies to begin with and the content of the policies that do exist. Therefore, rape myth acceptance can become tacit in our policies even if they were created with good intentions. If our individual rape myth acceptance is not recognized and combatted and if that is raised to an institutional level, we have implicit as well as explicit bias built into our education, judicial, and other systems. That bias then prevents the true achievement of a culture of care.

Chapter 3: Theory and Social Change

Now that I have reviewed several elements that impact HEIs abilities to address sexual assault on campus, I want to turn my attention to how those elements may be effectively addressed to create a culture of care. I have up to now been using this term somewhat loosely, allowing it to refer to a social environment that looks out for and does good by its community members. This in fact reflects how the term is generically used at colleges and universities. However, if we are keen to create a culture of care it does behoove us to define it more concretely. What are the actual values and characteristics necessary to achieve such a culture of care? If Higher Education Institutions are to create and maintain such cultures, they need a scheme by which to evaluate their current culture and their future progress. This is particularly needed when many of the elements discussed in the prior section are a bit slippery and difficult to evaluate without guidance and support from the research community.

In this chapter, I will present the theory of Enabling Conditions as it applies to sexual assault in an effort to contribute to the definition of a culture of care. This theory builds on the one proposed by Correa and Petchesky in1994 that reinterprets how society perceives actions and opportunities available to women in the developing world. I expand on their relatively brief theory and apply it to sexual assault on college and university campuses. I intend for this to serve several purposes. First, it will help set a foundational standard for what a culture of care must entail, including what values it must embrace. Second, it will assist researchers and administrators to view the many possibilities of fixing sexual assault by examining and using institutional behavior rather than only individual approaches. The focus becomes what HEIs can do. Finally, it works

with policy to address the biases discussed above that underly sexual assault. I will then place this theory into the context of how it might contribute to positive social change on campuses by connecting it to Coleman's (1990) theory on the influence of the micro and macro aspects of society on each other.

Section 1: Theory of Enabling Conditions

Enabling Conditions are a particular set of social conditions created by policy and procedure within institutions, states, and countries that encourage particular outcomes to occur (Correa and Petchesky 1994). The theory highlights the substantial influence that meso and macro level factors have on shaping individual behavior. This perspective interprets individual choices and behaviors as constrained (limited) or enabled (facilitated) by our institutional policies. Policies essentially craft a particular social environment that then promotes specific behaviors. The behaviors that results may be intentionally encouraged or may be unintended consequences of a policy. Either way, policy contributes to a culture that make certain behaviors easy and other difficult. People still have autonomy but the degree to which they possess the ability to choose freely is shaped by their culture and its corresponding policies and procedures. For instance, the ability to participate in a protest is facilitated by policies that allow and even encourage free speech and that make permits easy and affordable to get. On the other hand, something like abortions cannot be freely chosen if it is against the law or so many complexities exist that one cannot obtain one without significant hardship. Individuals or groups cannot freely make choices that authentically benefit them until institutions remove behavioral constraints and enable different decisions and behavior.

To apply this theory to sexual assault on college and university campuses, I ask what are the social contexts that HEIs create that either constrain or enable their abilities to create a culture of care? Using this approach, HEIs stop assuming that sexual assault victims and perpetrators are making uninfluenced choices and that sexual assault is a result of the bad or unfortunate behavior of the people directly involved. Applying the theory of Enabling Conditions to HEIs and sexual assault moves away from the normal and biased scripts about why and how sexual assault occurs on or near campus. It prompts HEIs to stop asking stereotypical questions like: What was she wearing? Did she go to that party alone? How much did she drink? How loudly and forcefully did she protest? Creating Enabling Conditions shifts the attention of HEIs to their value systems, cultural norms, and policies that allow this to happen in the first place. Through this lens, sexual assault is seen not as an individual problem but as a public issue. A culture of care where sexual assault is rare and response to assaults is compassionate and beneficial will not be created by relying on individuals to behave differently. Rather, HEIs must enable the prevention of sexual assault through policy and programming.

Enabling conditions, as originally formulated, included a set of broad guidelines researchers and policy makers could use to create social contexts that empowered women to make choices that were beneficial to them as defined by them. In my iteration here, I propose that these guidelines can also serve to create a culture of care where sexual assault is rare and where reporting assaults that do occur is beneficial to the impacted person. These guidelines are meant to prompt institutions to evaluate the social contexts that their policies and programming are creating. Do these policies cerate context where assault is all too common, where victims are not believed or compassionately supported?

Or do these policies created contexts where sexual assault becomes rare and compassionate support automatic and expected? To enable the culture of care, institutions must account for Bodily Integrity, Personhood, Equality, and Diversity. These guidelines are a set of values that can address the values and biases discussed in chapter 2 which currently serve as barriers to a culture of care. Without first valuing those who are vulnerable to assault HEIs run the very real risk that their policies will be purely symbolic rather than effective. By evaluating values and centering values as the foundation of culture and its corresponding policy, empowerment efforts will not be empty gestures that are performative for the sake of reputation management.

Before delving into the details of the four values mentioned above, it would be helpful to consider how these values can come together to create enabling conditions, conditions that enable a culture of care. Enabling conditions are the characteristics that make up a social milieux. Like the air around us, one milieux will encourage individuals to act in one way and another milieux will encourage individuals to act in a different way. If the air is cold, individuals are prompted to put on sweaters and sweats and watch Netflix. When the air becomes warm, individuals will shed their sweats for t-shirts and bathing suits and feel inspired to eat ice cream. The connection between air temperature and behavior may seem obvious but the connection is not always obvious or clear when dealing with more complex social contexts.

How does the social environment influence individual behavior and how does individual behavior influence overall culture? This question is a classic one in the social sciences, and many have attempted to answer it. The theory of enabling conditions is at its core about the influence of macro factors (the social environment with its specific

laws, policies, and procedures) on micro factors (individual behavior). I want to take it a step farther by indicating those individual behaviors can then in turn influence the macro level. In my application of the theory, higher education institutions represent the macro level factors or institutional level, and individuals in the campus community represent the micro level factors. I propose that a change at the macro level like a values-driven sexual misconduct policy will influence the behavior of the individuals in the campus community. I also propose that those new behaviors will combine in unique ways and result in a macro level character, i.e., a new milieux or campus culture.

My proposal is supported by James Coleman (1990) who dedicated an opus worth of research and theory to the relationship between micro and macro social phenomenon. Coleman describes institutions influencing individual behavior through "rules of the game." These rules from policy and laws transmit consequences of an individual's action to other individuals. The rules play out among individuals but over time result in macro level outcomes by combing individual actions (not necessarily adding them up). Rather, the rules influence social context which affects the relative benefit of different actions. Coleman says there are various ways in which actions combine to produce macro-level outcomes. In general, he proposes that actors' independent actions impose externalities (positive or negative) on others and therefore change the structure of the incentives that individuals confront. Specifically, he explains that the formation of new norms is a key example of the transition from the micro to the macro and how individual actions result in a system level characteristic.

This model can be applied specifically to the problem of sexual assault on college and university campuses. Throughout this discussion, I will refer to figure 1. The

journey through this model begins at a stage of status quo found at point A. This is a place where the current policies are in place that reflect current values and expectations. When the HEI decides for any number of reasons that the current campus culture needs improvement, and they seek to create a culture of care the start moving from point A to point B. The institution audits their sexual misconduct policy and makes changes to include values like bodily integrity, personhood, equality, and diversity. Now the school is located at the top if the slope at point B. They exist in their current milieux but have initiated a catalyst of changes via policy. To move from point B to point C, the policy is then applied to individuals in the campus community. The institutional action is now handed down to individuals to interact with. The community is educated and trained on the new set of values and expectations along with a new set of consequences for violation of the policy. At the bottom of the slope (C) individuals begin to test out and interact with the new incentives and disincentives. This results in new behaviors receiving positive sanctions and other behaviors receiving negative sanctions. Over time, individuals move from point C to D which results in a set of micro level outcomes where individual behaviors, in general are different. As these new behaviors gain traction, moving from D to E, through acceptance and internalization, a new set of norms are pushed up the hill to the macro level where HEIs experience a "new normal." If done properly, this new macro level normal will be a culture of care.

Section 2: The Enabling Conditions

Now, that I have guided us through a general pathway to social change, I will turn now to providing specific information about the values that create enabling conditions.

These are the new social conditions that sexual misconduct policy employs at point B in figure 1 to instigate changes in individual behavior. The four values presented here collectively create enabling conditions that can potentially enable the prevention of sexual assault and promote beneficial reporting. By centering and supporting these values in HEI policy and practice, the implicit biases discussed above will have less room in which to flourish. By replacing old values with ones that facilitate desirable social outcomes, colleges and universities can essentially deprive biases of the oxygen they need to survive. In this section I will be describing each of these enabling values in greater detail and providing information on how they can address sexual assault on campuses.

Subsection 2.1: Bodily Integrity

Correa and Petchesky (1994) define bodily integrity as the "right to security and control over one's own body." For everyday purposes this can be translated as control over or ownership over our own bodies. No one should have more control or ownership over a body than the person that inhabits it. Correa and Petchesky caution us to not use this to say that bodies are simply things or objects. Rather control over and ownership means that the body is an integral basis for active participation in social life. Examples of bodily integrity include "women's right to not be alienated from her sexual and reproductive capacity" as would be the case in coerced sex or marriage. It also includes a woman's right to the integrity of her physical person as meaning freedom from sexual violence. This also implies affirmative rights in that women have the right to enjoy the full potential of one's body—health, procreation, and sexuality without giving up (or losing) control or ownership of that body.

In the context of HEIs, sexual assault on campus represents a glaring lack of bodily integrity for women and other victims. The challenges faced at schools are those of creating a culture where women have the affirmative right to enjoy the full potential of their bodies (freedom of dress, movement, activity, and sexuality) and the human right to be free of force and violence against those bodies.   For this to become a reality, institutions must move their communities away from false excuses for sexual assault (What was she wearing, How much did she drink? How late was she out?) By focusing on things that do not cause sexual assault, institutions and the culture within it imply that others have more rights to a woman's body than she herself does. To embody this value institutions will ask what prevents women from full ownership and control over their bodies on our campuses? What can be changed in the culture and institution to promote bodily integrity for all? What can be changed or added to promote ownership and respect for all bodies not just those of the privileged. No one is entitled to another's body, and this is the ultimate cultural shift prompted by this requirement.

This includes the rights of all people to responsible sexual pleasure in a supportive social and cultural environment. Applying this to HEIs requires us to seriously examine the security of college women to move through their environments, including engaging in culturally normal social behavior (going to parties, drinking, etc.) and still maintaining control of their own bodies and knowing others will respect this boundary. College women need both power (the ability to decide to go and move in the world) and the resources to carry out those decisions safely and effectively. This requires that men and the community, as a whole, to acknowledge and respect women's rights to move through the social world by not touching women without their sober consent. Up

until now, such behavior by men has avoided both scrutiny and accountability. HEIs can promote such scrutiny and accountability through policies. This can provide women with the resources to move securely through their post-secondary environments and maintain bodily integrity.

Subsection 2.2: Personhood

The second value for Enabling Conditions is personhood or the right to self-determination. Here Correa and Petchesky move from a focus on the body itself to the decision-making entity that inhabits the body. In addition to the control and ownership over one's own body, women are their own principal actors and decisionmakers. Women are the subjects of their own life and experiences. Personhood requires that women can say yes or no, and that decision be respected not dismissed, belittled, or overridden. When a woman shares or reports an experience, including those of coercion and violence, personhood implies that we respect and believe her. She is therefore viewed as a legitimate actor with the best ability and right to relay and interpret her experiences. Ultimately, personhood means that women are important and necessary decisionmakers. Women and organizations that represent women must therefore be both represented and active in policy, procedure, and all aspects of community life.

For HEIs, the concept of personhood requires that they deal effectively with issues in which women's right to self-determination is vulnerable to violation. For instance, schools must contend with the issue of consent. Consent that aligns with personhood means that women can say no or yes to some things and no to others and that decision be respected without question, coercion, or violence. However, this requirement set forth by Correa and Petchesky requires that society think about self-determination as

not simply an individual act, but a collective one. The challenge here is to treat women as principal actors and decision makers in the matters of reproduction and sexuality. HEIs will need to grapple with the concept of consent, define it, and guide their community members on how to apply consent in sexual scenarios.

Personhood will also challenge HEIs to look at the representation of women and women's groups on committees and in policy making and implementation processes. To make this happen culturally, colleges and universities must bring women and women's organization to the tables where decisions are made about policy and accountability. Historically, the decision-making table has been filled with men, particularly white men, resulting in policies that reflect the values and socialization (implicit bias) of white men. The women and minorities who are currently at the table are often marginalized while there. Such marginalization is a violation of personhood and for this Enabling Condition to be achieved, it often needs the next Enabling Condition requirement to be simultaneously improved.

Subsection 2.3: Equality

The third requirement for Enabling Conditions is equality which requires the fair distribution of risks and benefits between women, men, and other gender identities and among women of different intersections (class, age, ethnicity, race, nationality, etc.). For this aspect of Enabling Conditions to be realized, governments and institutions must address differences in power and resources between women and men and those that divide women. This value moves the theory forward by considering the actions and power of woman as individuals but women as a meaningful group. Here women and women's groups are not only decisionmakers but have equal power to act to make policy

that benefit them. Not only are these women and groups heard, but their participation is expected and respected and lead to policy implementation.

This requirement means creating equality (of power and resources) both between women and men, but also among women of different social locations (class, age, race, nationality, religion, etc.). All must have power, voice, and resources that are acknowledged and are rendered as effective and valuable as any other. Equality is certainly a challenge in the wider world and for HEIs. To apply this concept at HEIs, it requires that women are not only brought to the decision-making table but are given the room and respect to wield true power and influence over decisions. Complying with this requirement of Enabling Conditions will require that HEIs bring women and diverse women's organizations to the table, actively yield the floor to them, and consider their voices of the utmost importance. This shift challenges the current understanding of gender norms and requires that HEIs identify and deal with the reality—both the breadth and depth of our biases—both explicit and implicit. Those who have historically wielded power often come to feel solely entitled to such power; it feels naturally theirs to have and to use. When others ask or even demand their fair share there can be great resistance and even backlash as it feels that the "natural" order of things is being challenged. This mindset is deeply entrenched and will be difficult to overcome. However, this value must be implemented for a true culture of care to exist on college and university campuses.

Subsection 2.4: Diversity

The fourth and final requirement for Enabling Conditions is diversity which requires respect for the differences among women. Women are diverse and Correa and Petchesky challenge us to avoid reducing all women to a homogeneous group with

similar experiences and levels of power. Such diversity leads to differing social and cultural contexts for different women or groups of women and leads to each having differing priorities. For HEIs this requires breaking the habit of thinking of all women on their campuses as the same or that any group is homogeneous. To achieve this Enabling Condition, policies must be culturally informed about the women and diverse students they impact and be inclusive to their needs. Diversity also requires that policy makers and women in general be cautious and vigilant. In the past, the concept of respecting women's diverse perspectives and values has been used as an excuse for men to neglect women's issues or used as an excuse to do nothing and therefore maintain the status quo.

For HEIs, diversity includes recruiting diverse students, faculty, and staff. It also requires that diverse women and their needs be represented and heard in all other aspects of Enabling Conditions: bodily integrity, personhood, and equality. Diversity should therefore be present in all aspects of the policy making process, including sexual assault and related policy. Committees and the institutions will need to put checks into place to make sure that diversity is continually maintained, asking questions such as how are poor women versus middle class versus upper class women represented? Affected by the policy? How are Black women, Asian women and ethnic minorities represented and heard in the process and the policy itself? Etc.

Section 3: Chapter Conclusion

In this chapter, I have presented a theory and model that is intended to serve as a guide in checking for and creating a culture of care. The four values presented here are beliefs that serve as a foundation for creating a social environment in which sexual

assault is prevented and reporting the reports that do occur is a just and beneficial

experience for victims. These values when applied to Coleman's models shows

researchers and administrators how they can enable a new milieux on their campuses.

Despite the information presented in this chapter, higher education institutions still must

understand what their current milieux happens to be; what is the weather at their specific

university? Is their current campus culture enabling sexual assault prevention or does

their environment perpetuate and tolerate assault? Furthermore, is their current campus

climate enabling reporting? Does it encourage reporting, or does it demand reporting?

These types of questions lead me to the next chapter of this dissertation in which I will

explain how I will assess the university climates of ten institutions by applying enabling

conditions to their policies and websites.

Chapter 4: Research Design and Methods

Section 1: Research Aims

To begin the process of creating Enabling Conditions at HEIs, institutions must first take stock of their current social contexts. A key way to do this is by conducting a detailed inventory of their current sexual assault policies. This is in essence what I plan to do in this project, and in this chapter, I will explain my process and procedure for doing so. Such an analysis will provide evidence and understanding of HEIs' current culture as it applies to sexual assault on campus. It will also reveal what is going well and that knowledge can then be used to prevent sexual assault and promote reporting. Additionally, this analysis will reveal what is not going well, allowing administrators and community members to identify opportunities to improve and in turn, purposefully plan and take action to create Enabling Conditions on their campuses. The perspective taken here is that the act of taking stock is a necessary part of self-reflection for institutions. If sexual assault policies are to be useful and effective, it is essential to first establish where policies currently stand and second, acknowledge the good, the bad, and the ugly for the sake of improvement. The research presented here is exploratory in nature as no one has before applied the theory of Enabling Conditions to assess policies and related campus cultures. My research is, however, guided by what has been previously presented and the following research questions:

- How does Title IX influence USM sexual misconduct policies as it relates to establishing enabling values?

- What Enabling Conditions are present at Maryland HEIs, if any?

- To what degree do the Enabling Conditions of Maryland HEIs go above and beyond the Title IX requirements? Do any schools stand out as leaders in effective policy (creating the most enabling conditions)?

- What does this inventory reveal about how policies and universities can embody Enabling Conditions?

Section 2: The Sample and Sampling Process

To answer the research questions posed here, I employ qualitative content analysis in two phases. The first phase examines sexual misconduct policies at Maryland universities. The second phase examines related sexual assault and Title IX information provided publicly on each school's respective website. This dual phased research method required me to sample and obtain two very different sources of data. Like many qualitative research projects, this project and its sample did change over time. According to Silverman (2016), working with emergent ideas and theories means that qualitative researchers must be flexible and open to altering both research focus, sampling, and even method to be reflexive and responsive to the issue they are examining. In my case, my sampling frame did change over time. The project itself was originally much more expansive and was meant to parallel and compliment a quantitative panel data study on sexual assault reporting trends and correlations. This project included the entire population of traditional, four-year, non-profit institutions in Maryland that were open to all genders, which included at the time 35 schools. After collecting all the sexual misconduct policies for these institutions in late 2016, I began some exploratory first cycle coding, on a random selection of these policies. A couple of challenges presented

themselves at this time. First, there did not seem to be a great deal of variation in content across these schools, pointing to the idea that perhaps I needed to reduce the sample in some meaningful way and assess that sample for saturation at a later time in the coding cycle.   The Second challenge that arose was an obvious need to take stock of my resources and make a realistic assessment of my ability to code multiple cycles of 35 policies on my own in a reasonable time frame. The third challenge was a desire to add to the scope of the analysis. After a very insightful meeting with a committee member, I decided that I wanted to add a complementary phase II to my analysis by also analyzing institutional website information. This compounded the second challenge above, adding work to what was already unrealistic for a sole researcher. Given this information, I strategically decided to cull my original population of policies to accommodate phase II of my analysis.

I considered a number of routes to reduce the sample including random sampling, purposive sample, and even some version of theoretical sampling. In the end, I decided to focus on the ten higher education institutions within the University System of Maryland (USM). All ten schools were included in my original sample and were already known to me. This sample provided several potential benefits. First, these school all fall under the public category of institutions. I was concerned that in a significantly smaller sample attempting to embrace both public as well as private schools might create a problem. There would be a desire to compare these two types of schools in the analysis, but I would not have had enough of both types of schools in a smaller sample to validly make such comparisons. Therefore, using USM schools eliminated private schools and

the temptation to compare them at this time.[7] Another benefit to this particular sample of

institutions is that these schools fall under the authority of a system. This provided a

potential opportunity to observe how individual institutions and their policies may be

influenced by a higher-level structure. If the system showed evidence of being

influential, it could be a point of intervention when seeking to change an approach to

policy and campus culture. USM is a semi-structured system that wields influence but

not authoritarian type control over the institutions under its umbrella. In this case, the

institutions within USM are asked to meet some minimum expectations in respects to

crafting and implementing sexual misconduct policy but also have the freedom to create

their own content and structure in their respective policies. The final benefit of using the

USM sample is that I would be able to examine the entire population of four-year

institutions within the system, which in turn meant that sampling saturation within these

parameters would be assured. Finally, qualitative work also requires that there is some

variation in the sample. This particular group of HEIs vary by a number of institutional

characteristics as well as Carnegie classifications. A summary of some of these basic

characteristics can be found in Table #2 which provides an overview of the data corpus.

Qualitative textual data, including sexual misconduct policies and information

from each school's respective website was collected from all ten universities in the

University System of Maryland.[8] These institutions include the following:

- Bowie State University

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[7] This is an opportunity for further research. A sample of private, non-profit institutions in the state of Maryland could reveal interesting information about Title IX and enabling conditions in that sphere and provide researchers and administrators with better understanding of how private institutions may differ on these issues.

[8] The Environmental Center and the UM Global Campus were both omitted from this analysis. The Environmental Center is an outreach education program and not specifically an HEI. The Global Campus (formerly UMUC) is an on-line institution, and little is known how this type of school differs in their response to sexual assault.

- Coppin State University
- Frostburg State University
- Salisbury University
- Towson University
- University of Baltimore
- University of Maryland
- University of Maryland, Baltimore
- University of Maryland, Baltimore County
- University of Maryland, Eastern Shore

These institutions range in enrollment from approximately 2,700 students at Coppin State

University to almost 41,000 students at the flagship University of Maryland in College

Park (USM 2021). This sample of schools includes small, medium, and large universities

as well as urban, suburban, and rural locations. Additionally, this sample includes three

Historically Black Colleges and Universities (HBCUs) which are often omitted in small

qualitative samples. While these institutions are all public and tuition is influenced by

both the system and the state legislature, variation exists in tuition and fees with some

schools making the most affordable schools list (University System of Maryland, 2021).

Section 3: The Data

To complete my analysis, I employed a qualitative content analysis in two

separate phases: a policy phase and a website phase. In the first phase, I collected and

examined sexual misconduct policies from the ten USM institutions listed above. These

schools are all 4-year schools, categorized as non-profit, that focus on traditional on-

campus instruction, and are coed. According to the Office of Civil Rights guidelines, all

post-secondary institutions that receive Title IV funding must have an explicitly stated

sexual assault policy and must make it accessible to students (Marshall 2014, Schroeder

2014). In response to this federal requirement, sexual misconduct polices are made

available on school websites and this is how I accessed and collected them as data.

All ten schools had sexual misconduct policies readily available on their websites.

None of these schools embedded their sexual misconduct policies under a broader student

code of conduct, so there was no need to parse larger documents to select relevant chunks

of information. I did go to some lengths to find policies that were dated as consistently as

possible to ensure that they were similarly situated in the historic timeline of recent Title

IX changes. This was important because when this project initially began, there were a

number of schools with policies that dated as far back as 2008 as evidence my by initial

policy collection in 2016. This was well before the 2011 Dear Colleague Letter (OCR

2011), the 2014 updates required by USM, and the recent walking back of Dear

Colleague letter guidelines by the federal Department of Education administration under

Betsy DeVos. The policies analyzed here represent the most recently available policies

published on websites during the spring of 2019.[9] These policies therefore represent a

time when schools were treading water. They had already had time to respond to the

revoking of the dear colleague letter but were awaiting final word on new requirements

promised to be forthcoming by the DeVos administration. During this time, USM

institutions chose to maintain the status quo of presenting and following guidance that

was established during the Obama administration.[10]

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[9] These policies were those made available during 2019 but were not necessarily created in those years. The policies
analyzed here may be older but are the most current and active versions that represent the timeframe after the Dear
Colleague letter was revoked and before other Title IX limitations were released in late summer of 2020.
[10] Most schools published updated versions of their policies in August 2020 after final word came down from the
DeVos administration. The policies represented here, are not the August 2020 versions.

In the second phase of the analysis, I sought to understand what institutions do beyond their sexual misconduct policies by examining supporting information on each institution's website. There is no federal regulation that requires colleges and universities to activity promote sexual assault prevention and resources actively on their websites. It was encouraged under the Dear Colleague Letter published by the Obama Administration in 2011, but not strictly required (OCR 2011). Of course, schools can provide more prevention training, resources, and overall community engagement to the issue of sexual assault than what may be available on their sites. However, HEIs actively use their websites to communicate with their campus members and provide them with information and resources. The importance of these webpages is they can potentially provide insight into what HEIs are doing outside of the policy. Colleges and Universities may be doing much more than their policies indicate and much more than Title IX requires. Examples of evidence could potentially include resources for sexual assault victims, campaigns to adjust campus culture, training programs for faculty, students, and other campus community members, etc. While analyzing the web sites may not be a perfect reflection of the community's attitudes and approaches to sexual assault, they are likely to be reliable representations of those attitudes and approaches. A content analysis of policy alone would not show how these other actions and resources may create enabling conditions. Therefore, in this second phase, I employed a content analysis of the same institutions' websites.

Data for phase II was collected on a separate visit to each school's website. I began the collection of website data from the standard landing page of each school (not the admission's page that is often prioritized by internet search engines like Google).

Each school has a search function available on this landing page.[11] Using the search bar, I searched for the term "sexual assault."[12] I then documented the top twenty results from this search by copying and pasting their links into a unique document dedicated to that school. At that time, I followed each of these twenty links to make a basic, initial assessment about whether or not each page addressed information relevant to sexual misconduct. During this process, I tracked and documented links that were irrelevant and/or duplicates of pages linked earlier in the results list. This process revealed that approximately the first ten search results brought me to data saturation. After eight to ten entries for each institution, the results became irrelevant (not related to sexual assault, Title IX, or related resources) or were direct duplicates of pages already documented earlier in the results list. I, therefore, eliminated search results eleven through twenty for each institution from the content analysis sample.

Once the data content for each school was reduced, I once again visited each page listed in the top ten results for each school and saved each of the ten unique webpages in html format. This established a snapshot in time of these pages, allowing me to eventually code the data in several cycles without worrying that the page content had changed in the interim. These initial ten pages for each school can be considered parent pages. Many of these parent pages contained links that were relevant to the project topic, and I chose to follow such links and save these "child" pages in html format as well.

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[11] Nine out of ten of the schools use search functions that are "enhanced by Google." The tenth school, Coppin State University does not indicate whether the searches allowed through their search bar are based on internal data alone or are indeed also influenced by Google.

[12] I also initially explored searching for additional terms like "Title IX" and several other related phrases. However, the results for these test searches were overwhelmingly duplicates of what was found in the initial search for the phrase "sexual assault." Further searching was not conducted due to many duplicate results and that the spirit of this data collection was finding information relevant to sexual assault that is easily assessable for the average community member.

Some child pages also contained additional relevant links, and I followed those and added them to the data corpus. This amassed quite a collection of separate webpages for each institution. Before, moving to coding the webpages, I examined all saved web pages and double checked each for relevance to the project excluding anything that initially seemed tertiarily related, but was ultimately unhelpful. These were often links to old, outdated versions of sexual misconduct policies or events or news that occurred in the past. I was left with eight to twenty specific pages from each individual USM institutions that I included in phase II of the content analysis.   An overview of the number of pages collected and analyzed is available in Table #2.

Section 4: The Method

In preparation for this project, I explored various methods of assessing Enabling Conditions and determined that content analysis was particularly suited to my goals. Content analysis is a broad technique that is used to systematically and objectively analyze the symbolic content of any form of communication (Berg 2001, Singleton and Straits 1999). The purpose is to reduce the entire content of a document (any form of communication in a visual format, including words and/or images) to a set of meaningful categories that represent some characteristic of your research interest (Singleton and Straits 1999). In this case, I examined documents and webpages for evidence of Enabling Conditions. Since content analysis spans the divide between qualitative work and quantitative work, I will be able to better understand the perspective(s) of the producers of these policies and documents and to connect the themes in the data that exist.

To produce a systematic and effective content analysis I used Berg's (2001 p240) outline for the analytic activities necessary for qualitative research as a general guide:

1. Collection of data

2. Development of codes based on your theory and/or allow them to be inductively identified in the data

3. Transforming codes into categorical label or themes

4. Sorting of materials by the categories or themes identified earlier

5. Examining the sorted materials to identify meaningful patterns and processes.

6. Placing these patterns into the context of previous research and theory and creating a small set of generalizations.

By following these guidelines along with employing systematic practices within each step, I ensure to the best of my ability that the content analysis conducted here is both reliable and valid. In addition to this guide by Berg, my goal was to create policy guidelines of my own. Therefore, I added and completed a step seven which involves proposing new policy guidelines, a framework by which to place the theory of Enabling Conditions into policy reality.

Section 5: The Coding Strategy

In the first phase of my content analysis, I prepared for the analysis by uploading each of the ten policies into NVIVO which is a well-known Computer Aided Qualitative Data Analysis System (CAQDAS). The software has the ability to do a number of analysis tasks on behalf of the researcher, especially those researchers conducting quantitative content analysis where the focus is on word and phrase counts. In my case, I chose to use NVIVO as an organizational tool rather than allowing the system to make choices or counts on my behalf. In practice, this meant that I manually read each line of

every policy and then created and documented codes as they emerged. NVIVO allows users to create and label a code with a basic term or phrase and simultaneously allows one to make notes about key words or contexts (decision making schemes) that would make a piece of text consistent with a particular code. This reflects how I chose to use NVIVO. I made decisions on coding and used NVIVO to keep track of all my codes, my notes on inclusion criteria, and to later arrange them to explore potential categories.

The general coding strategy for phase I of the analysis was an emergent one and therefore, no a priori codes were created before entering in to the analysis. In the discipline of content analysis, there are researchers who carefully create coding schemes before analyzing their data. Such codes are based on theory and/or the researcher's understanding of the literature and their prior research. When analyzing the data, they then look for evidence of those specific predetermined codes. They may find many, some, or even none. They then make generalizations about theory or prior research based on their own findings. However, there are other researchers who find this approach to coding to be constraining in that it prevents them from identifying and analyzing other potentially important themes present in the data. This is a way researchers can acknowledge that they don't know what they don't know and then attempt to avoid accidentally omitting something important and insightful. My approach to coding is more akin to the latter method. I cannot claim to foresee all possible expressions of Enabling Conditions or other relevant themes in these policies and websites that may represent an important aspect to our understanding of Sexual Assault prevention and the promotion of reporting. Therefore, in phase I of my analysis, I allowed codes to emerge inductively (Glaser and Strauss 1967, Martin and Gynnild 2011), meaning that I

purposefully did not construct specific coding schemes before embarking on the actual act of coding. However, I still allowed bodily integrity, personhood, equality, and diversity to guide my interpretations and categorizations of codes in later coding iterations.

My coding strategy in phase II differed somewhat from the strategy used in phase I. I entered phase II of the analysis expecting to also use NVIVO and to some degree follow the emergent coding process discussed above. However, upon placing some of my html webpages into NVIVO and experimenting with the coding process, it became obvious that NVIVO was not allowing me to keep the structure of the many web pages in an order I found useful and systematic. Additionally, I needed to take phase I into account when coding phase II. Phase I was completed before I embarked on phase II. The content analysis of the policies in phase I resulted in emergent codes as planned. Many codes were created in phase I and going into phase II, I could not erase the knowledge of what I had already found from phase I. Therefore, my coding strategy in phase II became a hybrid approach rather than a strictly emergent approach. As a result, I entered the second phase with a set of codes and coordinating themes related to each of the four enabling values. I actively sought out evidence of the same codes and themes in this phase. However, I did not want to unintendedly leave any relevant codes out of the analysis and again left room for additional codes and themes to emerge unconstrained by what I had already formulated. In general, what was found in the policy analysis drove much of the phase II analysis.

Both phases of the content analysis for this dissertation are qualitative in nature. For clarity, content analysis comes in both quantitative and qualitative formats. In

quantitative content analysis, words, phrases, or symbols are counted or otherwise

quantified. The work produces basic descriptive type statistics of the textual or visual

data analyzed. This is not the approach taken here. My focus is not so much on counting

how many USM institutions did X or Y, but rather on the effect and social-emotional

affect of the documents and websites. I am evaluating the use of enabling values in

policy, and values are not easily quantified nor is it necessarily useful to attempt to do

so. Instead, values are a barometer of quality that impacts the perception of our

communication and whether it engenders trust and confidence in the institution.

Section 6: The Coding Process

Following along with Berg's recommendations above, coding during both stages

of this analysis was done in three general iterations. The first iterations were focused on

producing as many relevant codes as the data allowed. The second iterations were

generally focused on organizing codes into more cohesive categories or eliminating codes

that were not as dominant or relevant.   Such choices were made by comparing and

contrasting codes to one another. I first checked to make sure codes were unique. Any

codes that were very similar were considered and potentially condensed into a single

code. Then codes were examined to determine what may connect or tether them together

conceptually or determine if they stood alone as unique. If they were tethered or

connected, I assigned them general category titles.   In the third iteration, further analysis

or comparison and contrasting resulted in broader themes that were influenced by

enabling conditions and allowed other themes to come together. Both the second and

third iterations involved several sub-iterations where I went back to the original data and

codes to reconfirm context or double check that topics not addressed were indeed missing

from the data. After this process, I compared the resulting themes to memos[13], many of which were made during the first iteration and including general impressions of the documents as well as concepts or concerns that had initially stood out to me in relation to enabling conditions or sexual assault in general.

The general outline of my coding strategy along with code, and basic inclusion criteria for Phase II can be found in Table 3. It should be noted that I used a coding approach that focused on concepts, not words or phrases alone. In practice, this meant that I used words and phrases as identifiers. Words and phrases clued me into key chunks of text. The text coded and analyzed ranged from a couple sentences to entire paragraphs or sections of a page. This was also especially true in phase I where the documents were very organized and had specific section headings and definition sections that made coding some concepts very easy to both identify and to stay consistent from document to document. This approach is very much in line with what Saldana (year) calls concept coding in which key words and phrases are read and interpreted in the context of their original text or speech. This approach is especially useful because it prevents researchers or eventual readers of the work from taking the words or phrases out of appropriate context. It also allows for the researcher to recognize and point out when the original context itself is not clear or can be interpreted in various ways. Employing this technique enables the researcher to be true to the text/speech and avoid decisions that could be supported by a single word or phrase but are not supported when the context is

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[13] Some qualitative researchers add their research memos to their data corpus and go on to analyze them (code, categorize, theme, and discuss) as a part of their overall work. I did not use these memos as data to be coded. Rather, I used them as guides as I thought about large general patterns in the data.

too vague to allow for a confident conclusion about its meaning. This contributes to both

validity and reliability in the analysis.

Section 7: Limitations

Like any research project, this one has a number of limitations presented by both

the research method and the scope of the data. In an ideal world, the coding involved in

this project would have been conducted by a team of researchers rather than the author

alone. A team approach would have ensured that multiple perspectives and

interpretations of codes, categorization, and themes would have been present. This

would have allowed comparison and contrasting of individual coders findings, creating

important discussions relevant to reliability. It ultimately would have allowed for

measures of inter-coder reliability to be calculated and presented. Unfortunately, the

scope of this work did not allow for the use of a coding team. As a result, this analysis

was coded by one researcher and the results rely on that researcher's perspectives and

interpretations.

Additionally, the data presented here are text based and the connection between

policy and behavior is theoretical. I have presented ideas about how policies, individuals,

and institution interact to create cultural change. However, the findings presented here

do not in fact follow and observe all aspects of those relationships. Therefore, the results

and recommendations here cannot tell us how a specific policy change or addition of an

enabling condition to a policy will in fact change an individual's or a group's behavior.

My analysis here is also limited in its generalizability as it focuses on public higher

education institutions in a relatively wealthy state in the US. A random sample of private

school policies might result in a drastically different set of findings and conclusions.

These findings and recommendations therefore cannot be interpreted as a prescription for change. Rather these findings are part of what I hope will be a body of work that contributes to a set of best practices and tools that HEIs can use to create cultures of care on their campuses. Further programming and experimentation with enabling conditions is needed before I or anyone else can say that enabling values such as bodily integrity and personhood are key factors to creating policies and campus cultures where sexual assault is rare, and reporting is just and beneficial.

Section 8: Reflexivity Statement

Given the nature of this dissertation in which data was collected and analyzed solely by the author, it is necessary to place the work in the context of my background and perspectives. Readers therefore can judge for themselves how my experiences and position in society impact my findings, recommendations, and motives. Since enabling conditions deal with bodies, gender, and diversity it may be especially helpful to know more about characteristics that make up my intersection and influence my access to privilege. I am a cis-woman who identifies as bisexual and am divorced from a man. I am of mixed racial background, and generally pass as white without effort. My mother is a transracial, transnational adoptee from what is currently South Korea. My father is white of European origins. I have two siblings; one is married with children and one is single and currently transitioning.

My interest in sexual assault originates very much from my desire to advocate and make life better and fairer for all kinds of students. I have never reported the sexual assault of my own body to a university. However, I have been involved in the sexual

assault and harassment reporting process. Since January 2006, I have been employed in higher education in both a student services capacity and as a part-time instructor of sociology. I remained employed in higher education in similar capacities while I conducted the vast majority of the research and writing presented here. More specifically, readers may be interested to know, that I was considered a responsible employee until January 2020. During my tenure in the UMBC advising office, I openly displayed my role as a responsible employee on a bulletin board situated at eye level directly across from where my students sat when they came to see me. This card stated that I was mandated to report any and all sexual assault disclosures to the Title IX office. In my past, prior to the dear colleague guidance provided by the Department of Education in 2011 and the general creation of responsible employees, students had disclosed sexual assault and various other forms of abuse to me in my capacity as an academic advisor. I have worked with student advocacy and campus counseling at multiple institutions to support these students in their time of need and have helped students initiate formal reports to the college or university.

I have also personally reported sexual harassment to a university on several occasions. I reported the sexual harassment of a student worker by another student worker, both of whom were under my supervision while working for residence services at my undergraduate institution. I also reported sexual harassment of myself and a number of other females by a professor in a philosophy class at the same institution. In both cases, the reports were taken seriously, and the harasser was adequately sanctioned, and the harassment ceased. Additionally, it is worth noting that I was also bullied while a PhD student by a prominent member of my department. The bullying was widely known

by other faculty members and resulted in the year-long delay of the research project ultimately presented here. This was not reported to the Title IX office or to the graduate school for very real fear of repercussions and retaliation. My project moved forward once that faculty member in question retired.

I am an advocate by nature and helping others and alleviating injustices or removing barriers is a key aspect of my identity. The research I have pursued, including the project presented here almost always deal with groups of students who I perceive to be mistreated, overlooked, or under- or inappropriately served by the higher education system. I have found this approach to be a frequently unpopular and in turn a difficult research agenda to pursue as higher education institutions are not set up to be naturally or systematically self-reflective. Institutions are used to doing the research and playing the role of providing evidence that places the spotlight on others. It is hard and uncomfortable for higher education institutions when the spotlight is turned around and focus is directed on its own flaws and failures. The work presented here on higher education sexual misconduct policies and approaches is not driven out of desire to criticize or paint higher education in a negative light. My motivation is to provide constructive feedback to an industry to which I have dedicated my professional life. I do this not to tear down institutions because I distrust them or want to bring them shame. Rather, I do this work in an effort to build them up. I have greatly benefited from higher education and some of my most meaningful experiences in life have occurred while I was a student or employee at a college or university. I want current and future students to have positive and meaningful experiences and outcomes at the school they choose. I

ultimately value the higher education system and believe in its immense potential to

create compassionate communities where all students are included and cared for.

Chapter 5: Results of the Policy Content Analysis

In this chapter, I present and discuss the results of the qualitative content analysis conducted in Phase I. In alignment with qualitative research standards, I will begin my findings by acknowledging any expectations I may have had before the analysis regarding a particular code or theme. I will then present the finding(s) and move directly into a discussion and/or implications, which allows for findings to stay connected with their context.   I will first explore evidence of cue taking behaviors exhibited by the ten USM institutions. I will then move on to present the main focus of this dissertation, the themes that emerged from the policies as they relate to the four Enabling Conditions of Bodily Integrity, Personhood, Equality, and Diversity. In addition, to the four original enabling values, four additional values emerged (Emergent Values): Education/Training, Transparency, Compassion, and Integrity. Finally, in light of these findings, I will point out several serious concerns regarding Title IX and its intentions and consequences. A summary of the overall results discussed in this chapter can be found in Table 4. Readers can also access results organized by Enabling Conditions in tables 5, 6, 7, and 9 and emergent values can be found in table 10.

Section 1: General Policy Information and Cue-Taking

The policies analyzed here are crafted by the individual universities themselve. Some schools have maintained a single policy over time and chosen to simply note the dates that addendums and changes were made. Other institutions have chosen to republish entirely new documents when additions or changes are made. Overall, the policies themselves vary in length and content. For instance, some schools include

detailed information about sexual misconduct that occurs in forms other than sexual

assault such as relationship violence and harassment in the workplace/learning

environment. Other policies may mention these topics but keep the information provided

to a few sentences. Some policies also include detailed information on investigation and

adjudication procedures while many policies do not, placing this information in separate

documents. The ten policies also vary in the structure (order that topics are addressed)

and tone (the affect given off by the document).

Section 2: Cue-Taking from The System

The first finding I will discuss was revealed when examining the general structure

and overall content of the USM policies. I called this finding cue-taking because the

policies showed consistent evidence that individual schools were borrowing policy

content directly from a document that the USM published as a guide or set of standards

for the member schools regarding sexual misconduct (University System of Maryland,

2015). Cue-taking is a common term used in the discipline of political science to

describe voter behavior. It defines a situation in which an individual or group look to a

prominent or trusted individual/group to guide their decisions at the polls. Essentially,

cue takers emulate the individual/group instead of examining and vetting candidates and

their platforms for themselves. My analysis indicates that cue taking is occurring with the

individual institutions taking sexual misconduct policy cues from the University of

Maryland system. Cue taking was present in varying degrees in all ten USM policies and

was extensive in several policies. Evidence of extensive cue-taking included the

verbatim use of passages directly from the USM guidance document without altering or

expanding on the information to suit the needs of their specific campus community. This

evidence indicates that universities are not only looking to the System for guidance but relying on the System to form the foundations of their sexual misconduct policies.

To be clear, the ten HEI policies examined here are unique. Each school is tasked with creating its own individual policy and has the flexibility to expand on the standard suggested by the USM guidance document. However, a broad examination of the policies does reveal that they do vary from one another, but they also exhibit a number of similarities to one another. It is reasonable to expect that policies will have some similarities in that any thorough sexual misconduct policy will cover specific topics and behaviors. However, as demonstrated in Chapter 4, the ten HEIs examined here are independent schools with distinct populations. I, therefore, expected some distinct individuation in the policies to reflect the content and character of the unique institutions. Instead of consistent individual approaches to policies, the institutions appeared to use the USM guidance documents as the foundation of their own. From there, the universities left the content pretty much intact, while others expanded on the document and made it their own. A specific example of cue-taking demonstrated by all ten institutional policies is their inclusion of a "Definition" section. These sections look and function like a glossary of terms relating to sexual misconduct. The USM guidance document is set up in this manner mainly because it is a list of what USM suggests institutions include. Rather than use the guidance document as a content checklist of sorts, institutions used the list like structure in their own policy documents.

The drawback of this structural characteristic is that these sections of the policies, and they make up a substantial part of most of the polices, are not explanatory in nature. Rather these definition sections present and function similarly to a glossary section one

might find in the back of a textbook. The common terms and ideas needed to understand sexual misconduct are present. However, the information is not placed in a meaningful context such as how a particular term may apply to an actual social situation that a community member might find themselves in or even the context of what is prohibited by the policy itself. By including these definition sections, USM HEIs are indeed ensuring that they are including all the important topics into their policies. However, the results are a policy that appears out of sync with how sexual misconduct functions on college campuses. It also creates a document that at best lacks cohesion (many policies go on to provide some context later after the definition section) and at worst leaves sexual misconduct as a grouping of abstract concepts without explanation.

My analysis also revealed evidence that some schools embrace cue-taking to a greater degree than other schools. All ten USM institutions do use some word-for-word verbiage in their policies that is taken directly from the USM guidance document without alteration. However, the degree to which universities employed this copy and paste tactic varied. On the extreme end, several institutional policies used a copy and paste approach to major portions of their policies. More, specifically three of the institutions use the copy-and-paste consistently throughout their policies to the point that their policies are highly similar to the USM document. For other policies, word-for-word verbiage is often used as a springboard for their own policy content. These policies borrow from the USM document and then add clarifying and contextualizing information to achieve greater explanatory power or to achieve greater reduction in possible loopholes in the policies. About a third of the schools take this approach consistently throughout the document. Another third of the schools took a much more thorough approach to their policies,

working to create definitions and explanations that were specific to their schools with only limited reliance on the USM guidelines. It is clear the breadth and depth of this group of policies that these institutions interpreted the USM guidelines as a starting point and not as a finish line. As a result, they built policies that met the USM guidelines (and therefore Title IX) but were more specific, providing far more context and sometimes even laying out specific scenarios or examples to make a more understandable policy.

It is safe to say that the USM institutions did as their system asked, creating sexual misconduct policies that at minimum addressed the topics listed in the guidance document. This indicates that schools in the USM were strong cue takers, cutting and pasting significant portion of the USM guidance into their own policies. Most governance systems like USM can use a number of incentives and disincentives to obtain compliance. Therefore, there were likely undesirable consequences for institutions that did not create policies that met the stated minimums. This is potentially highly powerful information in creating and disseminating enabling conditions to a number of institutions simultaneously. A key takeaway from this part of my analysis points to the essential role that governance systems can play in influencing and guiding policies of individual institutions within their purview. If a governing body embraces enabling conditions and is willing to embed them into their guidance documents for sexual misconduct policies (or any number of other important policies), they have the power to increase the likelihood that their member campuses will cue-take the values needed to create cultures of care on campuses. The University System of Maryland is serving as a centralized force that sets standards and from which schools are directly taking values and policy

content. This give the system the power to educate, encourage, and require its institutions to go beyond what is required by Title IX.

Section 2: Enabling Condition 1— Bodily Integrity

The next broad theme I will discuss is the first enabling condition of Bodily Integrity. An overview of codes categorized into this theme can be found in table 6. If Bodily Integrity is present in the sexual misconduct policies analyzed here, I would expect to find references to the physical body as an autonomous unit. The emphasis here is on respect for a body regardless of whether or not the person inhabiting the body is capable of making coherent decisions. I find that basic public health ethics is a useful way of understanding what bodily integrity entails. If we encounter a human, we respect it physically and do no harm. Any action we take regarding that human should involve beneficence and justice for that body (Beauchamp and Childress 1985). The act of sexual assault does harm; it is assaultive to the body. By touching, inserting, or entering a body without invitation to do so, an individual disrespects the autonomy of the body. This is a violation of the autonomy of the body. Given that violation of bodily integrity is part of sexual assault, it might be expected to see this addressed to a significant degree in sexual misconduct policies. However, this is not the case in this sample of policies. Rather, evidence of bodily integrity as a value was quite limited in my analysis. The themes that emerged from the analysis related to bodily integrity were limited to definitions of sexual assault and incapacitation.

Subsection 2.1: Definitions of Sexual Assault

All ten USM policies defined sexual assault and defined it in reference to an unwanted touching of a body. All policies borrow and include a definition of sexual assault provided in the System's guidance document. In theory, this definition was borrowed from the State of Maryland.[14] These definitions are provided below. As you can see, they are focused on the body in addition to referring to consent. More specifically, both sexual assault I and sexual assault II make clear connections that assault is about violating a body and that there are various acts and behaviors that fall under this definition of violation.

> **Sexual Assault I** - Non-Consensual Sexual Intercourse: Any act of sexual intercourse with another individual without consent. Sexual intercourse includes vaginal or anal penetration, however slight, with anybody part or object, or oral penetration involving mouth to genital contact.

> **Sexual Assault II** - Non-Consensual Sexual Contact: Any intentional touching of the intimate parts of another person; causing another to touch one's intimate parts; or disrobing or exposure of another without consent. Intimate parts may include genitalia, groin, breast or buttocks, or clothing covering them, or any other body part that is touched in a sexual manner. Sexual contact also includes attempted sexual intercourse

Based on these definitions, I expected to find that policies crafted specifically about sexual misconduct would dedicate a lot of space and text to talking about violating physical bodies. However, this was not the case, and in-depth explanations of issues related to Bodily Integrity were not present in the data. While these policies all define sexual assault, frequently using the state of Maryland definition word for word, there to

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[14] There is some confusion surrounding the origin of this definition. The USM claim that the definition used in their sexual misconduct guidance document and therefore in institutional documents is borrowed from the State of Maryland. However, a committee member for this dissertation works for the State and says that the State borrowed the definition from USM. Research conducted to track down the definition's origin did not result in clarification about who or what entity provided the definition. However, in real life, the state and USM are using this common definition and by doing so lending it credence as a foundation to sexual misconduct policy.

no expansion on the topic or a dissection or interpretation of the definitions. This may indicate that HEIs believe the definition does not need further definition or that the rest of the policy will prove to clarify it. In general, with a few exceptions that I will present below, the policies examined here spend very little text defining and explaining what sexual assault is. This is especially true when it comes to the values that underly why sexual assault is prohibited in the first place.   The policies present a definition without telling readers and community member why bodily violations are socially unacceptable or putting them in context of power and/or equality.

By stating that sexual assault is prohibited by law and/or policy then moving on to more complex issues surrounding consent and reporting, the policies demonstrate a taken-for-granted approach to bodily integrity. This may mean that HEIs assume (intentionally or not) that Bodily Integrity should be self-evident, needing no further explanation. By skipping steps in teaching and placing social importance on Bodily Integrity, universities accidentally relegate the autonomy of bodies to the shadows of our collective value system. It is unlikely that our institutions are doing this with poor intentions. Rather, as universities, the nature of *post*-secondary means institutions are often picking up where others have left off. As a result, HEIs are forced to make what they think are appropriate assumptions. Like it is assumed that a student should know how to do Algebra II and write competently upon entering, HEIs also assume people know how to respect bodies so as to not sexually assault them. Given that assaults still happen, such assumptions are likely false, and HEIs cannot assume students do not need developmental math, writing, and reading, nor can they assume campus members are competent in Bodily Integrity.

Not only do universities inherit a variety of academic preparation levels, but they also inherit students, staff, and faculty who lack exposure to comprehensive sex education. Comprehensive sex ed ideally would include information on respecting bodies and learning to interpret them as autonomous in addition to navigating consent and the feelings around consent. Unfortunately, there is not a point in history at which Americans consistently and in mass numbers received such education. Thanks to a variety of other policies at both the federal and state level, most of our public schools are not offering comprehensive sexual education, where students would be likely to be exposed to and discuss issues of bodies and communicating about sexual activity. Rather, most of our students and community members from earlier generations have been taught abstinence focused sexual education (Hirsch and Khan 2020). This type of education woefully underprepares anyone to understand Bodily Integrity

Subsection 2.2: Incapacitation

Incapacitation is the second theme that came up in the policy content analysis related to Bodily Integrity. Incapacitation is generally referred to as the inability of a person to give consent. This may happen for a variety of reasons including sleep, too much alcohol or drugs in the system of the person to make a clear and informed decision, or even mental health situations where judgement may be limited or impaired. Essentially incapacitation means that the person who is supposed to decide what to do with their body is for some reason unable to effectively do so.

Eight of the ten USM institutions addressed incapacitation in their sexual misconduct policies. The USM sexual misconduct guidelines do not specifically require that incapacitation be directly addressed. The focus for most of these entries is an

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attempt to define what counts as incapacitation. By defining incapacitation and considering it a violation of their policy, they are acknowledging the important of bodily integrity in sexual misconduct. These definitions serve to provide community members with a better understanding of what incapacitation is and perhaps improving community members ability to identify it. Three of the institutions, Salisbury University, UB, and UMD use the following entry to clarify incapacitation, which is the most comprehensive definition in the data.

> Incapacitation means an individual who is incapacitated is unable to give Consent to sexual contact. States of Incapacitation include sleep, unconsciousness, intermittent consciousness, or any other state where the individual is unaware that sexual contact is occurring. Incapacitation may also exist because of a mental or developmental disability that impairs the ability to Consent to sexual contact. Alcohol or drug use is one of the prime causes of Incapacitation. Because the impact of alcohol or other drugs varies from person to person, evaluating whether an individual is incapacitated, and therefore, unable to give Consent, requires an assessment of whether the consumption of alcohol or other drugs has rendered the individual physically helpless or substantially incapable of: • Making decisions about the potential consequences of sexual contact; • Appraising the nature of one's own conduct; • Communicating Consent to sexual contact; or • Communicating unwillingness to engage in sexual contact.

The benefit of this specific approach is that it attempts to address a key problem that students and others might encounter when attempting to judge incapacitation as it relates to alcohol consumption. The body of literature on alcohol use and sexual assault among college and university students is quite large. In general, we know that alcohol can facilitate sexual assault and is a factor in 50% of sexual assaults among this population (Abbey et al. 2001 and others). The narrative surrounding this outcome is complex in that alcohol facilitated sexual assault is the type of rape scenario that has been strongly influenced by rape myths, gender stereotypes and power to gaslight and control interpretation.

This is a deep rabbit hole of data and opinions on this subject, however definitions of incapacitation like the provided above attempt to remove the supposed gray area that defines rape. Thorough definitions, like this one place boundaries on what is too drunk to consent and therefore consider that person incapacitated. The entry above clearly places assessment for incapacitation on the person interested in having a sexual encounter. It is that person that must run through the bulleted list of capabilities for a potential partner to be capable of deciding to engage in sexual activity and the ongoing stages of that activity. These three policies are providing people with four questions to ask when assessing the situation: Can this person make a decision about the potential consequences of sexual contact? Can this person understand the nature of their own conduct? Can this person communicate consent to sexual contact? Can this person communicate unwillingness to engage in sexual contact? The challenge is that the entry is not more explicit about what to 1) how to determine a yes or no to each question and 2) what to do or *not* do in response to figuring out these questions. How does a person determine if a potential sexual partner understands the potential consequences of sexual contact? In other words, the policy is providing valuable information, but it is not directing community members on what exactly to do with that information. There is room for this policy to be more explicit and concrete about how to determine incapacitation and what it wants its community members to do when incapacitation is present.

Six of the Eight universities do attempt to clarify how to judge incapacitation as follows:

> Incapacitated, for purposes of this policy, means that the person's decision-making capability is impaired such that the person lacks the ability to understand the "who, what, where, why or how" of their sexual interaction.

This language has a similar effect as the four questions above. It is a good start to guiding community members to try to determine if incapacitation exists in a real-life scenario. However, it does not provide readers with information on how to determine if a potential sexual partner understands the who, what, where, why, or how of their situation. What evidence would help a person know the answers to these questions? Again, the policy lacks explicit statements about what the school expects people to do in real life scenarios and how to make accurate judgements.

These entries also point to what is absent in these approaches to incapacitation and that includes an understanding of Bodily Integrity as a core value. By placing the notion of incapacitation in the policy without its existential meaning, the policy unfortunately fails to model the desired behavior and therefore, will fail to significantly reduce the type of assault that is most typical among college students. Incapacitation is more complex than most folks initially perceive it to be. Even the law has not quite figured out how to deal with it. Some states even have laws on the books that rank incapacitated rape or sexual assault as a lesser offense than a rape or sexual assault of a person who is fully conscious or sober. There is also evidence that judges and juries may see it this way as well, giving more lenient punishments or none at all to those found guilty of incapacitated rape or sexual assault. While information on the outcomes of specific sexual assault adjudications at HEIs is hard to come by, it would be dangerous to think that similar outcomes have not occurred there as well.

These less than just outcomes are evidence that there is much ambiguity around incapacitation and therefore, ambiguity around the value of Bodily Integrity. If Bodily Integrity was a well-established value in society and consistently applied to all bodies,

this ambiguity would be greatly reduced or not exist at all. Evidence that Bodily Integrity was widely accepted and applied would include a different outcome for incapacitated people—less assault. Upon encountering someone who is incapacitated, the default thought and corresponding action would be to do no harm. The norm might even focus on determining if the person needs help (beneficence) of some sort? It would be authentic and not the I'll walk you back to your dorm to keep you safe but then I will assault you! This is a frequent occurrence among assault survivors in the Sexual Citizens project (Hirsch and Khan 2020).

Section 3: Enabling Value—Personhood

Now that I have shown how bodily integrity is being addressed (or not) in the policies analyzed here, I turn my focus to Personhood. An overview of the codes categorized into the theme of Personhood are summarized in table 6. In general, I find that there is more evidence of the Personhood in the USM sexual misconduct policies than there is evidence of Bodily Integrity. Personhood is the idea that an individual has the autonomy to make decisions for herself that are best for her as defined by her. It is a measure of personal control, an ability to choose what is right for her when, where, and with whom. Three main themes emerged under the umbrella of Personhood, including consent, coercion, and control over reporting. These three themes ideally represent moments when Personhood can be respected and therefore, reaffirmed. What led to the creation of these themes was a lack rather than presence of attention to them. In the case of coercion, it is mentioned and defined but not to the depth and degree necessary to create a culture of care. In the case of reporting sexual assault, a very generic process in

these policies is outlined but the lack of autonomy afforded to impacted persons is startling. Below, I will describe my findings about these absences in detail.

Subsection 3.1: Consent

One key aspect of personhood is consent—the ability to make decisions about what sexual behavior engage in or not. My analysis revealed that consent is a foundational aspect of the sexual misconduct policies analyzed here. This is evidenced by the prominence of consent in the policies. For all policies, consent is placed early in the structure of the documents and is given more space than many other topics covered by the policies. Consent serves a number of key roles in the policies. First, consent serves as a factor in how HEIs define sexual assault. Obtaining and giving consent is how policies determine if a violation occurs. If consent legitimately exists for all parties, the sexual encounter can be categorized as ok. If consent does not exist for all parties, the sexual encounter can be categorized as a violation. Without a providing a clear definition of consent combined with the poor understandings of bodily integrity discussed above, HEIs would be unable to establish clear behavioral expectations for community members to follow. Each policy must essentially define what counts as unwilling or non-consensual. Only then can HEIs say that what is determined to be non-consensual is assault and a violation of policy. The second role consent plays in these policies is as a potential preventative measure. Consent is the current way HEIs prevent sexual assault by attempting to promote sexual scenarios where consent is always essential and normative. It also serves to create a simple yes or no scenario. The assumption is that if everyone knows what consent is, they can obtain it (I will address coercion in the next section) and there is no sexual assault. If an individual does not receive consent, then

HEIs expect the individuals to respect that and there is still no sexual assault. This is obviously an ideal situation, but it does serve to establish specific sexual standards for the campus community. However, the continued occurrence of sexual assault on campuses indicates that the situation is not that simple and that our current policies are not necessarily translating into easily navigated notions of consent. The third key role consent plays in these policies is liability prevention. Without establishing a definition or standard of consent, schools run the risk failing to comply with Title IX. Lack of compliance may open institutions up to investigation by the federal government and legal liability.

All ten of the USM institutions addressed consent in their sexual misconduct policies. All ten institutions also use a modern version of consent influenced by current conversations in media, advocacy, and academia about how consent is expressed. This is positive and indicates that USM schools have attempted to reject outdated notions that the absence of a "no" is equivalent to consent. Instead, USM institutions demonstrate that they expect community members to acquire affirmative consent. This approach reflects personhood more fully by requiring an authentic "yes" that is freely and willingly given without coercion or force.

Five of the USM institutions demonstrate cue taking from the University System of Maryland policy guidelines by using exact wording from their document. These schools include Salisbury, Towson, UB, UMB, and UMES. The content of their consent sections is modern and works to drive home the affirmative requirement of obtaining consent. These policies contain five aspects of consent which were established by the USM guidelines. First, consent must be voluntary and affirmative. This establishes up

front that consent does not involve coercion, which I will discuss in the next section. Second, consent must be "mutually understandable permission." This wording encourages people to question uncertainty. If in doubt that consent exists, assume that it does not. Third, these policies state that consent can be withdrawn at any time, implying that consent for one sexual behavior is not necessarily consent for another and that each person involved can decide they want to stop there. Fourth, a person cannot infer consent from a previous consensual encounter or relationship status. Here, the policies are attempting to encourage people to see consent as something that must occur every single time no matter how well you know the person or whether you have been sexually active together before. The fifth characteristics of these policies is that consenting to have a sexual encounter with one person does not imply consent to add anyone to that mix. Another person cannot join the sexual activity unless they too get voluntary and affirmative consent.

The remaining five school created their own definition and wording of consent and UMD chose to build on to the basic USM verbiage presented above. The policies produced by these institutions dedicate more space within their documents to consent and attempt to address the complexities and contexts of consent more thoroughly. By doing so, these institutions address two issues. First these policies present additional scenarios and examples of when consent might be unclear. Doing so provides community members with a more thorough understanding of what behavior is considered nonconsensual and is therefore prohibited by the policy. Second that additional space dedicated in these policies is used to challenge false historical assumptions. This is important as it helps bust through inaccurate ideas of consent and works to refute rape

myths and stereotypical sex scripts. For instance, UMD's policy states, "Lack of protest or resistance is not consent" and encourages people to use their words and not to rely solely on non-verbal communication. This pushes back against false notions that "real" rape only occurs when the impacted person physically fights off an attacker. In higher education scenarios this is not the most common form of rape, and this type of policy sends the message that universities are expecting people to abide by the affirmative standard. Frostburg also includes this point.

Another example of this is present in the policies of Bowie, Coppin, and Frostburg. They encourage people to be sure of consent and to go a step further by being attentive to their potential sexual partners when obtaining consent. Bowie's policy states, "If there is confusion as to whether there is consent for a particular activity or if consent has been withdrawn, participants in the sexual activity should stop immediately and resolve the confusion before continuing with sexual activity." This statement encourages people to think of consent as relational, requiring ongoing communication between the partners and ongoing care about their partner's comfort and desires. This establishes a new standard of respect and care in sexual encounters, meaning that even in a hook up or one-night stand scenario, participants are required to provide a level of stewardship, care for the other's wellbeing during their time together. This is a as Hirsch and Khan (2020) state are necessary behaviors of those who are good sexual citizens. This also pushes back against the notion that it is acceptable for individuals to disregard others' wishes and use their bodies for their own sexual satisfaction. It resists objectification of bodies by humanizing the person inhabiting the body and encourages individuals to embrace

personhood. This reinforces the desired social norm that all people in a sexual encounter are entitled to consent throughout the entirety of the encounter.

Not all policies were completely positive in their discussion of consent. Since we can learn what not to do from these policies, it is important to analyze these aspects. Frostburg's policy states, "However, withdrawal of consent requires an outward demonstration, through understandable words or actions, which clearly conveys that a party is no longer willing to engage in the sexual activity." This statement stands in contrast to the attentive and communicative requirements of consent definitions present in most of the USM policies. In those definitions the onus for making sure freely given consent has been obtained is on the person who is initiating a sexual encounter. In those definitions, institutions require community members to use all their faculties of looking for words but also behaviors that are not consistent with consent. In the statement above in the Frostburg policy, the onus is inconsistent. No longer is the person wanting a sexual encounter required to remain mentally and emotionally present as well as remain aware of their partner's actions and responses or lack thereof. This falls back into the regressive notion that once someone receives consent, then pushing forward without care for this partner is acceptable. This is in fact no longer acceptable as sexual encounters require all people involved to be attentive to the others involved. If HEIs require that people be attentive and communicative at the front end, they should maintain that requirement consistently throughout the sexual encounter. Doing otherwise encourages impacted person to question the legitimacy of their experience. Withdrawing consent can be quite difficult, especially for women or other minorities who are typically taught to be accommodating, face saving, and even submissive to men, especially privileged men. It

also plays into old rape myths that women are the gatekeepers and any rape that occurs must be because she really wanted it and therefore did not stop it.

Some concerns emerged during my analysis regarding the language used in the policies. One of these concerns is that all ten policies borrow and even rely significantly on legal terminology. The use of and reliance on legal terminology is useful to those in the legal field who have been trained to communicate using this jargon. However, for most campus community members who are not trained in this way, the use of legal language can be alienating in a couple ways. First, a reader may be intimidated by the legal terms, making consent and sexual assault seem like difficult topics to understand. It sets students and community members up to misunderstand and misinterpret what the policy attempts to communicate. Second, such terms are alienating in that they make it hard to translate the content into the lived experiences of community members. What do these serious words on paper look like when faced with real behaviors in a social and/or sexual situation? Such verbiage does not facilitate real world understanding of consent and sexual assault. Rather it paints key concepts as abstract, which is not an ideal situation if the ultimate goal is to maximize understanding and faithful adherence to the policy. Administrators have options to change this. If legal terminology is necessary in our sexual misconduct policies, put in an appendix while the policy itself is one dedicated to the lay person and their understanding.

Addressing consent in policy is no easy feat and is fraught with challenges. On the one hand, HEIs want to make policies that are tight. Like a weave on a fabric, the policy should look to include as much information and as many aspects of consent as possible to reduce loopholes for potential perpetrators as well as institutional liability. In

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doing so, HEIs hope to create clear expectations of behavior and prevent sexual assault. However, by creating such intense and thorough policy language, institutions may threaten the "do-ability" of the policy. If it is too complex, it becomes overwhelming to the people who are being asked to adhere to it and even to the people who must implement and enforce it. Obviously, HEIs want sexual misconduct policies to be accessible in terms of understanding and real-world application. This begs the question, "Is there are way to balance these two things or to achieve both thoroughness and clarity without creating policy that is "listy," "preachy," and alienating?" HEIs want the average student, and staff and faculty members to be able to engage easily with the policy and understand it so they can effectively apply it to the act of living their daily lives.

Subsection 3.2: Coercion

Coercion is the second theme that emerged under the broader category of Personhood. Coercion is an attempt to obtain consent or permission for sexual engagement that is not freely or enthusiastically given. The potential perpetrator attempts to gain access to another's body via a finagled agreement. Think about our home. When someone rings the bell or knocks, they are indicating that they want access in some way. It is our choice to give access or not. We go to the door/look at the camera and decide what is right for us in that moment. In some cases, we will go to the door and enthusiastically open the door and even invite them in. In other cases, we will crack the door open and say we are not interested. The typical behavior is that the person respects this and leaves. You've denied consent and they have respected that and let it go. Coercion occurs when you crack the door, indicate that you are not interested, and the person does not accept or respect your answer by putting his hand on the door attempting

to talk you into opening the door, or threatening you, etc. It may not be violent, but the threat of violence and the use of manipulation to gain unenthusiastic consent is still sexual assault.

Eight of the ten USM schools define and address coercion in their sexual misconduct policies. The University of Maryland, Baltimore and University of Maryland, Eastern Shore do not directly address coercion in their policies. I have provided quotations from parts of the eight sexual misconduct policies that address coercion in table 8. Of particular note, is the fact that coercion is not a well-formed discussion or section of its own in the large majority of these policies. The reference to coercion is often in the context of discussing consent, which makes sense in that coercion is the act of not respecting a lack of consent.

What my analysis revealed about coercion is that the language policies use to describe and establish standards for coercion is very important. The best writers and communicators aim to use language in a way that not only informs but elicits a reliability in comprehension. Especially in the social sciences, researchers know that when creating surveys and interview schedules it is of the utmost importance to word questions in a way that prompts one participant to interpret and understand the questions similarly to the other participants. Is the question eliciting responses that relate to what the researcher was intending? While policies are not surveys, they are however key organizational documents that are meant to prompt similar understandings from one community member to the next. My analysis of coercion in these sexual misconduct policies indicates that the language used is not reliable, leaving opportunities to interpret these definitions and passages in very different ways.

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A lack of consistent interpretation has important implications for how the policy is then applied and enforced. The first concern is who has the final word on how the language is interpreted and then applied in investigation and adjudication? Perhaps worse, what if no one thought it through and there is no agreed upon official interpretation, and it is left open to one coordinator or investigator to the next? How are community members supposed to know what this ambiguous terminology means? How are individuals supposed to know whether what they are doing is coercion or not coercion? In this scenario, a community member could interpret their scenario as not coercive and not report what is truly as assault or on the flip side think they are not assaulted when they are. In the open interpretation by investigators, one case of assault could be deemed legitimate and adjudicated fairly while another similar situation could be deemed illegitimate and not adjudicated by another investigator at all. This creates an inconsistency in outcomes which created injustice but also a lack of trust in the institution and a decrease in reporting. Finally, if one person or a select few has the sole power to decide how the term is officially interpreted, how do institutions determine the interpretation is fair and unbiased?

Let us first look at Bowie's language on Coercion (line 1 on Table 8). This sentence deals with both consent and coercion at the same time. The first issue in this sentence is that the impacted person must "make clear" that they are not consenting. There is nothing in this sentence or the surrounding portion of the policy that defines what "make clear" means. Does it have to be said? What if the body language is not enthusiastic and how does one interpret this? This is not necessarily an invitation to debate how individuals can express and interpret consent or lack thereof. Rather this is

an invitation to institutions to define what they mean by phrases such as "make clear" or

how a lack of consent is "clearly" communicated. It is also an invitation to assess the

usefulness of employing this terminology at all.

The first challenge with this wording is that it does not effectively define consent.

If consent is up for interpretation, then coercion automatically becomes up for

interpretation as well. This unfortunately sends the message to the campus community

that consent is not definable by my university and my administration is okay with that. It

also sends the message that the issue is not a priority and may not even be that important

to them. This then can lead to a lack of trust that the University is taking the issues

seriously or that they would take an impacted person seriously. It also creates barriers for

impacted persons struggling to define what happened to them. It is known that impacted

person often say that they do not immediately understand what happened to them as

sexual assault or that they were coerced into consent (Crawford, O'Dougherty, and

Birchmeier 2008; Khan, Hirsch, Wamboldt, and Mellins 2018;Marchetti 2012; Menard

2005). If individuals consult the policy to try to understand their options and compare

their experience to the words there, they will find this wording and ask themselves, "Did

I make it clear?" This is unanswerable because the policy has given the victim nothing to

judge against but what s/he perceives how the university or others will interpret it. This

act of questioning is known to leave impacted persons doubting themselves and hinders

their recovery (Harding 2015).

The Bowie policy also demonstrates how an understanding of pressure can be

complicated and fuzzy. Their policy states, "…beyond a certain point, continued

pressure can be coercive." Coppin also uses similar wording in their policy, stating,

"Coercion is the unreasonable pressure for sexual activity." Salisbury and UB also use this type of terminology, "Sexual Coercion means an act of using unreasonable pressure in an effort to obtain Consent for sexual activity." Finally, Towson also joins this group, stating, "Coercion includes but is not limited to conduct that…unreasonably pressures (whether by force or threat), or otherwise serves to unreasonably compel someone to engage in Sexual Contact..." This language is likely an extension of terminology used in the criminal justice and legal profession. It may have been used here because it was traditionally used in these related fields. However, like I mentioned above, the policy is for the entire community, and no one should be expected to be familiar with legal jargon. Additionally, the usefulness of that legal jargon needs to be examined in terms of is socially constructed origins. What counts as unreasonable pressure? The problematic thinking and resulting terminology here is that some amount of pressure is considered okay and not coercive. This clearly implies that there is some amount of pressure that is in fact reasonable to exert on someone to get them to have sexual relations. This is approach is not acceptable. Pressure of any kind is absolutely not okay.

Policies do not need to define what "unreasonable" means. Rather, it should be removed. This terminology is in direct opposition to Personhood. Sanctioning some level of pressure indicates that the person being pressured only deserves a limited amount of Personhood in the eyes of their university. They receive the message that the institutions will allow someone else to violate that personhood under certain circumstances for their own gratification. This messaging also plays into rape myths that portray privileged bodies as not only being entitled to less privileged bodies but entitled to the narrative surrounding that experience. To embrace enabling conditions and create

a culture of care, HEIs need to outrightly remove this type of language from their policies and state that any kind and amount of pressure is coercive. Further clarity would be added to this if the concept of consent was made clear and reliable with examples. To further clarify, policies should include examples of what will counts as pressure. Policies will also need to take on the challenge of delineating what is desirable

It is worth mentioning that Frostburg (their policy does not include any of the terminology above) attempts to take a slightly different route in their definition of coercion by stating, "Words and/or conduct that substantially impairs an individual's ability to voluntarily choose whether to engage in a sexual activity… Coercion is evaluated based on the intensity, frequency, and duration of the words or actions." This appears on its face to be an improvement. However, this is a less obvious way of sending the message that the policy is looking for "unreasonable pressure" by quantifying and qualifying the specific words and actions used to coerce. Again, to embody the enabling condition of Personhood, USM HEIs need to reevaluate how they define coercion. Coercion happens when someone does not get consent and chooses not to respect that. Period. Any words or actions that are not in line with that lack of consent count as coercion, plain and simple. Not doing so, also undermines the above findings that universities are trying to use progressive, modern definitions of consent.

During my analysis, I did find a case that stood out for the positive way it approached coercion. The University of Maryland policy states that, "'Coercion' includes conduct, intimidation, and express or implied threats of physical or emotional harm that would reasonably place an individual in fear of immediate or future harm and that is employed to persuade or compel someone to engage in sexual contact." Is this the

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perfect definition, no, but it is the best among the sample analyzed here. The benefit of

UMD's approach is that it provides a broad list of things that could coerce a person into

consenting to something they really do not want to do. Of particular importance is threats

of emotional harm. Not only does UMD address physical intimidation, but it also

acknowledges that abuse (especially the most invisible kinds) include emotional

components and sexual assault is no exception. It also makes note of attempts to

persuade or compel and defines them as forms of coercion despite their historical location

as normalized sexual behavior. These aspects are important because they are likely more

frequent among acquaintance rape (See Hirsch and Khan 2020), which is by far the most

common type on campuses.

The overall takeaway from this part of the analysis is that almost all USM

institutions address coercion in their sexual misconduct policies. None of these

institutions rely on outdated definitions of sexual assault as an act that involved force.

Inclusion of this concept is also promising because it shows the USM schools looking

beyond the basic guidelines of Title IX. Coercion is not something that Title IX

emphasizes since it deals mostly with what happens once a sexual assault has occurred

and been reported. The not good news is that these institutions have some work to do to

improve their policies. First, HEIs need to define coercion definitively. This means they

need to think hard about what coercion truly is without relying on rape myths and

stereotypical sexual scripts that are reinforced in all forms of media as well as via religion

and school. Simple direction from Merriam-Webster could be immensely helpful in

simplifying and creating a consistently interpreted definition. "coerce: overcoming

resistance or unwillingness by actual or threatened violence or pressure." Second,

policies can be improved by putting such a definition in context of sexual assault by providing information, like UMD's policy on what types of words and behaviors are coercive. This list should be extensive. Third, for further context and better understanding, examples of coercion taken from the real world and that community members are likely to recognize should be provided. Some might argue that this is the place for training and education, and they are right. This is a both-and situation, where policies should have examples and key concepts reinforced with the help of website and training materials. If schools want to be truly comprehensive, coercion should also be placed in the context of other gendered and racial violence like trafficking, exploitation, domestic abuse, revenge porn, etc.

Subsection 3.3: Control

In the prior section, I presented information and examples of coercion in USM sexual misconduct polices and how those support the Enabling Value of Personhood. In this section, I will also present results from the analysis that deal with Personhood but this time as it relates to the level of control impacted people have access to post-assault. My analysis revealed that autonomy is not facilitated and is even tentative when a sexual assault victim attempts to parse the options best for them after they have been assaulted. I found that this post-assault sense of autonomy is controlled and often violated via gaps and or omissions in the reporting processes at the HEIs in question. In particular, the term and concept of confidentiality[15] emerged from the data as a mechanism through which autonomy could be either maintained or violated. Impacted persons can maintain

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[15] The terms confidentiality and privacy are both used in all ten policies analyzed here. These terms, while interchangeable in common usage are not interchangeable here. Privacy means an impacted person will not be identified outside the university or to the general university population without their expressed permission. All policies included a guarantee to privacy, and this is likely due to FERPA.

control over their post-assault experience if given options to work through the experience with a trusted individual who keeps their conversation confidential. However, an impacted person can unexpectedly lose control and autonomy over her post-assault experience by unintentionally disclosing the assault to an individual who is classified as non-confidential by the university.

The theme of control emerged from the data via the terms confidentiality and responsible employee in the context of reporting assaults. Reporting is addressed by all ten of the policies analyzed here. All ten policies encourage reporting an assault to the university. Like the other results I have presented thus far, there is variation in the way that policies discuss and promote reporting. The terms related to confidentiality and responsible employees are two important parts of the reporting process, and the degree that they are emphasized or made available to impacted persons affects the control that person has over their post-assault experience.

When it comes to sexual assault on campus, the term Confidentiality is used as a label as much as it is used to describe a behavior within the reporting process. Title IX emphasizes justice for impacted persons by creating a mandate to investigate all assaults and misconduct. Universities can only investigate an assault if they know about it and they come to know about them through the reporting process. In an effort to comply with Title IX, HEIs have created reporting processes that are meant to maximize reporting (reduce the number of assaults and misconduct incidences that go unreported) so that are referred to the Title IX coordinator and appropriately investigated. To facilitate this, most employees, including student services staff, faculty, and graduate students are designated non-confidential resources often referred to as "responsible employees."

Responsible employees are required to share any and all (no exceptions) information about sexual misconduct with the Title IX office no matter what the circumstances and no matter what the impacted person wants to do. Employee policy generally states that there are consequences, which can be severe, for employees who do not comply with this rule. This is meant to prevent anyone other than the Title IX office from passing judgement on the occurrence and seriousness of an assault.

On the other hand, schools also generally have confidential resources who are people designated by the university as exempt from mandatory reporting of assault and misconduct to the Title IX coordinator. People in these roles tend to be affiliated with counseling or health services. An impacted person can speak candidly with confidential resources about their assault and the information will be kept confidential. This is often referred to as disclosing an assault, and impacted persons may consult confidential resources to not only tell them what happened but to process trauma and review their options for support and reporting.

My analysis of the USM institution policies indicates that only a handful of people at each institution are designated as confidential. The data also reveal that at five of the ten institutions, the only designated confidential resources are third parties not directly affiliated with the university. The positive aspect of this is that these their parties are affiliated with human services either as a counseling firm or as a sexual assault support and awareness group. The negative aspect of this fact is that confidential resources are not readily available on campuses and students cannot seek acute care in their immediate locale. It may also send the message that providing abundant and accessible confidential disclosure options is not a priority to the university.

All ten USM institution policies spend more time and text on reporting options than disclosure options. None of the policies connect these two concepts into a set of options that are related to one another and that are equally valued. Title IX strongly emphasizes that HEIs remain legally compliant with the law when they follow the mandates for investigating and adjudicating assaults that are reported. I found that USM sexual misconduct policies reflect this requirement by consistently and persistently encouraging victims to report to the university via non-confidential employees. This pressure to report without equally informing impacted persons of all their options contributes to a lack of control for the victims. It is common in these policies to address true confidential resources in a tertiary manner, providing little more than a statement that they exist and victims can contact them. Since Title IX emphasizes what happens after a report has been made, the majority of USM policies talk about confidentiality in a post-report context. Most policies therefore do not discuss confidentiality from a pre-reporting perspective, meaning that they do not instruct community members on what a confidential resource is and why it might be beneficial to contact them first.

Confidentiality as a term is also used frequently to describe a different aspect of control for impacted persons. In this context, an individual has reported an assault or misconduct and confidentiality is in term of who else becomes privy to the information about this individual's experience. Typical language among the school policies include statement such as, "The university will take reasonable and appropriate steps to protect the privacy of the Impacted Person and the accused" or "The University shall consider requests for confidentiality and/or that no formal administrative action is taken." The policies also frequently state that there is a trade off if an impacted person who reports an

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assault to the university and also requests confidentiality at that time, that the keeping the situation confidential "may limit the University's ability to respond." University policies also commonly include language explaining that the university, despite a request for confidentiality, may deem it necessary to investigate against the wishes or an impacted person or deem it necessary to violate their confidentiality. These sections of policy tend to be terse, leaving the reader with the impression that they would be asking too much or not behaving in a cooperative manner if they sought out confidential resources or requested confidentiality or no further action once the Title IX office has been informed of the incident. There is a clear message that the university can override or ignore that request for confidentiality without explanation of the seriousness of a situation under which this might happen comes across as dismissive. It sends the message that any request for confidentiality could very well be treated in an arbitrary manner. This is the type of language that leads to distrust of the institution and therefore, leads to low levels of reporting.

My analysis showed that some University policies analyzed here do address confidentiality in the pre-reporting stage. However, the language in these sections of policies is potentially confusing for a victim in that it does not engender a sense of support for those who are impacted by sexual assault. For instance, the University of Maryland's sexual misconduct policy states that, "Generally, it is not confidential when a person reports Sexual Misconduct. If a person desires to keep an incident of Sexual Misconduct confidential, they should speak with individuals who have professional or legal obligations to keep communications confidential." It is also important to note that contact information for resources that meet this confidential definition are not listed

directly under this section of the policy. This statement is clear on its face but does not

provide the impacted person with guidance on who is a confidential resource or how to

access them, and certainly does not encourage them to do so in a manner that reflects a

culture of care.

This type of language places the act of confidentialy disclosing squarely on the

shoulders of the impacted person and absolves the university of responsibility for

confidentiality particularly in the early stages of reporting. It certainly does not engender

trust in the system regarding being treated well and respectfully if they do decide to

report to the university. It implies that this is "on you" and "we'll do only what we

must." Salisbury is also an example of policy that comes across as unsupportive in the

efforts for impacted persons to maintain control over their narrative and experience going

forward. Their policy simply states that you are not guaranteed confidentiality if you

happen to tell a responsible employee. They also do not make clear distinctions between

reporting to the University and reporting to the local police which is problematic.

There are, however, a couple of standouts when it comes to this aspect of

personhood. Of the ten institutions analyzed here, Frostburg State University takes the

most thorough approach to explaining confidentiality. The policy includes information

on the difference between privacy and confidentiality and that Frostburg always takes

steps to protect an impacted person's privacy by only sharing information with people

who need to know for the investigation and adjudication. The policy talks about how

privacy is handled during the different parts of investigation and adjudication. Towson

also has some standout aspects of their policy as well. They explain what a confidential

employee is and what they are required to do. They also explain this early on in the

reporting section of the policy. Additionally, TU lists the roles on campus that are responsible (non-confidential), helping readers of the policy to deduce who is a responsible employee. Doing so, allows campus members to make a more informed choice about who to talk to about their sexual assault or who to withhold that information from if they are not ready or do not want to report to the university

How does confidentiality impact an impacted person's control?[16]

To answer this question, it is necessary to briefly discuss the influence of Title IX. Title IX is meant to hold Title IV HEIs accountable in responding to reports of sexual assault. The mandate is to respond and resolve the complaint promptly. This is a response to complaints to the federal government that schools were ignoring or burying reports (no responding at all) or were unnecessarily drawing out investigation, etc. Title IX states that this is not okay, and all reports should be taken seriously and resolved in a timely manner. To facilitate this and likely to prevent employees from attempting to pass judgement on the seriousness of a complaint and choosing to forward it up the conduct chain or squelch it based on their own thoughts and biases, employees were categorized as responsible or confidential (or in the case of UMBC, quasi-confidential).

Responsible employees are required to report all mentions of sexual assault even if they were informally mentioned in the scope of a conversation on other matters such as class work or academic progress. The employee then must inform the impacted person that they must report this incident to the Title IX office whether the impacted person has any desire to do so and even if s/he clearly state they do not want to. So, to prove their

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[16] We could make arguments here about perceived control. However, I consider control as interpreted by the impacted person, meaning their perception is what matters when referring to control over the narrative and experience post-assault.

commitment to Title IX, institutions feel compelled to enumerate as many sexual assaults as they can and show that they responded. In some ways, this was a positive thing. It certainly creates an avenue by which universities and colleges can ensure that impacted persons have access to resources like counseling and post-assault accommodations. It also likely does what it was intended to do by making it clear to employees that forwarding the case is not their decision to make. This theoretically removes their judgement and biases to some degree, preventing people who buy into rape myths and scripts from blocking opportunities for investigations and justice.

Responsible employees were created to ensure that reports of sexual misconduct were not buried or neglected by college and universities and their employees. It was meant to be a mandate that created an environment where no victim is left behind, and no victim is denied resolution or an outcome (justice?). However, as with all policy, there are unintended consequences. The unintended consequences of regular employee rules are that they force employees to report any and all references to sexual misconduct to the title IX coordinator, regardless of what the impacted person wants and needs. Once this information is heard by the responsible employee, they must report the incident and now the narrative is no longer controlled solely by the impacted person but now by the institution.

This aspect of Title IX forces a violation of personhood when an impacted person wants to disclose their experience to a specific member of the university community. It is important to understand that wanting to disclose an assault is not the same as wanting to report it. Disclosing can be an act of venting, reaching out for emotional or academic support from someone the impacted person trusts, looking to discuss options or get

advice or even to talk about an assignment that referred to the incident. Via the responsible employee rules, HEIs force reporting when an impacted person only intended to disclose. This serves as a forced outing of assault victims who would rather not report to their institution or do so at this time. This process takes control away from the impacted person, negating her wishes. It forces her into conversations, decisions, and timelines that she has little control over. It also forces her into a system that has been shown time and again to not be particularly supportive of impacted persons. This alone can be incredibly triggering as the HEIs is trying to control a victim who has just experienced the ultimate in lack of control through rape or sexual assault. Additionally, the institutions are saying that it knows what is best for her. Essentially, forced reporting through responsible employees is the beginning of a continuum of revictimizations.

How HEIs deal with confidentiality of reports and responsible employees reflects their understanding of the process from an impacted person's perspective. It indicates a value for their personhood and their right to make decisions and control the situation. Making efforts to point out confidential employees who are not required to report to the Title IX office and making that very transparent can be interpreted as a way to reinsert personhood back into the policy despite the Title IX requirements.

To maximize impacted person's control (i.e., personhood) when seeking advice and conversations about sexual assaults, victims need to find and access confidential employees easily and quickly. This allows impacted persons to have conversations about what occurred and process what happened to them and make informed decisions on what to do next that is best for them. To facilitate this aspect of personhood, policies will want to not only clearly delineate who is a confidential employee and a responsible employee

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but also make efforts to explain what this is. Obviously if you are a campus employee, you likely personally know what your categorization is and what it means. However, not all community members will know what these categorizations mean or how to tell who is responsible and who is not. How do USM institution policies measure up when it comes to control over the narrative and experience of sexual assault?

Section 4: Enabling Value 3—Equality

I turn now to the third enabling condition, Equality. A summary of codes categorized under the theme of Equality can be found in table 9. Title IX's main goal is to eradicate gender inequality by prohibiting sex discrimination in education. It attempts to equalize opportunities for both genders and hopefully eventually all iterations of gender. A true commitment to equality does not stop at providing equal opportunity but actively works to rectify issues regarding power and influence (for instance, equalizing control over policy making and implementation). Title IX has been a tool that requires HEIs to give both the impacted person (usually a woman) and the perpetrator (usually a man) equal access to support, advocacy, and general information about the investigative and decision-making process. No one is supposed to receive a preference. There are numerous ways that Title IX fails to provide let alone guarantee equality. However, it is not Title XI or the federal government's sole responsibility to fix gender inequality. In this section, I present the findings of my analysis as they relate to gender inequality in sexual misconduct policies. My findings include themes involving the roles of administrators in post-assault procedures as well as language usage.

Subsection 4.1: Administrator Role

What emerged from this analysis was a set of inconsistencies in the time after a sexual assault is reported to an institution. More specifically, in the majority of policies examined here, there is a distinct lack of detailed information about the investigation and adjudication process and the roles certain employees play. In the context of gender equality, there is a concern about who has the power to decide outcomes. Who controls the reporting, investigation, and adjudication process? Whose judgment determines justice for the parties involved? The first aspect of equality regarding this process stood out due to a lack of information. The majority of policies did not include detailed information on what happens post-reporting. This is often relegated to another document. Of course, institutions have the right to put this in another document, but it creates another layer of bureaucracy and potential confusion for impacted persons who need ready access to this information. It also sends a message to community members that the university is not eager to share this information or may being less than transparent for a reason. It creates room for community members to interpret this as suspicious, which may deter reporting due to distrust (real or perceived) that the university will treat them fairly.

The minority of policies that do include information on the process and the actors in the post-assault process point to an alarming concentration of power in who has the power to influence and control outcomes. This is indeed a grave concern as there is abundant evidence from the criminal justice system that shows investigators, prosecutors, judges, and juries make important decisions about cases based on their own gender biases. Furthermore, these biases are reflected in both differential treatment of impacted persons compared to accused persons as well as in the related processes including

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determinations of whether an assault occurred, decision to prosecute, access to a fair trial and the actual trial outcomes (Harding 2015;Menard 2005; Kelly and Stermac 2008). Higher education is no exception when it comes to bias impacting the investigation process and outcome. However, they have faced less scrutiny and attention on these matters. The concern here is why do single administrators have so much control over the outcome of cases? Doing so can create a situation where some or all Enabling Conditions are violated depending on the biases and beliefs of the administrator.

The most frequently mentioned administrators are the title IX coordinator, the investigator assigned to the case, and the provost. It is important to note that not all policies were particularly specific about what the actual decision the administer is making, so the reader is left to assume that any and all decisions in the process are at the discretion of this person or select individuals. This may not actually be true in practice, but this is what the policy itself portrays and it is the message that the reader of the document will receive and understand until informed otherwise (meetings with administrators or further documents provided to her/him).

Coppin State University was the most specific about their investigation and decision-making procedures. Their policy states that on the front end, an investigator controls the process and then the provost makes all the final decisions. The UMBC policy, on the other hand, indicates that the Title IX coordinator controls the decisions during the process without providing details about who makes final decisions or if others are involved along the way. The University of Baltimore states that their Title IX coordinator has oversight but that the investigators assigned to the case will make many of the decisions. The University of Maryland, Baltimore indicates that the Title IX

coordinator is responsible for a number of things but does not state who has responsibility for the remaining decisions.

The exception to this concentration of power is at the University of Maryland, Eastern Shore where a Sexual Misconduct Board makes all the final decisions. This board is made up of a chairperson appointed by the university president, five faculty, four students, and three staff members who are all trained on a yearly basis. In theory, a committee disperses power via dilution of biases and creates a system of checks and balances to make the decision-making process less biased. This may be a key to creating enabling conditions on campus. However, not all committees are created equal or even effectively functional. Some key questions about creating such committees are Who controls this committee though in real life? Does everyone have an equal say? Do everyone's words and opinions have equal weight or does the status as staff or student subordinate them to faculty?

What emerged during the analysis, somewhat ironically, is that gender equality is not an overtly prominent aspect of sexual misconduct policies in the USM. All policies analyzed clearly state that sexual misconduct is a form of sex discrimination and is therefore a violation of Title IX. However, none of the policies place gender inequality in its larger and quite relevant context. Gender bias, explicit or implicit, is not addressed in any of the ten policies. This gives the reader the impression that gender bias is not related to the occurrence of and response to sexual assault. There is an underlying assumption that gender inequality is well or even adequately understood by campus members. What exactly is inequality? Why does the university want to address it (beyond compliance with a federal mandate)? How does inequality and sex

discrimination hurt the community? This is an opportunity for a true value statement. Unfortunately, this does not occur in any of the policies. While some do say they are committed to justice, equality, inclusion, etc., there is not anything specific to the value of gender equality and how effectively reducing sexual assault works toward the fulfillment of that value.

Subsection 4.2 Language

Another theme that emerged under the enabling condition of equality is language usage. Language can be sexist through its usage and can reinforce gender bias and communicate disparate value for members of different genders. It tends to be fairly easy to identify sexist language when the words themselves are pejoratives. However, language can be sexist in a much more covert manner and used to euphemistically or indirectly refer to well established gender stereotypes. This is the type of language I found in this analysis. Throughout the USM policies, I found consistent use of the terms such as "objective" and "reasonable." These terms are mostly used to describe the standards the school will use to determine if a report of sexual assault is a violation of the policy. These terms are likely borrowed from the legal sphere but nonetheless connote particular notions about gender.

A typical example of this term states that the investigator/Title IX coordinator will take into account the severity, persistence, or pervasiveness of the behavior. They also state that they will examine the subjective perspective (that of the impacted person bringing the complaint) and what they call the objective perspective. The policies frequently refer to the objective perspective as a "reasonable person's perspective." The

words objective and reasonable are terms that harken back to old fashion, yet persistent theories on women's roles and men's roles.

Not only does historical usage of the words matter, but people's perceptions of them also matter. Young people, women, and people of color have commonly experienced the assumption that they know less and that they are less objective, less rational, and less reasonable. They have likely experienced this many times across their lifespans. These microaggressions leave people with microtraumas, so when these words come up, they are triggered to be ready to be told or to have it insinuated that they are not legitimate knowledge bearers. This less privileged status means they are already, always not objective, reasonable or the expert. In other words, they are always not equal at the table or even when reporting their own sexual assaults. Language usage like this in policies exacerbates rather than resists inequalities. It reinforces assumptions that impacted persons (and victims are aware of these assumptions) are not as objective and not as reasonable as the other (often more privileged) parties involved. These words and their power to imbue legitimacy on the privileged undermine HEIs' abilities to create enabling conditions that lead to a culture of care.

Section 5 Enabling Value 4— Diversity

The enabling condition of equality has limited impact if HEIs do not also embrace diversity in their efforts to create cultures of care. I would like to report that my analysis on diversity met the most basic of expectations and themes mentioned in Chapter 4. However, the results here are extremely limited in both breadth and depth. My findings are included in table 9. At minimum, I expected the policies analyzed here to pay some attention to specific groups on campus. Especially in a higher education environment

where diversity is supposedly high on institutional agendas, it would seem consistent to reflect the value of inclusivity in all policy. Knowing this, I was at minimum expecting an acknowledgement that sexual assault occurrence and an impacted person's experience of such an assault is influenced by their intersecting identities. None of the USM policies or the USM guidance document addresses diversity in this basic way let alone in a meaningful and helpful way. The University of Maryland policy states very generically that sexual misconduct can be committed by anyone regardless of gender or sexuality. It does not go into detail on what this means or how the university supports the unique needs of diverse students and community members who experience sexual assault. Again, this is where policy and the administration it represents may falsely assume that people understand the unique needs of diverse people without being specific. Other community members are then expected to take it on blind faith that the university will be inclusive and sensitive to varying identities when they report sexual assault. However, most people are unlikely to have the knowledge and ability to interpret this generic policy statement in a way that might enlighten them on how sexual assault maybe different for people of different backgrounds.

Sadly, this is the end of the results on diversity. However, the dearth of information on this topic is in and of itself evidence. It indicates that universities, university systems, and even federal mandates are not thinking systemically about race, ethnicity, sexuality, class, ability, religion, national origin, etc. in the context of sexual assault. In other words, these institutions are not thinking intersectionally about this issue specifically or in general. This dearth of information is also potential evidence that policies are indeed influenced by the unconscious bias of the people who make and

implement them. The absence of attention to intersectionality shows us that the intersections of gender and race and the context of sexual behavior by background can be interpreted as an absence of prominence in our thinking. It is revealing in and of itself that HEIs do not find these things important enough to recognize and address in these policies.

Section 6: Emergent Values

During my analyses, several additional themes not only emerged but appeared to be key aspects of creating enabling conditions.   These emergent values are education, transparency, compassion, and integrity, and general descriptions of these findings can be found in table 10. It is clear that the four original enabling conditions alone are more likely to contribute to good policy or create cultures of care when the additional four are included. Like the original four enabling conditions, these newly emerged one serve as supports to a culture of care. In theory these emergent conditions will boost HEIs' abilities to apply the original conditions. Education and training are the mechanisms through which the original four are dispersed to community members and reinforced over time. Transparency serves as a way HEIs can engender trust through being open and forthcoming on sexual misconduct policy and processes. Compassion is the spirit with which HEIs prevent sexual assaults from happening and the attitude that allows them to respond in a human-centered fashion that in turn encourages future reporting. Finally, integrity is the necessary characteristic for HEIs to hold themselves and their employees accountable for maintaining the culture of care.

Subsection 6.1: Emerging Value—Education

The first emerging value that resulted from this analysis is education and training. Education and training are periodically mentioned in most policies examined here. However, what was most striking was the clear need for education to be embedded in the policies themselves. In turn, the analysis indicates that almost all policies mentioned, albeit briefly that training happens for specific members of the university population. This is a place where education can be further encouraged by expanding the quality and quantity of training among all community members. The policies analyzed here did not include mechanisms by which to help community members understand and apply the policy content. Essentially education is a theme necessary to reduce the ambiguities discussed in prior sections and the need to disperse the content far and wide to fulfill the preventative aspect of Title IX.

Ambiguity, despite the length of some of the policies I analyzed is a consistent concern. In previous sections, I brought up ambiguity that comes from legalistic language and a general lack of clarity in defining expected an prohibited behaviors. Policy remains overly abstract. One way to help overcome this issue is by crafting the policies in an educational way and thinking about the policy itself as a tool that establishes norm and expectations. HEIs cannot expect to hold people to a policy that is confusing, open to multiple and sometimes conflicting interpretations, and that cannot be effectively applied to real life. For Policies to be effective, they must clearly define terminology in the document. If a term is ambiguous, several problems can arise. First, impacted persons can be unsure about whether what they experienced counts as sexual misconduct based on what is written. This can then lead to the impacted person missing out on the resources they need, inability to stay safe or halt the undesired behavior, and

decreased reporting (It is hard for victims to claim what happened to them if they cannot see their experience mirrored in the policy with appropriate labels).

A second problem deals with potential violators of the policy. If they are also unsure of what counts as acceptable behavior versus not acceptable behavior, they do not have a standard by which to compare their own past and future behavior. Not everyone arrives on campus knowing and valuing the same things. Part of the purpose of the policy is to establish common ground among community members of varying backgrounds and knowledge sets. The policy must be clear in order to establish the same expectations of everyone. It is unfair of institutions to write unclear policy and then be disappointed and upset when the problem does not improve. Institutions can prevent sexual misconduct by naming it as undesirable, clearly defining unacceptable behavior as well as desirable behavior. Individuals then know what is not allowed, what is preferred and choose to make an educated choice about violating the policy. An educational approach also takes the wind out of historically manipulative responses from violators like "I didn't know."

Thirdly, clarity also provides investigators and administrators with guidelines and expectations for what constitutes a violation of the policy. Doing so lessens and even eliminates ambiguity, loopholes, and broad ranges interpretation. When a policy gives too much wiggle room in interpreting its meaning, it is not doing its job. This can then provide wiggle room for those whose jobs it is to interpret and apply the policy to do so based on their own biases or vested interests. Clarity facilitates the policy doing what it was intended to do. If it is not doing what it intended to do, then the policy must be revisited.

Sexual misconduct policies can create clarity by providing what good writers provide: who, what, when, where, why, and how. The why essentially spells out the values of the organization as it relates to the conduct at hand. As an example, we can look to Frostburg's approach to sexual harassment. This is obviously outside the initial scope of this analysis but does provide policy makers with some ideas (a target) to help improve the effectiveness of a policy.

Frostburg's policy is unique and education as it takes the time to explain how sexual harassment works in the real world. The addition of this clarification to their policy will assist potential victims in assessing whether they have been impacted by harassment. How does this person know that the behavior they have been subjected to is harassment rather than some form of annoying behavior that is not technically prohibited? Of particular importance is the acknowledgement that harassment "May be blatant and involve an overt action, threat, or reprisal; or may be subtle and indirect, with a coercive aspect that is unstated but implied." A common misconception is that sexual harassment is obvious unwanted touching or propositions for sexual contact. However, here the Frostburg policy tells us that legitimate harassment does not have to be that obvious. Furthermore, this policy goes on to spell out the who, what, when, where, and how sexual harassment functions. The policy goes on to explain that sexual harassment can be committed by an individual or a group, it may be intended (conscious) or not. It may also not be always directed at a specific individual, and it can occur in person or on-line. To really drive this challenging topic home, the Frostburg policy gets into the specifics by giving various examples of realistic scenarios that are indeed sexual harassment.

This approach in the Frostburg policy is an example of a policy document simultaneously acting as a mechanism to educate. Unless an individual is involved with sexual harassment investigations or has been through the process of such an investigation, the definition and language of this form of sexual misconduct is likely unfamiliar. This may especially be the case for students or new professionals who tend to be young and have limited space and time in which to have experience sexual harassment and may be ignorant of its mechanism due to lack of exposure. Therefore, it is important for institutions to provide information on context and mechanisms.

Frostburg provides another example of clear, educational policy by expanding their definition of "objectively reasonable." Recall from the discussion above, that language is gendered and can be interpreted by many impacted victims as an implicit communication about the legitimacy of their experiences of sexual misconduct.   This particular language is also borrowed from the legal sphere and can make a policy sounds overly legalistic, alienating, or unapproachable, rather than educational and human centered. If the terminology remains ambiguous and individuals take cues from the legal community, the word "reasonable" defaults to what society interprets as the "normal" human, who is a cis-gendered, straight, white man. Frostburg was able to remove most of the ambiguity by adding clarity and context with the following: "The behavior must be objectively reasonable meaning that a reasonable person in similar circumstances and with similar identities would find the behavior hostile, intimidating, or abusive." By inserting this one sentence, Frostburg keeps the interpretation of the situation centered on the impacted person and someone like them. It prevents the interpretation of the situation

from being from someone distinctly different from them who may not have the empathic capacity to see the severity of the situation.

In addition to creating clear and educational policies themselves, the content of the policies can do even more good by outlining an education and training plan for the members of its communities. If universities are truly committed to preventing sexual misconduct, they must value the act of educating the community about sexual misconduct which in turn means they must build education and training into their policies. To embrace this emergent condition, colleges and universities will need to provide clear policies that embed the original four enabling conditions into the policies and educate people about them. Supporting the educational approach also requires that an effective training scheme be crafted that is thorough and includes enabling conditions. Education essentially enables the other values, disperses them and reinforces them into the everyday thinking and decision-making behaviors of the campus community.

Subsection 6.2: Emerging Value—Transparency

The second emergent condition that I found in this analysis was that of transparency. This finding was made particularly clear when examining the policy information specific to reporting assaults. As discussed above in the personhood section, reporting processes and easy to access confidential resources are important for impacted persons to obtain information and guidance while remaining autonomous as they decide whether to report or not. However, the process of reporting was not made clear in any of the policies analyzed here. The universal approach across the policies directs impacted persons to report to the Title IX coordinator, but what happens after that or any potential alternative options to reporting to Title IX office are not provided. One knowledgeable

on the topic may be able to parse out some options but it would be a burden for the average person. This set up begs the question of how one is to make an informed decision? There is also the assumption any confidential resource that the impacted person speaks to can provide them with much of the information they need to know about the process. However, that is likely not the case, as many of the confidential resources available are off campus and not specifically affiliated or representative of the university. So, again, how does an impacted person obtain all the pertinent information about what reporting involves, what will happen during the investigation if they choose to report, who makes decisions, what happens to the accused, what about classes, etc. For an impacted person to make a truly informed decision about reporting to the university, they need to know realistically what will happen step by step. They need to know the pros and cons of both reporting and going through the investigation process. They also need an honest and forthright assessment of the power and hierarchy dynamics at play in adjudication and appeals.

My analysis demonstrates that transparency is lacking in these policies and that to create a culture of care, HEIs will need to rethink how they can effectively elucidate the reporting process as well as the post-reporting processes. Leaving impacted persons in the dark does not encourage them to report, may leave them feeling unsupported, and is in opposition to a culture of care. All ten policies mention that accommodations are available to impacted persons but how one obtains them is vague and often paired with language about false reporting. Apart from Coppin State University, most policies deflect the real details of reporting, investigation, adjudication, and appeals process to completely separate documents or not at all. It is odd that HEIs do this as it undermines

the connection between misconduct and its consequences. This can be interpreted as a blatant attempt to hide important information about the process. By making it harder to get, they burden community members especially impacted persons. This is then paired with strong encouragement (pressure?) within the policy to report to the university. I also found that this messaging was more prominent in the geography of the policy; it is given more space, placed earlier in the document, and repeated for frequently than information about confidentiality, etc. The effect is that impacted persons are encouraged to make reports without having all the necessary information to make informed decisions that are right for them. This is not only a concern from the perspective of an impacted person. The accused also needs to have access to all the information on the investigation, adjudication, and appeal process. They also should know what the possible outcomes are and how they impact their status on campus.

Transparency is supportive of and necessary in a culture of care. This condition sends the message that the institution cares about the comfort of the individuals involved as well as the community in general. It also shows that the institution believes everyone has a right to know about the sexual misconduct reporting process. Transparency may also serve to lessen and even remove some of the shame associated with reporting sexual assault. This is especially true if the process is supportive and compassionate in its assumptions about and treatment of those involved. It says that the university is there to help, and this is a culture of care.

Subsection 6.3: Emerging Value—Compassion

This value emerged initially as I was attempting to assess the big picture portrayed by the ten policies plus the USM guidance document. What are the stories that

these policies are telling? Furthermore, what is the mood or attitude used to express these policies? This is one of the great benefits of qualitative research; it allows researchers to examine what is between the lines, asking what is the underlying emotional state of a document? This is why writing is challenging because words express more than just the basic meaning of the words themselves. Words come together to evoke not just meaning but feelings. This is true in fiction as well as in nonfiction pieces such as policy.

The theme of compassion emerged as a value not because the policies evoked notions of care and trust but from a lack thereof. The policies analyzed here, even ones known to be recently reworked with the supposed input of many stakeholders came across as cold, legalistic in nature, and did not engender trust in the system. In some cases, the policies prompted me to seriously question whether the institution cared about the well-being of their community at all. Most policies at some point in the document evoked feelings of burden and even blame. For instance, in the Salisbury policy, it states that false reporting will not be tolerated in the same paragraph in which it defines and prohibits retaliation against victims. Their policy also addresses false reporting again in the definition section. The location, wording, and emphasis of these passages send mixed messages to readers about whether reporting sexual assault to a Salisbury representative will be believed. It leaves the reader thinking that they will be suspected of false reporting even when their report and the large majority of reports are in fact true. Women and people of color are supremely aware that their social status does not afford them the benefit of the doubt. Their knowledge and experience are often dismissed and questioned. Their life experience combined with this statement about false reporting

sends the message that you will be questioned and that their institution is not committed to a "I believe you" approach.

I also found that the policies demonstrated a lack of compassion when dealing with alcohol. Half of the policies demonstrate a lack of commitment to alcohol and drug amnesty. Amnesty in sexual misconduct policies generally refers to the waiver of student conduct violation and punishment for drinking or doing drugs when reporting a sexual assault. The policies that do not embrace a compassionate response state that a person *may* qualify for amnesty. Furthermore, these policies do not provide information or requirements used to decide if amnesty is due to an individual. This shows community members that their institution is not fully committed to helping an impacted person post-assault. The noncommittal language in these policies shows that the university may conflate drinking with being at fault for sexual assault. This message reinforces gender bias associated with blaming the victims Rather than supporting a culture of care, such messaging undermines it by misplacing responsibility for the perpetrator's behavior onto the victim who was drinking. Universities that are serious about encouraging reporting and supporting impacted persons will state that amnesty is automatic and that drinking while under-age is a concern that is subsumed by the seriousness of sexual assault.

I also found that several of the issues discussed in the scope of other enabling conditions are point to the need for HEIs to lead with compassion. For instance, when discussing incapacitation, several policies analyzed here use terminology such as beyond "intoxication, impairment in judgment, or drunkenness." This type of language undermines other messaging that attempts to establish that consent as something given voluntarily, and that incapacitated people cannot consent. No information is provided to

clarify this for community members, and this will leave impacted people wondering if they were beyond drunk. What does beyond drunk mean? Isn't judgement impaired when one is drunk in general? Like the problem with amnesty, this language implies that some predetermined blame is placed on the victim. It also indicates that it may be okay according to the university if you are assaulted but only a little drunk. They will define this as regrettable sex and not rape. It also indicates to impacted persons that a university staff member (who is likely biased) will determine if your drunkenness level and therefore pronounce your experience as "legitimate" rape or not. Ambiguity not only falls under education and transparency where HEIs commit to a specific interpretation of incapacitation, make it widely known, and educate people about it. The humanistic, compassionate approach requires that they place that HEIs check their interpretations against enabling values and an "I believe you" attitude. A culture of care will be enabled by compassionate policy and attitude which engenders trust in the system because it is authentically expressing that the institution cares about the people within it.

A truly compassionate approach will fully embrace and be driven by the "I believe you" approach. This is an approach that is characterized by radical compassion for impacted people. Victims of sexual assault have spent centuries being questioned and doubted. Universities can establish themselves as trend setters in the movement to not just believe victims but to uplift them so that they land strongly back on their feet, finish their degrees, and live satisfying lives. HEIs need to turn away from their previous interpretations of sexual assault victims as threats to their reputation and realize that victims are not the threat, but the occurrence of assaults is. Rather, HEIs can improve their reputations by transforming themselves into leaders who pride themselves on doing

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the most good for the victims of sexual assault and addressing the perpetrators in the most effective ways.

Subsection 6.4: Emerging Value—Integrity

The final emergent condition that I found in this analysis deals with integrity. Like so many other themes in this analysis, it became apparent not because it exists in abundance but because its absence was glaring. The absence of integrity was obvious in each of the ten policies analyzed here was accountability. Title IX itself is about rights for students and other community member who experience sexual misconduct. I have already established that Title IX cannot be the only benchmark by which universities check themselves on this issue. However, what Title IX implies is that institutions can be held accountable to the federal government. It is also widely known that accountability for failure to comply occurs seldomly (almost never prior to 2014) and meaningful punishments are also rare (small fines, citation for this) (Preventing and Responding to Sexual Assault on College Campuses, Hearing September 10, 2015). To be honest the federal government and the state government are not the only entities able to hold HEIs accountable; integrity implies that you also hold yourself accountable. Therefore, HEIs need to fully own their responsibility to prevent sexual assault and promote beneficial reporting. They can do this by demonstrating how they will continue to create and maintain a culture of care.

It also involves HEIs implementing policies and procedures that demonstrate these values but also to regularly evaluate their progress both positive and negative. I found no specific evidence within the USM policies analyzed here that indicates that these universities perceive themselves to be responsible for anything beyond what Title

IX mandates. The commitment as expressed in these policies is clearly to Title IX compliance for the sake of avoiding federal investigations and not for the sake of the greater good of preventing sexual assault and serving as meaningful supports for those that are impacted.

Universities have the general skills to hold themselves accountable on enabling values. This assumes they commit to the values first and set them higher than business, reputation values as well as sexist and racist values that have driven sexual assault policy or lack thereof until now. HEIs are familiar with strategic planning, and they can use those abilities to create values based strategic plans to guide a rehaul of their sexual misconduct policies and to creating a culture of care. Such plans bring diverse stakeholders to the table, seek out true experts on the topics at hand, to create not only goals but evaluation plans. Policies are living breathing documents and evaluation is an absolute necessity. Without planning and evaluation, policies and their corresponding campus cultures will be non-reflective and non-responsive. Evidence of these two things is key to lack of trust among community members. It makes it appear as if care for a specific topic like sexual misconduct just exists for a snapshot in time and not on an on-going, perpetual basis. Like students at the university, the university too needs to be assessed on its knowledge and growth on a consistent and predictable timeline.

Section 7: Conclusion

Thinking about integrity and the other emergent themes of education, transparency, and compassion, it is necessary to put them in the context of Title IX. Title IX was formed with good intentions. It is essentially a law that attempts to encourage all these emergent themes. It is meant to create a culture in which victims are treated fairly.

The rights laid out in the law and the 2011 Dear Colleague letter are methods to encourage accountability but also a way to acknowledge the humanity of victims. As a result, I went into this project considering Title IX to be a pillar of guidance in my thought processes and even as a foundation to what I thought I would be building here. However, my analysis of these ten policies has delivered me to a place where I am fairly critical of the policy. Unfortunately, Title IX was formulated through the lens of the law without accommodating more completely for the humanity of people involved. Title IX is also subject to the political leanings of the ever-changing federal administration. These pose real issues when thinking of the power and influence Title IX has over HEIs.

The truth is that Title IX is prolific. It is a federal mandate and therefore it influences and requires that institutions react in specific ways to the problem of sexual assault. Whether this is the lens through which we wanted to interpret this problem or not, it is the lens, the paradigm institutions are given paired with admonishment to comply. As with many policies, the intention was good. The intention was to reduce sexual assault and even more so, to deal with how we treat and respond those in our campus communities who do report sexual assault. In the act of complying with Title IX, schools have fallen into a checklist mentality where they make a show of checking off the items required in Title IX and until August 2020 the items in the 2011 Dear Colleague letter. By showing the appropriate language and procedures in our official sexual misconduct policies and advertising it as required to the community on their websites, HEIs feel that they have done what is necessary.

Many HEIs have technically done many or all of the things Title IX mandates and have made improvements; that should not be dismissed or minimized. However, in

their eagerness to demonstrate compliance, institutions and the people who run them have failed to focus on what their campus communities really need. What they need are campus and organizational cultures that support vulnerable populations which include women but those who identify as LGBTQ+, those of color and any variation of intersections. These folks need to know that the culture supports them all the time (prevention and safety) and not just plays the role when on that rare occasion a community member reports sexual assault. Do not forget that reporting is quite rare, and it is rare because HEIs are not enabling it creating campus cultures show, not just say that we believe them as individuals but that we believe in general. If research demonstrates that false reports are rare, then evidence-based behavior would indicate that the "we believe" mentality should be our default mentality.

The schools analyzed here, have policies that generally align and comply with Title IX, but that has not also resulted in a culture of care. The important take away from this analysis is that complying with Title IX alone will not create the social environments that enable sexual assault prevention and promote reporting. So, the question can no longer be, "Are we getting Title IX right?" The question becomes "Are we changing the culture that leads to sexual assault and fear of reporting?" HEIs can no longer allow Title IX to drive this bus alone if they want true results for their campuses. Like the old-fashioned cars at the amusement park, contained on the course by a metal rod, Title IX keeps our approach narrow and specific. It therefore prevents institutions from seeing and pursuing options beyond the legal and litigious. The social problems of sexual assault and gendered violence are far from narrow and specific; They are wide and expansive and so should be our approach. HEIs cannot expect to be effective if they are

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simply going through the motions, checking off Title IX requirements. Doing so destines

the outcomes to not only be ineffective but to also destroy institutional trust. Campus

communities need their leaders to be enthusiastic participants in eradicating a culture of

assault and promoting a culture of not just respect but of care.

Chapter 6: Results for Web Analysis

In this chapter, I will present the results of the content analysis conducted on the web page content of the ten University System of Maryland institutions. The web analysis presented here represents a search for the term "sexual assault" using the search function on each of the institution's landing pages. The pages included in the analysis were the top ten results from this initial search and additional web pages linked to the original ten if they were related to sexual assault. The specific number of web pages collected and ultimately analyzed in the analysis can be found in table 2. Pages that were not relevant to sexual assault/misconduct or were duplicates of those pages already included were removed from the analysis. The data used in the analysis for each individual institution ranged from eight to twenty pages. Some of the institutions had more limited information available on their website related to sexual assault like University of Baltimore for which only six pages were examined. Other institutions had much more content available on-line related to sexual assault like UMBC for which I ultimately analyzed twenty pages.

This chapter will first review some of the general expectations and characteristics of the USM websites in general. I will then proceed to review how the webpages analyzed here either reflect or do not reflect the findings presented in the content analysis of sexual misconduct policies in Chapter 5. However, the focus of this chapter will be several results that feature standout characteristics and content that emerged as unique during the analysis. A few higher education institutions contained information on their websites that that was not included in most other institutions' web contents. These

findings point to some helpful approaches that schools can consider adopting or expanding when planning their sexual assault policies and responses.

As detailed in chapter 4, I use a hybrid approach to coding the website content for this project. I used codes that emerged as important in Phase I (policy content analysis) and allowed additional codes and themes to emerge unique to phase II. Information on the codes discovered in phase I and applied to phase II as well as the overall inclusion criteria can be found in table 3.

Section 1: General Observations

To begin this section, I want to make a couple of observations about the data in general. First, my overall expectations were that schools would use websites extensively as a source of information dispersal. I also expected this information to be lay person friendly (at least in comparison to the policies analyzed in Chapter 5). By lay friendly, I mean that I expected the complexities of the policy would be broken down into easy-to-understand chunks, using accessible and compassionate language. I also expected the webpages to be used by HEIs as an opportunity to expand on the policy in an educational and supportive way. In other words, I expected websites to be a helpful and down-to-earth compliment to the formality of the policies analyzed in Chapter 5.

Interestingly, the website analysis did not support the expectation that they serve as an accessible compliment to more formal policy. Rather, all ten HEIs' websites were better characterized as being extensions or gateways to the sexual misconduct policies. By this, I mean that they web pages serve to provide the content of the official policy or links to the policy document itself. They did not serve so much to provide interpretation of the institutions' policies. The pages were reflections of the policies but not an

elucidation of the policies. In fact, many of the pages analyzed for this project did not

contain a large quantity of information, mostly containing only a couple sentences or

single paragraph referring generally to plans, committees or to the policies themselves.

There are a few notable exceptions to this finding, which I will present in greater detail

later in this chapter.

In general, the websites of USM schools are strongly influenced by Title IX and

the sexual misconduct policy itself. Institutions are attempting to use their websites to

comply with the Title IX mandate to share policy information far and wide. That is

indeed the beauty of the internet; institutions can put up information and make the claim

that anyone on campus can now access this information. All ten institutions make their

sexual misconduct policy documents accessible in this way. Linking to the policy pdf is

useful in that everyone with an internet connection has the opportunity to view the policy.

However, HEIs needs to be cautious about conflating the opportunity to read the policy

with understanding of the policy. The frequency and repetitive nature of this even within

the same institution points out that universities may indeed be making this conflation and

relying more on the policy document than is authentically helpful. This is not the case

with all USM schools. I found the web interpretation of Title IX presented on TU's page

particularly useful and even empowering. I will expand on this later in the chapter.

The website analysis also revealed that unlike the policies, websites are more

democratic as it applies to who or what office can provide sexual assault information

online. Polices are generally controlled and created by a committee and the ability by

outsiders to contribute is very limited. The web analysis revealed that several different

entities on USM campuses are contributing information about sexual assault and misconduct.

The policy creators and Title IX offices are not the only ones who have access on these websites to provide information. In particular, campus counseling and health centers are major contributors to unique and important information. This is especially true regarding information that is essential to victims in the aftermath of an assault. The pages hosted by these entities within the university are the ones that help victims to prioritize their own safety and get to where they can feel safe or call the police to make them safe. These are the places where victims find information about obtaining a sexual assault exams (SAFE) and even often include information about their choices and options. As we have learned, that reinforces their sense of control, leading to reaffirmation of her personhood. These are also the website hosts that provide push back against rape myths and acknowledge that diverse victims actually exist. This points clearly to the fact that there are people on USM campuses who are trying to embody and express some of the values discussed here, particularly that of a culture of care. It is possible that these entities are constrained in their full embodiment of these values by either the policies themselves, administration, Title IX, and unexamined biases within the system.

Section 2: Enabling Conditions

Now that I have presented general observations regarding overall HEI webpages, I will now present my findings that relate specifically to Enabling Conditions. Like my presentation in the previous chapter, I will move through each of the Enabling values beginning with Bodily Integrity and moving on to Personhood, Equality, and Diversity. In this process, I will point out similarities to what I found in phase I of the research. I

will then present new and unique findings that have the potential to improve our approach to preventing and responding to sexual assault on college and university campuses.

Subsection 2.1: Bodily Integrity

The findings in this web analysis that relate to bodily integrity are more limited than expected. My expectations were that the webpages would be an ideal platform to expand on the notions and requirements presented in the individual institutional sexual misconduct polices. I suspected that maybe universities were leaving the everyday details about bodily integrity to the internet where they could use more informal language and reach a larger audience. For instance, I expected that the web would include more details about bodily autonomy and the notions of how to respect others' bodily autonomy. However, this was not the case, and my analysis revealed no evidence that this was taking place on the institutional webpages. This may align with the notion that USM institutions are generally using their websites as a reflection rather than extension of their policies.   While the lack of information on bodily integrity might be disappointing at first glance, it provides researchers and administrators with important information about the ways in which bodily integrity are addressed (or not) or reflected (or not) in USM institutions' public information about sexual misconduct. What is not included on the webpages analyzed here gives researchers and policy makers clear indications of where there is room and opportunity for improvement.

However, my analysis did reveal an important theme related to bodily integrity that is not taken up in depth in the policies themselves. Specifically, all the university webpages analyzed here addressed medical care post-assault in at least one place on their site. This is the type of information that the Dear Colleague Letter (2011) states should

be shared widely in order for institutions to comply with Title IX. Getting safe in the wake of an assault and obtaining medical care are both actions that impacted persons need to take to begin the process of reestablishing their bodily integrity. By including ways to get safe post-assault and how to obtain medical care, HEIs are demonstrating a commitment to bodily integrity. My analysis also revealed that the depth of information on reestablishing safety post-assault does vary from school to school. Some pages make vague references to helping victims obtain or connect with medical and other support services. Other pages provide specific information and contacts for getting safe and obtaining acute resources post-assault. Being more obvious about the ways in which campus community members can help victims in the immediate aftermath of assault would further the University's commitment to this enabling value.

In addition to establishing bodily integrity through medical care, a couple of unique codes arose that are worth presenting here as examples of additional information that webpages could provide. First, Two of the ten university websites make references to protection orders. Protection orders are usually a legal mechanism used to protect victims of relationship violence and/or stalking. Relationship violence and/or stalking are forms of sexual misconduct but are often considered separate from sexual assault. However, the inclusion of protection orders in the aftermath of sexual assault, indicates that these schools are thinking about sexual assault in a context where violence and controlling behaviors are frequently intertwined. It shows acknowledgement that sexual assault, particularly on college campuses is frequently committed by an acquaintance who many have knowledge of an impacted person's residence, social group, class schedule, work and exercise patterns, etc. Protection orders are mechanisms by which

impacted persons can regain and maintain bodily integrity with the weight and authority of the law behind it. The two schools that refer to personal protection orders do so in the context of providing some basic legal advice to impacted persons via a flyer obtained from a legal advocacy group. This type of information would be ideal for all ten universities to provide on their website along with information encouraging impacted persons to know their legal rights in this matter as to facilitate a connection with a local advocacy organization.

My analysis also revealed that two of the ten institution websites directly address the issue of incapacitation. As discussed in the policy analysis section in Chapter 5, incapacitation is a serious issue related to sexual assault. The two schools that include incapacitation information on their webpages do so in two very different ways. The first university makes it very clear that "having sex with" someone who is incapacitated is indeed rape. The approach on their website is one of myth busting in a question-and-answer type format. They present the myth and then provide a brief but effective refutation. The tone of the page demonstrates a true desire to firmly push back against old notions that a lack of resistance or a "no" can be interpreted as consent. Paired with the other information on this particular page, it is very clear that this university is reinforcing the value of bodily integrity.

The second institutional website that mentions incapacitation defines it uses the following wording, "not willing to consent." This language muddies the relationship between consent and incapacitation. Not willing to consent would be a lack of consent from someone who is in a capable state to make a decision about engaging in sexual activity. Incapacitation means the person who is incapacitated is not in a physical and/or

mental state where they are able to consent.   So, rather than provide clarity for how community members should deal with sexual feelings and urges when incapacitation is present, it conflates willingness with capacity. I suspect that this was not the intent of this particular university, as other aspects of their website are progressive. However, such unfortunate and unclear wording undermines the value of bodily integrity.

One of the most interesting finding in the analysis regarding bodily integrity was a standout approach to the myths and scripts discussed in earlier chapters of this dissertation. Salisbury University uses its website to educate about sexual assault and to promote a culture of care (these pages are not hosted by the Title IX office). The website dedicates a long and thorough page to refuting myths and reeducating the community on topics of rape myths and various other stereotypes about sexual assault. Of particular importance as it relates to bodily integrity, the page includes several sections on how a person's behavior or their characteristics do not waive or nullify their right to bodily autonomy. The page specifically points out that just because someone is dressed a certain way or chose to drink alcohol, does not mean that they are abdicating their right to bodily integrity or that they are inviting another person to violate their bodily integrity. The page also challenges gender power imbalances and points out that men are not entitled to women's bodies. Additionally, the page challenges dehumanizing language about women and other vulnerable group members such as people of color and members of the LGBTQ+ community. Dehumanization is an act of delegitimizing and denying the bodily integrity of specific types of bodies. For instance, when a body is portrayed as animalistic, the purpose is to remove the human factor, providing leeway to treat that body as less than human. They also provide a bystander intervention example where the

potential impacted person is incapacitated. Finally, the website makes a strong and consistent statement that sexual assault is never the victim's fault. By doing so, Salisbury University is showing that sexual assault is really about violating bodily integrity and bodily integrity is a right owed to all.

On the whole, the amount of information on USM institution websites about bodily integrity is not expansive. The University of Maryland, Baltimore does not even provide information about getting safe after an assault or directions on obtaining medical care. There seems to be strong tendency by most of the remaining universities to default to legal terminology and fall back on directions to call the police. Doing so may make these institutions feel as if they have done enough. However, this is not enough and given the current state of trust in the police[17], for many community members this may be outrightly dangerous. There needs to be another way to maintain and regain bodily integrity for victims that is supportive and widely dispersed on school websites.

Subsection 3.1: Personhood

In this section, I will present the results of the webpage content analysis for the Enabling Value of Personhood. In this part of the analysis, I was looking for evidence of an individual's ability and right to decide for themselves when it comes to sexual engagement (or not) and in the aftermath of assaults. Coding information and inclusion criteria can be found in Table 3. To provide consistency, I will present the finding related

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[17] With the death of an African American man named George Floyd at the hands of Minnesota Police on Labor Day 2020, the Unites States erupted in protests against police brutality. The killing of black men and women at the hands of police is a pattern in America, and it demonstrates that the criminal justice system regularly violates the bodily integrity of entire groups of people based on race. Police feel entitled to touch and harm those bodies and is a key aspect of the insidiousness of racism. Given this, Universities need to deeply reconsider their relationship with police departments and their reliance on them to keep people of color safe and respond to their needs in the advent of a crime like sexual assault. There is also evidence that police systematically treat sexual assault victims poorly, which is further evidence that HEIs can no longer blindly rely on the police.

to consent, coercion, and control, which were key findings in the policy content analysis in Chapter 5. I will then proceed to present additional findings that are unique to the web analysis as they relate to personhood.

Sub-subsection 3.1.1

As I demonstrated in Chapter 5, consent was an important theme in the policy analysis. In general, USM institutions dedicated time and energy to this topic within their policies and tried to effectively define what consent is and provide examples of what does and does not count as consent under their policies. I expected consent to be an essential part of the HEIs website content. I even expected them to use this platform to expand on what their policies presented and to provide additional information on navigating consent in real world scenarios. My analysis did not indicate that this is the case. Consent was missing as an issue presented on the websites for the majority of the institutions. The exceptions to this were schools like Salisbury where consent was addressed by the university health services as part their myth busting efforts. Otherwise, consent is left to be addressed by the policy documents themselves.

This is an unfortunate reality since websites are an excellent way to connect with the university community. If consent is a key aspect to an HEIs approach to preventing sexual assault, then the USM institutions are not taking advantage of this. Given the stoic and brief approach of the policies, the website would be a great place to expand the explanation of consent to include examples and scenarios that would help community members understand what giving enthusiastic consent might include as well as what it might sound like to be denied consent or to have consent withdrawn. In essence, not addressing consent more thoroughly on websites, is a missed educational opportunity.

Sadly, I found similar lack of evidence in the website data when examining issues of coercion. Like consent, the term or concept of coercion was missing on the webpages of the large majority of USM institutions included in this analysis. I can, however, point out that the myth busting that Salisbury does regarding bodily integrity does expand to issues of personhood. Several myths and corresponding refutations deal with issues related to personhood like consent mentions above. In refuting issues of consent, these myth busting tactics also touch on issues of coercion

In addition to analyzing the data for issues related to consent and coercion, I also looked for issues related to control. One of the themes that emerged in the policy analysis in Chapter 5 related to Personhood was the issue of control and how confidentiality affected an impacted person's ability to control their post-assault experience. Specifically, lack of access to and understanding of confidential resources paired with a consistent and persistent message to report any and all sexual assaults to the university was revealed to be a potential barrier to the victim controlling her narrative and experience. The analysis of the webpages shows evidence that this messaging is even louder and clearer on the website than it is in the policies. This may be because the webpages are a key or even the key gateway to reporting assaults and other violations of the sexual misconduct policy. As mentioned at the top of this chapter, webpages strongly function as mechanism to report misconduct. In an effort to make the reporting process more obvious and accessible to community members, HEIs may be accidentally reinforcing reporting over support and autonomy of the post-assault process.

Two universities do take advantage of the web to define what a responsible employee is. In both cases, this comes across as helpful. There does not seem to be a

specific message attached to these explanations for impacted persons to report to a responsible employee. It is presented more in a "please know this" when thinking about disclosing to someone on campus. Unfortunately, this are not paired with a clear description of a confidential employee and how to contact them. This information is on their websites but not paired in a way that would give community members a complete understanding of the reporting system and the options within it.

This messaging is complicated by the fact that websites are more democratic than the policies. The Title IX office at a university is not the only office or campus division that posts sexual assault related information to institutional websites. This may be a positive thing in some circumstances like the case described in the previous section in which Salisbury posts myth busting information. However, in the case of control and confidentiality, this diversity of web information contributors is potentially negative. I found that in a small number of cases, information about and options to speak confidentially with someone post-assault is minimal. A minority of cases stood out in the analysis because the website information so thoroughly minimized information about confidentiality in reporting that the message presented to impacted persons is that they *must* report to the university or police. These university webpages talk about reporting as a requirement to receive accommodations and/or an investigation. This approach minimized or conceals the fact that impacted persons have a choice in whether to report or not. It also conceals the fact that impacted persons have a right to discuss and disclose their experience in a confidential environment en route to deciding whether to report to the university and/or police.

My data also revealed that in two cases, that online message about reporting is even fuzzier. In these cases, reporting an assault to the university is conflated with reporting to the police. Reporting to the university and reporting to the police are not presented as two separate options. Rather reporting to the university is structured in such a way that it appears to be handled by the campus or local police. In both cases, the schools have provided very little information on the web at all about sexual assault, mainly linking to the policy rather than explain or expand on it. To provide further evidence of this conflation, the police affiliated with each of these university have posted information to their portion of the website that comes up in the top ten search results. These police websites go to extremes using imperatives and shaming language to coerce impacted persons into reporting to the university and/or police.

The nature of the data does not allow me to draw conclusions about whether the problematic messaging about reporting and confidentiality is intentional or an unanticipated consequence of encouraging reporting. Regardless of the intentions, HEIs that have confusing or conflated messaging are creating social contexts that discourage reporting and minimize the value of personhood. Providing impacted persons with and honest and clear outline of their disclosure and reporting options is not only the right thing to do but may prove to increase reporting rates in the long run. Policies and procedures that demonstrate a value of each community member's Personhood will increase individual's feeling of being worthy and cared for by the leaders in their community. In turn this engenders trust in the systems that these leaders provide to them, and in turn increases uptake in the form of reporting. On the other hand, allowing web messaging about disclosing and reporting options to remain unclear, that discourages

confidential support or that make confidential support hard to access can be interpreted as community members to be coercive. As I have presented in Chapter 5, coercion is an ironic behavior for a university to portray when they are trying to support victims who have been assaulted and may very well have experienced coercion as part of their trauma.

The inappropriateness of institutional coercion was especially worrisome in the results from the two institutions where university reporting was conflated with reporting to the police and where shameful and authoritarian language was used. The conflation is a form of coercion in and of itself, but the addition of imperative language is intimating and threatening. Both schools that exhibited this language are HBCUs and serve communities with large populations of people of color. Sending the message to report sexual assault to the police in the year 2021 is a completely inadequate and inappropriate response given the dangers that people of color have historically and persistently faced from police. For someone who has already been violated, the institutions attempt to coerce them into subverting their personhood is absolutely unacceptable.

Subsection 3: Equality

In this section, I will present the findings of the web analysis that relate to the third Enabling Value, Equality. Again, I analyzed the data for codes that emerged in phase I of the analysis and allowed other themes or unique findings to emerge. General codes and inclusion criteria for codes from phase I can be found in Table 3. When analyzing the data for equality-based codes and themes, I generally looked for evidence that USM institutions were attempting to create equal campus-based experiences based on gender. Some of this evidence takes the form of references to Title IX and its requirements as Title IX mandates that institutions do not discriminate based on sex.

However, I also looked for evidence that indicated an attempt to build upon or go beyond the Title IX approach. Furthermore, Title IX does not directly require schools to look more deeply at the potential causes and correlations of sexual assault and sex-based discrimination. Therefore, I also looked for evidence that universities are attempting to formulate and encourage attitudes that value gender equality as well as active resistance to rape myths that endorse gendered scripts and behaviors regarding sexual interactions and sexual assault.

In general, the USM institutions all address Title IX on their websites. However, the degree to which individual schools address Title IX varies from school to school. The large majority of these schools not only reference Title IX but also provide a basic overview or description of the law on their websites. This information is relatively easy to find. The search function on all ten of the institutional landing pages directed me to Title IX information when using the search term "sexual assault." This means that a community member searching on each school's website will be directed to a Title IX page within the first ten search results. This shows that at bare minimum, the USM institutions all have at least one page that mentions what Title IX is on its face. All ten institutions in fact tell the user very clearly that Title IX prohibits discrimination in educational institutions based on sex and gender. For most institutions this was a quick quote from the Title IX document itself or a brief summary of their own crafting. Almost all schools provide a link somewhere on the same page to their sexual misconduct policy for users to obtain more details.

My analysis also shows that the large majority of USM institutions do not use this page to educate about the specific rights afforded victims of sexual assault or the

institution's obligations as required by Title IX. Nor do these pages provide historical

context for why Title IX exists, why it covers sexual assault, and how this promotes

gender equality on campuses. This points to strong reliance on the actual policy

document to do the informing and educating of Title IX. Between the policy analysis and

the web analysis, educating on Title IX or related values is not a demonstrated strength of

USM institutions.

One Title IX issues that was addressed in the website analysis is the concept of

accommodations. Accommodations refers to a set of support mechanisms that schools

offer to impacted persons who report their assaults. These can include tasks like

relocating housing assignments, advocating with professors for extensions on classwork

or exams, and refers to counseling, etc. Six of the ten USM schools provide evidence on

their websites that interim measures are available to those who have been sexually

assaulted. There is, however, variation in the amount of information and in the clarity of

that information. Some of the websites simply state that interim accommodations are

available to victims. Others says that interim accommodations are a right and that an

impacted person can request accommodations at any time and obtain accommodations

even if the impacted person does not want to initiate a formal investigation with the

university. Half of the six also provide a list of common accommodations.

An issue that emerged in the web analysis that supports gender equality is the issue of interim measures and accommodations for victims. Title IX does require that impacted persons be offered accommodation or interim measures post-assault. In general, this requirement flies a bit under the radar. It is mentioned in the policies but is not explained in detail. However, interim measures are a way to work toward equality on campus. There are a couple ways to come at this. First, when a person is sexually assaulted, they have had something taken from them. While the things taken (autonomy, dignity, safety, etc.) are not tangible, they are important to the victim but also important to the surrounding community. When a university is clearly and unequivocally committed to providing interim measures after an assault, it is showing the impacted person and the community that making up for this loss matters. It shows that it is not okay for this person or any other person to be in this vulnerable and often powerless position. The second way to look at this commitment is by examining gender equality at a higher level. Traditionally, women who have been sexually assaulted have not always had weight or legitimacy given to their experiences and narratives of those experiences due to sexist and even misogyny in the criminal justice and educational systems (foot note on white false reporting as both racist and sexist). Interim measures can then be seen as an attempt to create a more equitable reporting and investigation system by providing impacted persons with the ability to create safe space while still going about their lives. In the past, no response to a report or even an investigation did not help the impacted person overcome the immediate challenges of being a victim attempting to become a survivor.

This may be a missed opportunity in that fostering a greater understanding of what an interim measure is and how it can help put an impacted person at ease would logically seem to encourage reporting. Generally, this information is not provided in what I would consider a culture of care. Rather it comes from a place of community members being made known their rights according to Title IX. Therefore, it comes across as indifferent to the plight of someone who has come to that information for a specific reason. There is little encouragement for someone to follow-through with accommodations based on the language and milieu. A culture of care would literally say, we care about you and your experience. We might not know exactly how you feel but we can imagine that this is very difficult and daunting time. To make your healing easier and to help you persist with your chosen method of reporting we are dedicated to offering you a number of accommodations. Etc.

The web analysis as it relates to equality revealed one school with a standout approach to equality and Title IX specifically. That institution is Towson University. Towson takes a page out of the "know your title IX"(footnote with URL) approach. Essentially, Towson has parsed Title IX for all the rights and requirements and translated them into everyday language that is clearly aimed at the campus community. The page centers impacted persons by focusing on the rights they have when it comes to experiencing equal education and when are impacted by sexual misconduct. This is drastically different from every other USM website that I analyzed and is also distinctly different from the policies. The Towson University page is not about preventing liability but empowering community member and victims. Through the community centered approach TU sends the message that they authentically care and want community

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members to know their rights. They take the burden off the reader by not making them

go to the policy itself and glean it (hopefully correctly) for this information. Instead, this

approach shows that the university thinks educating people on these rights is their duty

and they are serious about fulfilling it. Towson also takes ownership of two other key

values that emerged from policy and those are transparency (sharing details and process

in a thorough and accessible way) and educating (we want you to really understand so

you can act on what is best for you). Since the page is so focused on the well-being of

the student/community member (it is outwardly focused-empathic rather than internally

focused on institutions-narcissistic) this page is evidence of a culture of care.

Part of this culture of care is also expressed by language used which shows the

university is committed to the requirements of Title IX. For instance, Towson states that

schools that do not deal with sex discrimination are creating hostile environments such a

statement places the onus and responsibility of eliminating sex discrimination clearly on

the institutions and not on impacted persons. The webpage also states several times that

schools are obligated to not only eliminate sex discrimination but to remedy its harms and

prevent recurrence. The addition and transparency of using the word remedy is important

to a culture of care as it shows that the university has a responsibility to make it better

when it does occur. This approach reflects a proactive attitude that is built into Title IX

but frequently overlooked as a key institutional responsibility. Expressing a commitment

to not just respond but to prevent and fix sexual assault engenders trust and establishes a

notion that justice matters here. Words matter and this is a case that exemplifies that. By

using "You have a right to…" and "Your school must…" expresses a mutual sense of

power and responsibility. This is an act of equity in that it is showing us that they want

folks to know their rights and to be able to act on them rather than creating an imbalanced situation where one party does not have enough information to do what is right for themselves. It also shows that Towson is not hiding from this particular social problem.

There are other ways to go above and beyond when it comes to the enabling value of equality. Most notably is an effort to resist rape myths and related gender stereotypes regarding sexual activity. Challenging these deeply held notions about gender and sexual activity are key to solving an underlying problem that facilitates sexual assault to take place and facilitates a lack of accountability for the perpetrator when it does occur. Schools that make efforts to challenge and change rape myths and gender stereotypes are working to eradicate the disease of inequality rather than simply treating its symptoms. Title IX does not require this specifically, but it will be necessary to creating enabling conditions. Seeking out the roots of inequality will help HEIs solve sexual assault on campuses and doing so demonstrates s a more complete commitment to equality as a campus wide value. There are four school websites, that made some attempt to challenge myths and stereotypes, which include: Frostburg, Salisbury, Towson, and University of Maryland (to a lesser degree). Most of these are sort of general myths discussed in the context of other related sexual assault information. The standout in this case is Salisbury which dedicates an entire page (hosted by health and counseling) a fairly comprehensive page, where they work to debunk more than a dozen myths.

A specific myth that deserves attention is the notion of who can be a victim of sexual assault. For the most part we tend to talk about women as victims. Awareness campaigns have been conducted to inform and educate people about the particularly high rates of assault happening to women of color and members of the LGBTQ+ community.

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As discussed in earlier parts of this paper, statistics confirm that these are highly impacted people. The challenge is that we must continue to expand our understanding of sexual assault and that must include the fact that boys and men are also victims. When we talk about equality as a value on campuses, it is useful to apply it with a sense of consistency and integrity. Which means we must be able to see men as vulnerable to sexual assault. Doing so challenges our notions of masculinity and the stereotypes that go with it. The idea that men can be victims flies in the face of gendered expectations and stereotypes of men. For instance, it pushes back against notions that men always want sex and therefore cannot be sexually assaulted because they are assumed to always be consenting by default. It also encourages us to start treating sex as a truly reciprocal interactions where the people involved are both looking to check for consent and feel responsible for doing so. Doing so works against gendered power imbalances.

Frostburg, Salisbury, and Towson all include information on their web sites about how men can be victims of sexual assault. Frostburg provides a fact sheet from MCASA dedicated to statistics on male sexual abuse and assault. Salisbury addresses it in two different places. It is first addressed on a "Separating Fact from Fiction" page as one of many myths they attempt to debunk. It also shows up on a page dedicated specifically to "Male Sexual Abuse." This page talks about the rates of male abuse being higher than we think and that male rape happens in everyday society, not just in prison and that men can be especially stigmatized for being a victim. Towson addresses the issue very briefly on a fact sheet entitled, "Sexual Assault: You are Not Alone."

Subsection 4: Diversity

While some evidence of gender equality is present in the web analysis conducted here, there is very little information regarding diversity in the context of sexual assault on these sites. As mentioned in the section above, some of the HEIs discussed men as victims. Salisbury is the only school that dedicates web space to discussing other ways victims are diverse. Salisbury specifically dedicates a page to supporting victims of sexual assault who are member of the LGBTQ+ community. For the most part, this page presents statistics on sexual assault and other forms of sexual misconduct experiences by gays and lesbians and to some degree trans individuals. The focus in clearly on education and how to be supportive if a friend is assaulted. However, none of the sites discuss sexual assault in the context of race and ethnicity, immigrations status (what if the victim is a dreamer), cultural background, religion, ability, etc. These things are important is making sure impacted persons receive the help they need and want in culturally sensitive ways.

Section 5: Emerging Values

Emerging values were an important aspect of Phase I of my analysis. They emerged from a noticeable lack of their existence but the logical need for them to be in place for enabling conditions to truly exist. I was expecting to some degree that the emerging values of culture of care, education, transparency, and integrity be more evident on the web. The widespread accessibility of the web would seem to point to it being an excellent platform through which to educate, provide clear information on processes and procedures, and to demonstrate a commitment to integrity and accountability to those we have been victimized and the community in general. Unfortunately, this just was not the

case. With a few exceptions (mostly flyers provided by organizations outside the

university) a culture of care where the universities lead with empathy is very limited.

Four of the HEI websites had places where they attempted to send the message that

sexual assault is never the fault of the victim. This is a key messaging strategy for the "I

believe you approach." In two of these cases, this message was neutralized by other

language on the website, which was unfortunate. Some websites presented some

information that bought into rape myths and placed blame on victims for drinking or not

taking what they defined as the proper safety precautions. In this way, the culture of care

was sadly lacking in almost all websites.

The same is true for education. Websites are a great way to educate on complex

topics, but little efforts were taken to use them in this way. All ten sites mention that

education or training is required and stated who needed to complete this training.

Frequently, there were links provided to these trainings which were password protected

for community members only. However, no website made a concerted effort to provide

educational tools to support these trainings. At best, I would say that Salisbury's myth

busting attempts were the best educational tools evidenced on all ten sites. Some schools

included videos that they may have interpreted as forms of education but were without

enough context and support information to be particularly helpful to the average

community member. This is a great opportunity for HEIs to use their knowledge of on-

line education to provide open-access education materials.

Website also seem ideally suited for HEIs to be transparent about not only policy

and expectations but the corresponding processes and procedures. I suppose it is not

particularly surprising that these are not included on the website because as I mentioned

in phase I, these were also separated from sexual misconduct policies for the most part. The majority of the ten USM institutions do provide links to documents that deal with reporting, investigation, and adjudicated. However, they are not directly revealed on the web. There is information on reporting but like the policies it lacks clarity about confidential disclosure versus reporting. Reporting is made to seem required and when there are different options for reporting, the web site does not seem to provide an explanation that would help impacted persons decide which route is best for them.

Finally, integrity is outrightly missing from the web. This may in part be driven by the fact that HEIs do not traditionally think about being accountable to victims. Rather, Title IX influences them to think of being accountable to the federal government. This can be reframed to think that the federal government is mandating these things because they want the institutions to be accountable to the treatment they afford sexual misconduct victims. The closest a school gets to integrity is the language that TU uses to presents community members with their rights if they are to unfortunately be a victim of sexual assault. This approach frames the universities as having duties and obligations to studies, which then implies that there is the possibility for accountability when those duties are not fulfilled. However, there is no information on what the institutions is committed to doing to ensure their obligations or how they will hold themselves accountable if they fail.

Section 7: Conclusion

I initially expected that the ten websites analyzed here would be some of the more exciting aspects of this research project. Websites are such an easy way to reach out to a community and provide members with information, guidance, and support. It also

provides more freedom in the language that can be used to describe what Title IX requires. It is also a place where supplemental programs and additions approaches to prevention and response are located. The results here overwhelming indicate that the websites as a whole are not great bastions of knowledge and support. Rather, HEIs use these sites as mechanisms to facilitate reporting. Impacted persons can click a button on a web site and be taken directly to a reporting form. This would be great if those links existed in a culture of care. Unfortunately, web sites become a place to reiterate Title IX mandates and highlight limited aspects of an individual school's policy. However, a small minority of websites are setting examples of ways that the web can be used to challenge all number of biases and specifically rape myths. Since much of the content that creates enabling conditions comes from health and mental wellness departments on campus, it may be time for institutions to consult their expertise and employ their passion to help build a culture of care. The web portion of my analysis demonstrate that there are numerous untapped opportunities on USM campuses to promote enabling conditions and in turn create a culture of care.

Chapter 7: The Road to a Culture of Care

The analysis presented here demonstrates that Title IX is quite influential in the sexual misconduct policies and corresponding websites that I examined. However, I was also looking for evidence of a culture of care, a culture that facilitates the prevention of sexual assault and enables impacted persons to feel comfortable and supported in reporting their assaults. To assess for a culture of care, I analyzed policies and websites looking for key values called enabling conditions that I theorize are necessary characteristics to such a culture . My results indicate that the enabling values of bodily integrity, personhood, equality, and diversity are present in minimal quantities and sometimes not at all. I also found numerous themes driven by other gaps in the information that I evaluated. These findings are useful in their own right. However, I wanted this dissertation to not only be an analysis of my research questions and presentation of my findings. I chose public policy as a discipline because policy is a thing we do that in turn influences what many folks do. Policy is an action and a process. I want to apply my theory of enabling conditions and my respective findings to the actual policy process. This chapter presents my attempt to do just that. In so doing, I hope that its contents serve as a roadmap to creating cultures of care across US campuses. This is my way of enabling the prevention of sexual assault and the promotion of just and beneficial reporting.

Section 1: The Roadmap

The roadmap that I present here will use three chunks of information. The first chunk comes directly from the original theory of enabling conditions presented in chapter 4. This chunk can be thought of as a set of institutional values. These are the things colleges and universities will place at the forefront of their values system if they are serious about achieving a culture of care. They will value bodily integrity, personhood, equality, and diversity. The second chunk of information is derived from the results of my analysis. This chunk can be thought of institutional characteristics or institutional behaviors required for a culture of care. These are supportive behaviors allow the values in chunk one to be realized. For instance, HEIs can say "we are educational, transparent, compassionate, and accountable (integral)." Or they can think of enabling a value via these characteristics. "We promote the value of diversity through education, transparency, compassion, and accountability." The third and final chunk of information involves the policy process itself. I will focus on four major components of the process, and these include context, content, implementation, and evaluation. Context refers to the social environment in which policy is mead. It will focus on people, presence, and power. Content refers to the actual text in policy and websites. Much of my time will be spent here as my analysis provided me with important information with which to contribute. Implementation is about the process of using sexual misconduct policies and emphasizes the spirit with which HEIs receive reports of assault and how they respond. Finally, evaluation is a necessary step in the process and involves HEIs checking their work on a regular basis to take stock of their culture and commit to continual improvement.

I do not provide a prescriptive way to use this roadmap because every institution is unique. They have unique policies, populations, and priorities, and I created the model to be used from wherever they are at as an institution. I do recommend beginning with actions that are low stakes, where the focus is coming up with ideas without pressure to define specific actions and policy content right off the bat. Table 2 can be used to help get the process started. Each cell represents an intersection of a value or a characteristic with a particular step in the policy process. Cells will likely not be even, meaning that some intersections may need a great deal more attention and information than other cells. For instance, what does the value of bodily integrity look like in the policy context. It may include a couple things like keeping the policy making committee safe in body and employing committee members who understand and value bodily integrity. On the other hand, the intersection of policy content and personhood will be quite long.

This brainstorming guide is just a beginning. I envision that a particular institutions' roadmap will become more complex and integrated over time. As the policy committee works through the values and characteristics in each step of the policy process, a clearer and more specific roadmap will emerge for how they will create their culture of care. I expect that a final guideline will likely take the form of table 3. Mind you this is a sample and is short. The real table will be a long document and different aspects of that resulting document will become the responsibility of various offices and individuals on campus. For the sake of transparency and accountability, HEIs should share their roadmap with the campus and offer it up for community comment. This document should be considered a living one that will evolve over time with feedback and new ideas.

What I present here are my ideas based on my knowledge of sexual assault occurrence and response on college and university campuses combined with my research and the policy process. This is meant to be a beginning and I hope that over time it can become a collaboration among scholars and universities to more completely understand and apply the framework presented here. I also hope that over time that such collaboration also serves to expand this model to include more enabling conditions and that perhaps this model can be used to help us solve other problems that involve issues of bias and culture.

Section 2: Policy Context

To set effective policy requires HEIs to look at the policy process itself and the context in which that policy is made. The policy context describes the social environment in which the policy process takes place, particularly the environment in which policy content is created. Policies are generally the product of a long and extensive set of discussions, negotiations, and information finding. The decisions that are made about content and corresponding procedures reflect the findings, perspectives, and biases of the influential people involved. I use the word influential to emphasize that a seat at a committee table does not necessarily guarantee a voice or influence in the respective discussions and decisions. Therefore, in this section I will discuss the need for a heightened awareness of the policy making process with a focus on the social environment.

Of especial importance to the environment are the people who inhabit it and interact with one another as they form or update sexual misconduct policy. One of the key concerns discussed in chapter two of this dissertation and later in my findings is the

issue of bias. People have biases whether they are aware of them or not. This can leak into policy. My analysis indicated that bias leaks into policy via language and through actions of omission. Therefore, when tasking individuals or groups with creating sexual misconduct policy, HEIs will need to be highly mindful of the potential biases being brought to the table.

To do so, they need to ask a series of important questions that show their understanding of power imbalances on campus and both explicit and implicit biases. Questions may include the following: Who is involved in the policy making process on a particular campus and why? Who in the policy process has greater ability or more power than others to influence content and decisions? Are privileged individuals or groups of those individuals consciously and/or unconsciously steering policy to reflect their own beliefs and values? Are the people who are impacted by the policies represented in numbers and possess both power and influence? These are just some of the questions that enabling conditions prompt us to ask and to legitimately answer.

The main concern within the policy context is that committee members not only understand the serious nature of the work they are about to do but also fully embrace the enabling values themselves. Committee members can be considered a gateway to good policy, and I recommend that HEIs imbue these individuals with the sense that they are the stewards of community safety and well-being. Remember that enabling conditions are about challenging the traditional ways in which people think about human choices and behavior. The specific challenge with policy creation is to think differently about the policy making process itself. Remove the focus on producing a document (policy making is the goal) and replace it with the purpose to produce a campus community where sexual

assault is rare and reporting is beneficial to the victim. Their assigned mission is about

humans and improving their lived experiences on or near campus. If members of sexual

misconduct committees do not understand both the importance and value of all humans,

especially those likely to be victims of sexual assault, this will be a barrier to others on

the committee to achieving a values-based policy. In the worst-case scenario, it could

completely block the values from being addressed at all or even work to undermine them.

In addition to picking the policymakers with values in mind, colleges and

universities will have to prep the surface. If one starts throwing paint on the wall without

removing the cobwebs, dust of past years, or filling holes, then the finished product will

be painted but quite flawed in numerous ways. Ultimately you will fail to achieve the

true outcome you were aiming for. Policy making is the same, and HEIs must recognize

the need to plan for the policy making process; to prep their surface by not only choosing

people who are committed to a values-driven policy that will create a culture of care, but

they must also prepare these folks for their work. Like the results on the analysis above

clearly point out, enabling values cannot be assumed. HEIs cannot assume that those

entering the institutions and participating in the making of policy have a thorough and

meaningful understanding of valuing bodily integrity or personhood or equality and

diversity. They may have general ideas and definitely have committed their conscious

minds to these values. However, they will need the details and specifics of how these

values play out regarding sexual assault[18]. To prep the surface, committee members must

participate in thorough training. This must be significantly above and beyond what the

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[18] Most individuals on campuses do not know a great deal about the details and procedures involved in sexual assault reporting let alone prevention. Even those with the best of intentions will have knowledge gaps that need to be filled.

average student or employee is required to complete. It is in the best interest of the HEI and the community in general that the folks entrusted with creating and maintaining policy and procedure about sexual misconduct should in fact be trained experts on this complex topic.

Subsection 2.1: Personhood

Now, that is not to say that only those who are PhDs or JDs should be members of this policy making committee. To the contrary, to truly demonstrate the enabling values presented here, committees are called to be both diverse and inclusive. The values of personhood, equality, and diversity all require that specific groups be represented in the policy making process. If personhood is essentially about individuals maintaining self-determination or control over their experiences, those people who are more vulnerable to the impact of sexual assault will need to be at the table. The significant presence and involvement of these individuals is putting personhood into action. The actual act of participating in making sexual misconduct policy, contributing to recommendations and decisions is an act of self-determination for those who are most impacted by this social problem.

Inclusive committees also reflect the values of equality and diversity via tangible action and can equalize the playing field and the policies they produce. Traditionally, white men have had great control of policy making at higher education institutions (Cole and Hassel 2017; Longman and Madsen 2014). Not only have they made up the majority (sometimes all) of the members on policymaking committees, but they have exercised the most voice and power over what such committees produce. If such men have been exposed to traditional masculinity and rape myths and scripts (which is very likely), this

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will be reflected in the resulting policy. Most men are exposed to and have internalized these beliefs without being given the tools to challenge and change them even when they do have the intention to do so.

Subsection 2.2: Equality

To create sexual misconduct committees that reflect and reinforce the value of equality, women must take up substantial space on such committees. Now, simply adding women and stirring does not automatically or positively transform committees and the policies they produce. This enabling value requires that there be equal amounts of power and resources between men and women. In a policy context, this means that not only do women have to be at the table, but they must possess equal power and resources in the policy process and authority and influence over the final decisions. This condition holds our collective feet to the fire on our explicit and our implicit biases. In particular, men must challenge their own biases in their level of respect for women on sexual assault policy committees. Drawing on the forces of socialization discussed above, most men will enter into such committees with some sort of bias against women and their capacity to propose, create, and make decisions about important policy issues like sexual assault.

An interesting flip side of respect for women comes across on the surface as equitable between men and women, but in reality, is anything but. This is the habit of "letting" women deal with "female issues." We see this in the description of congressional staffers working on the Violence Against Women Act. The committee was overwhelmingly made up of women and those women were assisted overwhelmingly by female staffers. This situation can be interpreted as women getting and using power to make legislation. However, it can also be interpreted as men dismissing women's issues

as not worth their time. An issue labeled as a female issue, driven primarily by female wants and needs can be interpreted by men as less important than other things, and therefore, they disengage and put their time into something else that is traditionally deemed more high status by male standards. This is not equity. Nor is the fact that male staffers who were very interested and committed to VAWA felt unwelcome or felt steered away from participating for various reasons (Bell and Rosenthal 2003).

An equitable committee will be made up of men as well as women and those with varying gender identities. The importance of men being present is not for the sake of some notion of fairness, but that men have an obligation to represent masculinity in a way that is positive. These folks need to represent the men who are ready to challenge male stereotypes and serve as role models to men on their campuses to do masculinity better. Enthusiastic participation on sexual misconduct committees by those who identify as men is incredibly meaningful. Such men become role models who symbolize that sexual assault is not a "female issue" but is in fact also a male issue. It also sends a strong message to the campus community that men too are responsible for stopping sexual assault and caring for those who are assaulted. Finally, it opens the door to defining masculinity differently and making room for an understanding that men are victims too.

Subsection 2.3: Diversity

Women and victims of sexual assault are not monoliths. They come from a variety of intersections of gender and other characteristics. To demonstrate the value of diversity in the policy context and process, diverse women and men must be represented and perform an active role on the policy making committee. It may be impossible, for now, to achieve this representation as social constructs such as racism and other biases

have limited the number of minority faculty and staff that exist in the United States. What has tended to happen is that the few underrepresented minorities on campus are pressured to be the face of diversity on every committee formed at the university. This is a burden for these individuals, pulling them away from other responsibility such as scholarship and teaching.[19] The challenge is that HEIs do need to guarantee that the views and experiences of minority community members are successfully represented without placing undue burden on their time and energy. The people on the committee making the policy need to ensure alternate voices are sincerely acknowledged and seriously considered when making and finalizing policy. People of privilege must become stewards of equity for groups other than their own. There is a fine line here though, privileged people cannot assume to know the needs of unrepresented parties and must do their own research and interviews on the topic to find out. Otherwise, assumptions can serve to reinforce the status quo and even exacerbate stereotypes and discrimination. In this day and age when we know so much about oppression and discrimination, the lack of a physical body representing a group on a committee is no longer an acceptable excuse to exclude diverse needs and views from policy and resulting decisions.

Section 3: Emerging Values

Subsection 3.1: Compassion

It is also these committee members that will craft a policy that emphasizes the emergent value of culture of care. This approach is characterized by the "Believe Her" or

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[19] Research shows this can impact the tenure of people of color as they are forced to spend too much in service rather than on research and writing.

an "I Believe You" approach where victims are met with empathy rather than suspicion. The education and training that I will discuss below will hopefully establish this culture of care in the members. The value in the policy context can be thought of "experts with empathy." Furthermore, those charged a steward of an institution's sexual misconduct policy will understand that a key task is to make culture of care a theme of the resulting policy itself.

Subsection 3.2: Education and Training

Making these values real will also require HEIs to embrace their position as an institution of education and in fact educate. A key part of prepping the surface to create a desirable policy making context is education and training. An institution cannot stop at recruiting a policy making committee that is committed to enabling conditions and is both equitable and diverse. HEIs then must take the next step and immerse them in educational experiences that result in expertise on sexual assault and other forms of sexual misconduct. Doing so means these policymakers are themselves enabled to create policy that effectively represents the enabling values of bodily integrity, personhood, equality, and diversity. Doing so will also enable them to create policy that is educational, transparent, compassionate, and accountable. By training and educating the policymakers before they make/alter policy, institutions show their commitment to enabling values and that they take their stewardship of campus well-being very seriously.

The content of the training curriculum can certainly vary from institution to institution. Schools should feel free to add other values and topics into their training that they have found to be important. A mission and vision may also be helpful in guiding the committee as they craft a new policy. A mission and vision can also serve as a guide to

those tasked with preparing the committee for their important and sensitive job. A good instructional designer with expertise in sexual assault and misconduct can create a curriculum with learning objectives for each value. Perhaps the curriculum created for the policy-making committee can also be used to create educational materials and experiences for the wider community on the values and policy itself.

Subsection 3.3: Transparency

In addition to this "experts with empathy" approach, HEIs need to be both transparent and accountable in the policy context. Transparency could take the form of a call for members interested in participating on the committee or being readers of the policy before it is ratified. It could also take the form of published website information of who is on the committee, what their qualifications and interests in the committee are as well as information regarding the depth and breadth of their training for this responsibility. A mission and vision for the work of the committee would also been ideal in that they can communicate their philosophy of creating a culture of care that is value driven and that is accountable to the campus community.

Subsection 3.4: Accountability

The methods of accountability should be included. There are many ways to create accountability. In this case I recommend that a draft of the sexual misconduct policy be submitted to the wider community for comment before it is officially published. In this way, all people have an opportunity to have a voice and express needs and opinions regarding the policy. It is a way to be accountable, inclusive, and thorough. In a more formal manner, official comment can be requested from other groups or committees on campus that could act as further stewards of enabling values. Such committees may have

to do with women, people of color, LGBTQ+ folks, and offices that traditionally provide support services to impacted persons. Veto options may even be created and granted to specific groups. Further accountability will require regular reviews of the policy by the original committee but also via various other feedback mechanisms to assess the impact of the policy on survivors as well as campus culture

With this in mind, colleges and universities have more to do than may usually be the case when putting together a committee. Not only do they have to be strategically inclusive about the members on the committee, they also must be aware of those members commitment to the issue of eradicating sexual assault on campus and holistically supporting victims of assaults that do occur. In addition to that, HEIs then must prepare the committee members to create/alter a sexual misconduct policy based on enabling values.

Section 4: Policy Content

The analysis presented here shows that enabling values are not currently addressed in a significant way in sexual misconduct policies at USM institutions. Instead, the policies are heavily influenced by the need to comply with Title IX, presenting content that is very much couched in the language of the criminal justice system rather than a specific set of human centered values. This is certainly understandable as institutions will need to continue to comply with Title IX into the foreseeable future. However, the need to comply with Title IX does not preclude HEIs from going beyond the mandates of the federal government and their respective states. In reality, these mandates are meant to be minimum requirements and obligations of institutions on this matter. If HEIs want to do better than the bare minimum required by

the government, they must, to some degree, change their approach to the content of the policies themselves. Policies that set a higher standard and center the well-being and dignity of those involved must specifically address each enabling value. In fact, I would encourage colleges and universities to do a full values audit for the values addressed here and include other values that are important to their communities.

Before I dive into each enabling value as they relate to policy content, I want to emphasize the need for clarity and connection in the policy itself. These are themes that should run throughout the document no matter what topic or value is being addressed. An effective policy will lay out clear standards of behavior along with why that standard is important to the community. Doing so will remove ambiguity and assist people in understanding why they are being held to a particular standard. To achieve this goal, I encourage HEIs to use plenty of examples and scenarios, deeply examine their language for ambiguity, and take the time to explain their values and goals throughout. They should be mindful to address all aspects of the post-assault process in a single policy. This will mean that reporting options, investigative procedures, implementation expectations, and plans for evaluation and accountability measures be included in addition to addressing sexual misconduct itself. It is through this holistic approach to content that the cultural norms on campus will be challenged and altered. This is the foundation for a more ethical and humane university culture. It can become the non-discriminatory environment in which to learn and work.

Subsection 4.1: Bodily Integrity

A policy that enables the prevention of sexual assault and promotes beneficial reporting must first state that the university values the bodily integrity of all people,

particularly those vulnerable to this crime. By clearly stating the value, the institution

immediately sets an expectation for all involved about what is valuable. Furthermore, it

must state that it expects community members to understand what bodily integrity is and

to behave in ways that reinforce bodily integrity. However, as indicated by my analysis,

bodily integrity is often falsely assumed to be understood by community members. HEIs

tend to think that people on campus understand sexual assault as bad because it violates

someone's body. However, this assumption is premature since current social norms

demonstrate that we collectively value some bodies over others. Policies must therefore

define and explain bodily integrity. Bodily integrity is the right to security in and control

over one's own body. No one is entitled to touch or use another's body without

expressed permission or to provide life-saving care. Furthermore, policies will need to

promote bodily integrity in community member's attitudes and behaviors. The language

of the policy and the purpose of the policy must therefore recognize and reinforce this

right.

In terms of sexual assault on college and university campuses, security of body is

a major concern. While we typically think of "true rape" or sexual assault as the

stereotype often depicted by rape myths where a stranger uses physical force to commit

the crime, these assaults are in fact the exception to the rule. Acquaintance sexual assault

is far more common, especially on college campuses (Copenhaver and Grauerholz 1991;

Gidycz, Warkentin, Orchowski, and Edwards 2011; Planty et al. 2013). There can be a

tendency due to gender socialization and acceptance of rape myths to think of these types

of assaults as non-violent or what some have conveniently labeled gray rape (Harding

2015; Valenti 2010). However, security in one's body is indeed violated even when

physical force is not used in sexual assault. The message therefore in the policy needs to be explicit that bodies are off limits without communication that expresses enthusiasm to participate in a sexual encounter.

What does this mean for potential impacted persons? Security in one's body means that a woman exists in a community that accepts women's bodies as respected, not for the sake of objectification or for the purpose of serving others. No one is entitled to her body. The value of bodily integrity should be expressed as an inherent value that comes with being human. Therefore, any use of coercion, entitlement, threats (verbal or physical), and use of chemicals to use a body in a way she has not defined is a lack of security. Therefore, sexual assault policies at higher education institutions must specifically address these issues as they relate to Bodily Integrity. Security comes with the confidence and knowledge that the community assigns all bodies a sacred status, and that no other body has a right or entitlement to another even when she is unable to express consent or lack thereof. This status is equal across all bodies and no one body should be assigned more Bodily Integrity than another.

Also important to establishing a value for Bodily Integrity is the concept of incapacitation. Incapacitation is an essential and required concept to be included in depth and breadth in sexual misconduct policies. Bodily integrity can be hard to grasp without strict guidance and expectations. Lack thereof can create and maintain the precarious position of vulnerable people in the community. Many victims of sexual assault are violated when they are incapacitated meaning they could not exercise their personhood and make their will effectively known regarding a potential sexual encounter. In the past, society and HEIs have broached this topic with admonishments for potential victims to

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not drink that much, don't go anywhere alone, don't leave your drink unattended or accept drinks from someone, etc. This approach does not reflect a value of bodily integrity or an effort to teach people that bodies are sacred. This response reflects gender power imbalances and places the onus and blame on victims when they are the ones who have been violated. The value of bodily integrity requires all people to respect all other people's bodies no matter what. Any violation is not the onus of the victim but the onus of the perpetrator. If this value was widely internalized and required in the criminal justice system, people like Brock Turner who rape incapacitated women would clearly be judged in violation of the law and punished more severely.[20]

To assist in the effectiveness of HEI sexual assault policies to show and explain bodily integrity, common rape myths and scripts should be refuted and clearly delineated as prohibited behavior. Colleges and Universities do not need to call them rape myths per se in the policies. There are many ways they could successfully address the false notions and correct them. Examples of common beliefs and behaviors could be used with explanations of why these do not meet the university standard. An effective policy about a social behavior like sexual encounters may need this more than other policies dealing with less relational issues. To enable the prevention of sexual assault, it is helpful for community members to know what behaviors are not acceptable and what behaviors to choose instead.

Subsection 4.2: Personhood

A values-driven policy that creates enabling conditions will also need to take a thorough approach to Personhood. In my analysis, evidence of these values was seen

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[20] Brock Turner was punished with a year in jail and served only a handful of months.

when policies addressed consent, coercion, and control. I will address all three of these topics in this section with suggestions on how HEIs can address them. I believe that what I provide here is just a start but expect that Personhood will likely be the driving value of sexual misconduct policies. As enabling conditions as a guiding theory takes root, I hope that HEIs will come up with additional ways to expand the values present in their value systems and in all their policies. Therefore, this section is not exhaustive in the ways institutions can embed personhood into their policies, but it is a way to get started.

Consent: As the analysis shows, USM schools do a decent job of describing what is and is not consent. The act of consent or denying consent is the ultimate act of personhood when it comes to sexual assault. This is an act of self-determination in which an individual says yes, I want to do this or no, I don't want to do that. Life would be easier if such statements were always followed by compliance. They unfortunately are not. Universities should continue with their thorough approach to consent and expand their use of examples and demonstrative scenarios in the policy itself. I also challenge them to place consent within the value-driven approach promoted here. The policy should continually reinforce the idea that when all those involved enthusiastically consent to sexual interaction, that is great and relatively easy to accept. However, if the persons involved do not both enthusiastically and soberly consent, then a denial, refusal, or rejection is harder to accept. Despite the difficulty and disappointment, a lack of consent needs to be accepted and respected the first time without further ado. This is something that policies do not address but is key to truly teaching a socially meaningful and effective form of consent. Anything else is just for show.

Coercion: This brings me to Coercion. Anything other than acceptance and respect for denial of consent in a potential sexual encounter is coercion. As the above results point out, the policy approaches to coercion were disappointing in their fuzziness. This lack of clarity leads to potential loopholes or misunderstandings by those who are being asked to comply with the policy. HEIs can and should take a clean and clear approach to coercion. Removing the language like "unreasonable pressure" and stating that any pressure to change someone's mind who has just denied consent is in fact coercion. Sex is not a legal or corporate proposal about which people negotiate deals. Consensual sex is straightforward deal or no deal. No negotiating, no pressuring, no haggling, no manipulating, no blackmailing, etc. The language of some or a bit must be completely and utterly avoided. Ideas of gray areas are leftover vestiges of an imbalanced gender system (thanks patriarchy) in which men have controlled the narrative of sex and assault to benefit their male entitlement (Kimmel 2008) and requirements to be powerful and successful.

Discussions of consensual sex versus coercion can reframe how people think about the issue of sexual assault. If gender disparity and rape myths frame the line between sex and sexual assault as hard to define, the ability to think about it in other ways can be clouded. It can prevent policymakers from seeking other perspectives through which to view sex, consent, and coercion. In other words, the current lens we use to interpret sex and sexual assault limits our ability to redefine how we think about this topic. It hides from obvious view the fact and we can think about it differently and deal with it differently. Gray area serves people who use coercive techniques to obtain sex without labeling themselves as perpetrators, rapists, or criminals. It makes their

actions more socially palatable which then abets them in avoiding accountability. This is in fact systematic. Policymakers can free themselves of these mental constraints, let the value of Personhood guide them, and clearly state that the expectations of obtaining authentic consent without pressure are clear, straightforward, and will be punished.

      Confidentiality: If personhood is the right to self-determination, confidentiality is an essential ingredient to a sexual misconduct policy that embraced and embeds this value. Perhaps a different word or clearer terminology can be achieved via discussion among the expert committee members who are charged with creating the policy content. For the sake of consistency with my analysis above, confidentiality is an issue with post-assault disclosure and potential reporting to the university. To provide self-determination to impacted persons, colleges and universities need to shed their fear of encouraging victims to seek out confidential conversations and advice in the aftermath of assaults. Those who have been assaulted need the ability to freely consult someone confidentially in order to process their experience and be afforded the time to understand their options and receive comfort. Impacted persons need to do so without the pressure to immediately make a report to the University. No victim of sexual assault should be subjugated to further coercion to do something they may not want to do.   No one should make a choice about reporting to the university or police in a vacuum especially when the reporting system is often painful for victims. Rather HEIs can commit to demonstrating their value of personhood by facilitating confidential discussions between victims and confidential sources who are widely available and readily accessible. The initial conversations victims have should be about getting advice from those who are not obligated to escalate a disclosure to a complaint.

If colleges and universities authentically desire to achieve full reporting they need to realize and accept that their current methodology and approach is facilitating the opposite. Currently the reporting structure is misleading practically catfishing victims who disclose but do not want to report or who are not ready to report. The structure is additionally problematic as the process proceeds to investigation and adjudication. The experiences of survivors reporting are generally negative and re-traumatizing. HEIs need to understand that this is their problem and not the problem of the victims. However, they can in fact facilitate beneficial reporting by reworking their post-assault response processes. The process should support the victim and it should steady and strengthen her, make her feel cared for and deeply heard and acknowledged.

I am keenly aware that an emphasis on confidential post-assault support may seem to conflict with Title IX as it has typically been interpreted. What I propose here is messaging in policy and on websites that impacted persons speak with someone confidentially before reporting. This should communicate that the University cares about victims' well-being and is authentically invested in getting her safe, getting her medical care, and getting her support of all sorts. Confidential resources can explain all of a victim's options in an objective way and act as a fiduciary for their choice to report or not. Essentially confidential resources can serve as advocates that know the ins and outs of that particular university's reporting, investigation, and adjudication processes. This does not prevent HEIs from complying with Title IX. The impacted person may still choose to file an official report, but the decision will be hers and not a result of disclosure to someone with an obligation to deny their self-determination by reporting on their behalf. As long as reporting remains unbeneficial to victims (see below for more info on

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this), forced reporting through responsible employees is an exercise in undermining trust in the institution. Policy content will have to be reworked to create this new human-focused approach to reporting.

Rape Myths and Scripts: Many of the rape myths and sexual scripts in the world have to do with devaluing the personhood of the impacted person. They devalue in a couple ways. First, they devalue an impacted person's right to self-determination by making her consent or lack thereof questionable. Many rape myths posit victims as coy liars who say no when they really mean yes. This is a false narrative used to manipulate others into interpreting what was really sexual assault or rape as consensual. In doing so, it delegitimizes people's, particularly women's, ability to authentically say no. In this form of gaslighting, all nos become yes enough. While the myth is focused on women, this same manipulation can be used to victimize members of the LGBTQ+ community, people of color, and others who have less power over their lived narratives than do privileged groups.

Many rape myths also portray victims as liars and manipulators themselves. Those with privilege use these false narratives to draw attention away from their own actions in which they choose not to accept and respect someone when they are denied consent. It is also used as a cover in those situations in which they did not attempt to obtain consent at all. This may often be the case with incapacitated, coerced or forced assault. In this use of rape myths, victims are portrayed as the perpetrators. Impacted persons are portrayed individuals with limited scruples who give false reports to cover for bad sex, unwanted but consensual sex, sex they regretted, or to punish and manipulate men for other stereotypical reasons. This normative way of perceiving sexual assault

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plays into stereotypes about women, people of color, LGBTQ folks, etc. as less rational, intelligent, and moral than privileged men. Rape myths and other stereotypical scripts directly support the denial of personhood.

To combat the powerful and deeply seated notions about sex and sexual assault and to replace them with personhood values, HEIs will need to directly address this issue in their policies. Indeed, some of the website material found in my analysis purposefully wrote out myths and scripts and one by one worked to debunk them in brief but effective ways. This information should not be relegated only to websites but expanded to the policies themselves. The language in the policy may be different or more official than a website might present but combatting this form of bias must be included. I strongly recommend that the connection be made between the use of these scripts are attempts to avoid accountability for nonconsensual sexual behavior and this is never acceptable. The use of stereotypes like these is derogatory and is akin to hateful speech. Universities may consider the use of rape myths to be slanderous opt to address it in ways that align with their approach to other hate speech. Truly espousing the value of personhood will facilitate victims in maintaining their self-determination throughout the processes of reporting, investigation, and adjudication.

There is something potentially extremely powerful about an HEI recognizing these stereotypes and imbalances of power. It will serve to make women and other victims feel seen and affirmed. It is a demonstration of a "I Believe You" approach but also shows that the institution has your back. Refuting these myths and scripts also shows that the institution is keen to the ways in which reports of sexual assault are traditionally manipulated to further privilege the privileged. Increased trust from

community members can be achieved if the policy includes specific ways the institution will combat the use of myths and stereotypes. Engendering and maintaining trust in this way will lead to more reporting to the University.

Masculinity and Entitlement: Given the powerful nature of gender socialization, a values-driven policy that creates enabling conditions must address masculinity and its corresponding sense of entitlement. Sexual assault is an act that obliterates the personhood and bodily integrity of the victim. Policymakers would be misguided if they did not acknowledge that the disregard for consent and the sacredness of the body is masculine privilege in action. Sexual assault is the ultimate act of disempowerment for victims, sending a clear message that the victim's body and autonomy matter so much less than that of the perpetrator. With privilege comes a sense of entitlement that gives perpetrators the permissions to violate others without worrying about the potential ramifications for himself (Kimmel 2008). The point here is that gender socialization does need to be addressed in sexual misconduct policies if HEIs are to truly embrace personhood and work to establish it for all in their community equally. I recommend an emphasis under consent and coercion as well as incapacitation that no one is entitled to touch or violate another, period. It should be spelled out loud and clear that severe consequences will be handed down for sexual assault.

Restorative Justice: Title IX prohibits mediation when it comes specifically to sexual assault. Mediation is a process often used in the legal sphere to help two parties come together over a dispute and work out a solution between them. Instead of the court having complete control over their experience and outcomes, the two parties have more say over the outcomes with the court's approval. This is not allowed in sexual assault

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cases at universities due to worries that seem fairly obvious; the government does not want a perpetrator to potentially have an avenue by which to intimidate or manipulate a person they may be guilty of assaulting. However, restorative justice practices have been used on less serious forms of sexual misconduct on campuses and is permitted. One USM school does mention in their policy that this opportunity may be made available to victims. It has had some success and may be a meaningful way to introduce more personhood into the post-report process. In restorative justice, victims are given the opportunity to define justice on their terms. The goal is often to avoid strictly putative style punishments and replace them with acts of reconciliation geared to mending the emotional and social wounds inflicted on the victim and the community (Karp and Allena 2004). Taking a deep dive into restorative justice could improve the system for sexual assault and is worth at minimum exploration and perhaps even systematic implementation.

Again, the sexual assault policy will define what personhood means; women and others often victimized have a right to self-determination. This enabling condition challenges notions of masculinity, rape myths, and miscommunication excuses in that it emphasizes an individual as the only one with the ability and right to determine what she will and won't do. The policy must define to all, and clearly to men in particular who are accustomed to being entitled to women's bodies that women have a right to self-determination, including wanting and engaging in some forms of sexual connection, but not wanting to engage in other forms of sexual connection. She has a right to decide for herself both at that moment and in the future. One sexual encounter does not imply access to her body in any way at any time in the future. It also means that men must

learn to see any coercion, pressure, or violence to "change" these decisions as violations of the sexual assault policy.

Equality: Personhood will likely be a driving force in sexual misconduct policies but most of this value is related to internalized beliefs about gender. Personhood deals specifically with valuing self-determination especially among those people who have been systematically denied it in the past. Women and people of color in particular have been denied both bodily autonomy and personhood based on systems of oppression. The value of equality serves as a check, a firm push back against the gendered bias in our social systems, including the educational systems. This value also challenges HEIs to actively revalue what has been devalued in the past. HEIs can do this by acknowledging past gender biases and take action to correct gender imbalances based on the outdated premise that men are valuable, and women are other. To truly demonstrate the value of gender equality at colleges and universities, sexual assault policies (and other policies) need to account for gender inequality in significant ways. The content of a value-driven policy that seeks to create enabling conditions that results in a culture of care must address gender inequality head on by talking about its contribution to sexual misconduct and the historically unfair treatment of those who report sexual assault. This theme will be mirrored in the section below on diversity and inclusion.

My first recommendation may be a difficult one for universities to accept as it requires not only a sense of self-reflection on the institution's part but a willingness to honestly state its contribution and complicity in gender inequality in higher education over the years. To truly deal with a problem as expansive and intrusive as inequality, HEIs must name it to claim. It is only by claiming their part in the system can they

effectively work to move past it toward equality. My first recommendation is that universities claim this in their policies. They need to state that sexual assault is rooted in a larger system of oppression and that the institution seeks to remedy this through a policy aimed to produce equality for women and anyone else considered other. By doing this, HEIs state clearly and emphatically that they value women and the diverse individuals on their campuses. Women are valuable assets who deserve their institution's attention and care.

To support this claim and to show their value of women is legitimate (not an empty gesture to achieve amelioration), sexual misconduct policies need to describe the specific steps the university is taking to actively value of women. It would be helpful to also provide this information on their website, which will spread this information far and wide. In both the policy and the website, I recommend universities provide a mechanism through which community members can provide input and feedback on the women valuing actions. A true commitment will include the universities openness to critique on whether they are walking the walk or simply talking the talk. Policy makers at universities may even want to consider using "rights" language like that found on Towson's website. Their website does a couple of important things in its language usage. First, it uses foundation of school pride to describe what Towson Tiger do to prevent assault and support victims. It also uses language about what Towson Tigers have a right to when they experience assault. This has the effect of strongly sending the message that everyone is entitled to the safety and support that is meant to be guaranteed by Title IX. Other universities may want to use this approach to help emphasize the rights of all, including women. Ultimately, the enabling condition of equality will be supported by the

removal of gendered language even if it is legal language that is commonly used or language that is employed in the actual Title IX document.

Nowhere specifically in the policy should words or language trigger a sense of questioning in a victim or trigger feelings that their experience is not serious or important. Clarity will help impacted persons more easily name or label their experience as not okay and as a violation of the policy. This will require a removal of legalistic terminology from the policy. If the legal system was created by and for a specific privileged group, its language and statutes will continue to reflect those biases until that system is challenged and changed. Unfortunately, even good intentioned policy like Title IX falls victim to this. Until the system effectively challenges its biased foundation, HEIs will need to seek out the experts around them who study misconduct, who work with victims, and when appropriate, those who have been victims themselves. These are the people who should be centered when creating a value-driven policy.

These are also the people whose ideas and experiences should drive how we deal with implementation. I know that I promised to address implementation as a step in the policy process and I will. I present it here because my analysis shows that HEIs are thinking of policy and policy implementation as two different and separate entities when in reality they are two parts of a whole. One is just the phase where policy becomes a lived actuality for the impacted person and the people meant to be supporting her. I have frequently throughout this paper mentioned beneficial reporting and I have brought attention to the fact that beneficial reporting appears to be quite rare. So, not only do impacted persons rarely report to university officials or police but when they do, their experiences tend to negative. This reality indicates that implementation is not going well

and certainly is not representative of a culture of care. In fact, addressing equality within the implementation process by putting it in the policy itself is a way to further connect the value driven policy content to values driven behavior on the part of the university.

So, a significant content of the policy needs to be about equality in implementation. Not ironically, this is what many of the complaints to the federal Office of Civil rights are about. Impacted persons who reported felt that the treatment they personally received and the treatment their case received was lacking and even revictimizing. This revictimizing can be linked to biases about women and rape myth acceptance. In some cases, these biases are explicit and known by the people helping impacted persons, but they can also be implicit biases that are leaking into their attitudes and behaviors. This means that those people who are tapped with helping victims may actually be harming them emotionally and preventing them from obtaining accountability and justice. Again, to prevent these biases from influencing the rate of reporting as a result of the negative experience of reporting, institutions will need to build the value of equality into implementation procedures.

This what is very much behind the "Believe Her" movement. This messaging is an attempt to combat the biases typically encountered in reporting and investigation. Gender privilege has traditionally enveloped male perpetrator's narratives about consent, sex and sexual assault in a blanket of legitimacy while infusing victim narratives with doubt and suspicion. These are seen in rape myths and struggles with prosecuting sexual assaults. This bias is pervasive and using terms like "Believe her" are ways to bring attention to this bias. It is also the attitude with which HEIs should approach gender bias in the reporting and implementation process. Part of the content creation must include an

assessment of where gender bias is or could be leaking into the process and make a strategic plan for how that will be combatted. These ideas must be real and actionable and placed into the policy itself. "Universities understand that individuals are often hesitant to report sexual misconduct and they are afraid that people will not believe them or discount their experience as serious or legitimate. Here at xyz university, we will do everything in our power to avoid this. Here is specifically what we are doing to prevent bias in our treatment of impacted people and how we will care for you as you move through the process." Explain the ways. The policy then needs to lay out the detailed process and typical experience of an impacted person moving through that process. To engender trust that HEIs value women and have their backs in these difficult situations, then need to show exactly how they are removing gender bias from the process and treating them with the care and respect they deserve. This will likely mean that HEIs need to distance themselves from the criminal justice model in which they currently look to. Universities are full of smart and ingenious humans who can craft another way that is dignified and treats people according to the golden rule.

Diversity and Inclusion: Sexual assault is part of a system of oppression that includes not only gender but various intersecting identities. Individuals who are members of multiple non-privileged groups regularly are subjected to the double forces of discrimination and bias. For instance, a woman who is a person of color is forced to deal with both sexist and racism. This can be compounded by various other social identities such as class, sexuality, and religion.   A woman of color who is sexual assaulted not only faces the traditional challenges of being assaulted but those consequences are additionally compounded by the separate biases of society regarding

her race. When debating her decision to report, she will likely grapple with any number of racist assumption that people will use to interpret her experience and threaten her personhood. This is just one example and because sexual assault effects all groups, there are innumerable ways in which intersectionality can impact individuals both pre- and post-assault.

If HEIs are going to create culture of care via values driven policy, they must address intersectionality with the same focused attention required to demonstrate the value of equality discussed in the prior section. What I am asking is a big task and undertaking. Sexual assault policy that truly enables the prevention of sexual assault and promotes beneficial reporting must do so not only for the most privileged of women but for all other potential victims. Not only are women's bodies valued differently from men's and deemed to have less autonomy (bodily integrity) or right to self-determination (personhood) but bodies of different races/ethnicities, sexualities, abilities, etc. are also comparatively devalued.   With these intersections comes a corresponding set of socially constructed values and internal negative stereotypes regarding the rights (or lack thereof) of their respective bodies and assumed sexual behaviors.

To embed the value of diversity and inclusion into sexual assault policies, HEIs will have to face their contribution to and complicity in any number of "isms," particularly racism, ethnocentrism and queer phobia. Again, universities must name it to claim it so that they can legitimately do it differently. In the current social milieux, where Americans have spent almost a year, during a pandemic no less, marching against racism and violence, schools would be foolish to not bend over backwards to address diversity in all policies. They can do it out of social pressure, or they can do it as I have

suggested here because they have done a values audit and they morally feel compelled to send the message that diverse bodies matter, diverse bodies are valuable. That in turns, requires HEIs to demonstrate that in a culture of care diverse bodily integrity matters and diverse personhood matters. To make this real and engender trust in the institution from people of intersecting identities, HEIs will need to include in their policies an acknowledgement of their past, not doing their due diligence to prevent diverse biases in dealing with sexual assault. Then they will need to provide a plan for how they will directly address biases in the process of reporting, investigation, and adjudication.

In addition to transparency in how HEIs will fight bias, I strongly suggest there be support services that specifically address the needs of diverse community members. If a victim is a member of the LGBTQ+ community, then they should be able to easily seek help from and report to people who are true allies and who are specially trained in the specific needs and experiences unique to those identities. The same goes for race and ethnicity and cultural sensitivities. In essence, policymakers at HEIs will need to take a very close look at their student populations and seek honest advice and guidance from diverse community members to create diverse post-assault services that fit specific needs. They will also want to audit their current content and models for diversity appreciation training. A far-reaching and consistent training that teaches people to lead with compassion first and persist through difference will support the creation of enabling conditions. Ultimately a value-driven policy needs to express that each HEI values them as well as their safety and their access to supportive employees when reporting and going through the investigation and adjudication process.

Section 7: Emergent Values

My analysis found that a number of supporting values were also needed to make policies and procedures effective in the goals of preventing sexual assault and promoting beneficial reporting. Most of the policies analyzed here use the policy to inform community members what behaviors are prohibited. Doing so is good and necessary. However, policies also need to outline how each institution will create a culture of care and disperse this information (education and training), how it will realistically enforce this information (transparency), and how it will hold itself accountable for improved outcomes (integrity). I strongly recommend that to show the campus community their level of commitment to a culture of care, that institutions actively address the supporting values in the policy itself. Some basic recommendations include providing a strategic plan for educating and training all members of the community on all of the enabling conditions and sexual assault prevention. The policies should clearly state that all members must complete training and participate in on-going training during their tenure at the university. Policies should also outline the content of trainings and ensure that they address the values of bodily integrity, personhood, equality, and diversity.

Subsection 7.1: Compassion

The theme of compassion emerged from the analysis because the policies all strikingly lacked a sense of care and connection with their communities. Even the websites lacked this sense of care even though this avenue affords HEIs to address sexual assault and misconduct in more informal ways. Websites are also places where different offices on campus can provide information about sexual assault in ways that express their approach to the misconduct. For instance, counseling offices and health offices often

took a more human centered approach in which care for the safety of a potential victim was very much front and center. It is Coppin's website health center site that bust rape myths and provides information for victims who are members of the LGBTQ+ community and who happen to be men. I point these out because they are small pieces of the larger picture of cultivating a culture of care.

Compassion in the context of sexual assault is exemplified by respect and empathy for victims and an attitude of "We Believe You." In the current system, impacted persons must fight for both respect, empathy, and to be believed. This fight should not be the default we expect victims to accept. To contribute to a culture of care, HEIs will need to remedy this and do so with attention to detail and nuance. The "we respect you" response can often be conflated with I tolerate you and I believe you can transform into I believe you but I'm not willing to do anything for you. A culture of care is an attempt to push these commitments farther and look at victims not as burdens to be tolerated and dealt with but as humans that deserve to be treated with care and support in their time of need. The culture should drive behaviors that treat others how we personally would want to be treated. If you or I were a victim of sexual assault, how would we want to be treated? What characteristics of a reporting and investigation process would make us feel supported and strengthened?

Embracing compassion as the way we approach sexual assault and deliver support will require a purposeful audit of the sexual misconduct policies, including their post-assault procedures. Not only does the reporting system need to be reworked as discussed in Chapter five, but processes will also need to be realigned with the values presented here. The policy must directly address the procedures and resources needed to effectively

respond and support victims of sexual assault in a culture of care. This value of leading

with compassion and empathy must be embedded and respected throughout the various

processes involved with sexual assault on campus. Does the reporting process and those

involved in it assume and ensure the following: the bodily integrity of the victim; the

personhood of the victim; the equality of the victim, especially in relation to male

perpetrators; and the inclusion of the victim. The policy should also specifically outline

investigation practices that comply with enabling conditions and disciplinary procedures.

Such procedures should proceed with a "we believe you" attitude and challenge the

culture of protection, actively combat rape myths and biases. The process should focus

on the safety, comfort, and healing of the survivor.

Training for those involved in the response process should be required and written

into the policy, and trainings should address all enabling conditions. Employees should

be carefully screened to make sure their training is thoroughly internalized to avoid

accidental discrimination during the investigation and disciplinary processes.

Consequences for those who do not implement policy and procedures appropriately

should be clear and written into the policy as well. There can be no tolerance for lack of

action, discouraging a victim, slowing down an investigation, etc. Ideally, such

consequences will be restorative in nature if possible, allowing the employee to make it

right to the victim and the community. This approach can foster trust and healing in the

community when an action threatens that trust (Ptacek 2010).

Disciplinary actions for those individuals who are determined to have violated the

institution's sexual assault policy need to be both effective and follow the enabling

conditions requirements. In some cases, this may imply strong and drastic action. A

repeat rapist on campus threatens the security of the community and removing that person from the community can be the best action. However, strictly punitive measures may not be the best solution for every case. In some cases, the survivor and the institutions may agree that the offender may make restitution to the victim and the community and/or participate in actions that seek to reform the behavior. Punitive punishments often allow the perpetrator to paint himself as a victim of an excessive and unfair system, which cheapens the pain of the survivor and can undermine the institution's intentions. Universities should discourage this as much as possible and maximize justice and enabling conditions.

Right to protection for victims: In my analysis of the ten USM policies, I found that they frequently open with a summary of sex discrimination and how the individual institution strictly prohibits this behavior. In some cases, this descriptive section overtly states that community members have a right to an educational environment free of sexual assault. Usually, the language is very matter of fact, emphasizes that sex discrimination is undesirable, and moves on. What these sections do not convey is an enthusiastic commitment to the well-being of their community members. These statements, therefore come across as perfunctory rather than authentic. If HEIs do indeed believe their community members have a right to be free of sexual violence and related offenses, it would behoove them to reinforce this idea throughout the policies. To create a culture of care, Universities must readdress the tone and the affect that they portray in their policies. This implies that HEIs challenge their own biases that associate compassion with weakness and interprets it as unprofessional. These notions too are the remnants of sex stereotypes and implicit bias. Expressing compassion can increase trust among

community members and in turn improve reporting because victims absorb the notion that they are valuable ad will be treated accordingly.

Education: Education, in all its diverse forms is the way by which colleges and universities will communicate their values about sexual assault. Without the education component, even the most well-crafted, values-driven policy can fade into the background of campus life. If a campus community is never asked to meaningfully engage with the content of the sexual assault policy and the enabling values presented there, then little if any change will occur. Sexual assaults will remain too common, and reporting will remain infrequent and disappointing for victims. I cannot stress strongly enough how important education is to creating enabling conditions. To make the rehauling of an entire policy and corresponding procedures worthwhile, the new set of expectations contained within must be spread far and wide. Education is the mechanism by which to resocialize and newly socialize community members to a fresh and fair way of approaching sexual misconduct.

The good news is that the state of Maryland and therefore the USM system seem to be on to this fact. The state recently mandated that all state employees, including those employed at state funded universities, including the ones analyzed here must completed sexual harassment training. A similar approach is being rolled out at all ten institutions to require sexual misconduct training for students, staff, and faculty. The exciting aspect of this move is that these institutions have already been thinking through how to reach their campus members in mass numbers. They have also been thinking about how to ensure that all members complete their required training with some institutions requiring it before students can even register or threaten to block registration if it is not completed in

a particular time frame. USM institutions are on the right track and have systems in place that can assist in the education and training needed to establish a set of enabling values and therefore a culture of care.

These requirements are a start, and they should be detailed in the policy itself. In fact, I recommend that the education and training process required for different groups be clearly outlined in the policy document itself. It should also include ramifications for not completing the training. More importantly it should address why this training is so important, what the HEI aims to achieve through the training (enabling conditions on campus) along with a clear set of learning goals for all. As the evaluations of bystander intervention programs indicate, longer trainings work better than shorter trainings and consistent follow-up trainings over time are what produce better outcomes in terms of attitudes, efficacy and behavior (Moynihan and Banyard 2011, Banyard 2014).

The content of education and training efforts is of utmost importance. If HEIs desire to change their campus cultures to enable sexual assault prevention and promotes beneficial reporting, enabling conditions need to be a key part of the educational content. If they do not adequately and effectively address the values presented here, then they cannot possibly become widespread, internalized, and strong influencers of campus member behavior. The ideas discussed here are new to our understanding of sexual assault, and I, therefore, cannot provide a specific educational method or methods that will guarantee institutions success. I believe that more research will be necessary particularly research examining current trainings to see what they are doing well and what enabling values are already being address? I do know that some current programs make concerted efforts to bust rape myths and scripts as well as resist gender

stereotyping. Of course, education will take time. However, HEIs will have to start some place and can work to embed bodily integrity, personhood, equality, diversity, into their educational curriculum. The outline of the required learning outcomes should be included in the policy itself, so there are no questions about the expectations.

I also challenge HEIs to think of the policy itself as an educational tool where the burden of clarity and ease of comprehensive is on the institution. HEIs cannot assume that the content of their sexual assault policies is self-evident, especially using the legal esoteric language present in many of the policies analyzed here. As shown in my analysis, there are many places in the policies and websites where information can be interpreted in various ways or is outrightly unclear in its meaning. I examined only those parts of the policy dealing with sexual assault. These policies deal with several other related behaviors that constitute violations of the sexual misconduct policy. Even a brief examination of those sections of the policies shows that this lack of clarity, fuzziness, and loopholes that lead to ambiguity are present there as well. To facilitate clarity, colleges and universities can approach their policies as educational documents in and of themselves.

Instead of committing only to outlining what is prohibited, HEIs can use the policies to educate people about these prohibited behaviors. For instance, instead of saying only that pressure is considered coercive, give examples of what pressure would look like in a potential sexual encounter. Is asking again and again pressure? Is continuing to touch someone pressure? What a victim might call pressure a perpetrator may interpret as persuasion. This type of ambiguity can be closed by using the policy to show that persuasion is pressure. More importantly policies can lay out what the actual

desired behavior is. If a potential partner says they do not want to share a sexual encounter with the initiator, what should he/she say and do that uphold the values of bodily integrity, personhood, equality, and/or diversity? Use the policy to guide the behavior that will prevent sexual assault rather than use it solely to dole out expectations. I recommend writing it in a voice that expresses compassion and that is not legalistic, stoic, impersonal, or judgmental.

Transparency: Placing this enabling condition into the actual sexual misconduct policies will facilitate institutions' efforts to create cultures of care. Transparency is not only needed regarding the issues I specifically found in my analysis but should be an overarching theme throughout policies. HEIs need to think of themselves as transparent and use their policy as an act of transparency and additionally use the content of their policy to establish on-going transparency in the other stages of policy making. Doing so engenders trust within the campus community by actively expressing the seriousness of sexual misconduct and that the institution will respond to its occurrence seriously.

The policy needs to include the details of how the reporting process works, what options are available and the pros and cons of each. It should also disclose the steps in a typical investigation and adjudication experience. The rigorous training of those involved and how they are screened to be part of the reporting and investigation process should also be included. The goal is to remove the unknown (people tend to fill that with negative assumptions) and provide confidence that an impacted person thinking about reporting will feel safe and supported throughout the process if she chooses to do so. The policy will also need to be honest about the typical length and phases of investigation and adjudication (not the generic 60 days give or take semester breaks, etc.), what to expect

during those times (as victim supportive as possible). Additionally, it should also transparently address what the potential outcomes of adjudication are likely to be and what that means for both the victim and the perpetrator.

Accountability: The last supportive value is integrity. Integrity is achieved when HEIs do what we say they are going to do. That accountability system needs to be created (see below) and included in the policy itself. Community members need to clearly see that the values put forth in the policy will be ensured via a systematic and reoccurring evaluation process. The inclusion of information on the timeline and methods of evaluation will demonstrate that this university is very serious about continuous learning about itself and the effectiveness of its policies. If xyz university says it will reduce sexual assault and promote beneficial reporting, then here's how the institutions are going to do that.

Section 4: Policy Implementation

I now address the third step in the policy process which is the implementation stage. This is the stage in which the policy comes alive and is allowed to impact the campus community. No longer is it a draft but a living code by which the university asks its members to abide. This is the stage where a culture of care potentially becomes real. Obviously, this will not happen instantly even if the policy is well formulated and drives home the enabling conditions with the spirit of the enabling characteristics. It will take time for the culture to shift from its current state to its new state. However, it is during implementation that the university and its community members are able to begin to witness the fruits of their labor. This is also the time when staff, faculty, and administrators will be hard at work educating and normalizing the norms and

expectations that come with a culture of care. It is a time of action that will reveal what the new improved policy gets right and what may still be lacking. Regardless, this is a vulnerable time (people are putting their ideas out there into action) but also a hopeful one.

While I have already discussed the policy content stage of the policy process, it is worth reiterating here that implementation processes, procedures, and expectations should be written into the actual sexual misconduct policy. My analysis revealed that policies do not generally cover implementation. There is basic information on reporting, and I have noted the problems there, but the policies overwhelmingly do not include information about the processes post-reporting. The details of those are in some cases located in separate documents. Bundling these omissions together, lack of transparent reporting processes, lack of post-report process, and lack of implementation information adds up to a lack of rights for impacted persons. Victims of sexual assault general have the right to know not only what all the steps are along the way but also how they will be treated. Is their university going to believe them and guarantee them respect and support? How schools implement their policies will determine whether a culture of care becomes reality.

Subsection 4.1: Bodily Integrity

If colleges and universities want to ensure that a culture of care does indeed become a reality, they will need to address the four enabling conditions and the four enabling characteristics. In this section, I will explore several ways schools can account for these. In the implementation process bodily integrity takes on an immediacy. In

particular, implementation of sexual misconduct policy can begin while an impacted

person is attempting to regain safety. A victim may seek out a student, resident assistant,

staff member or any number of individuals in the immediate aftermath of an assault. At

that time, her bodily integrity is of the utmost importance. She may be in danger still and

need assistance re-establishing safety. They may also be physically harmed and need

medical attention. This is where policy implementation begins. What will the impacted

person's experience be. Does policy make it easy for her to get safe and be protected as

well as quickly obtain medical care? The university representatives that she encounters

in the moments after her assault will drive a culture of care. Are they educated on how to

respond and support a victim appropriately? Are they transparent about a victim's

options, such as obtaining a SAFE exam for free? Are they compassionate in their

treatment of her and the delivery of this information? How will the university hold them

accountable to these behaviors if they treat the victim poorly, dismiss her experience,

delay getting care, misinforming her, etc. In a culture of care, the implementation stage

is essentially about delivering care and establishing that care is the expectation.

Subsection 4.2: Personhood

Implementation of the sexual misconduct policy then becomes about the people

entrusted to respond to impacted persons and the quality of their resulting interactions.

As revealed my analysis, the enabling condition of personhood is very much dependent

on the who and the how. Recall that disclosing assault is separate from assault and that

the policies analyzed here really pressure an impacted person to assault. To remain in

control of her experience, the victim must be able to easily access confidential resources

and gather clear and thorough information on the reporting and investigation process. To

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support her in her autonomy, HEIs can interpret reporting through the lens of advocacy over compliance. In such an environment, confidential resources become abundant, easy to access, are well trained, and can serve in a fiduciary role. Impacted persons can then disclose their experience, expect to be believed the first time, and met with an attitude of respect and support. For a system of advocacy to be effective, universities would be smart to separate it from the Title IX office. I suggest an advocacy wing directly committed to advocacy in sexual misconduct and hate crimes that is completely separate from Title IX offices. This will remove the conflict of interest for Title IX officers who must currently try to simultaneously support impacted persons, accused persons, remain objective to investigate, and cover the HEIs legal obligations to the federal government. Title IX officers would be left to investigate but the task of enveloping impacted persons in a culture of care can be then freely provided via an advocacy office. Such an office can then use a trauma-informed, compassionate response, which will in turn engender trust ("My university cares about my wellbeing"), that will in turn encourage more victims to report their assault ("I will be believed, the process will help me, I am not a problem to be covered over.")

Subsection 4.3: Equality and Diversity

An advocacy office of this sort also has the immense potential to reach out and serve the greater campus community. I also believe that there are an amazing number of experts who work in the field of sexual assault and support victims every day. These folks as well as impacted persons themselves are the experts on the ways in which implementation can be compassionate and inclusive for victims. I recommend HEIs do a deep dive into how to rectify bias in the implementation stage. Not only should

institutions write this into their policies but then establish a method that will ensure that each victim is treated with compassion and respect for them as a human in general and that acknowledges their individual background as well. To embody these values, I also recommend the people selected to be involved in sexual assault responses must be representative of the community and their biases challenged. They should be highly trained in sexual assault prevention and response with a trauma minded perspective. Finally, they should be committed to furthering a culture of care.

Subsection 4.4: Education

This is certainly not the only model possible, and I expect that members of the policy-making committee discussed under Policy Context are likely to have several ideas regarding crafting a reporting and response system that reflects enabling conditions. In any case, the people who respond to sexual assault victims are of the utmost importance. Like the policymakers in the policy context section, these individuals should be highly educated on all matters of sexual assault, fully understand and embrace the values of bodily integrity, personhood, equality, and diversity, and actively work to identify and oppose bias. Title IX officers are trained, specifically in Title IX investigation practices; there are specific courses for this. However, little is known about how these folks are trained beyond Title IX. What values do they hold? Are they in alignment with what is outline here or are they aligned with the typical stereotypes socialized in the United State? If an advocacy office is to take over reporting and response, those employees need to be carefully screened for a commitment to equality and diversity, then provided extensive training in victim support and advocacy with low rape myth acceptance. After

training, the folks should be able to demonstrate enabling values in experiential training (role-playing, shadowing), and be consistently reviewed to obtain constructive feedback.

Subsection 4.5: Accountability

On paper this sounds like general training in any service-based operation within a college or university. For those of us who have worked in such office, we know that this process can often get rushed, parts skipped, or abbreviated, and/or oversight gets reduced due to other unexpected priorities. This must be guarded against in this case, so care must be taken to be faithful to a thorough process that will allow enough time for enabling values to become part of their regular vernacular and behaviors. In addition, the first responders should be widely visible on the university website and their names well know across campus. Their qualifications, depth of training, and their advocacy philosophy should be public information. The goal is to make supportive reporting easily accessible and transparent. These first responders are the people that will create trust in the institution and transform reporting into something beneficial for victims. Anything less indicates that the HEI has not done its due diligence in some way and the enabling values are somehow not translating into action in the wider campus community.

Section 5: Policy Evaluation

The final step in creating and implementing values-driven policy that that enables the prevention of sexual assault and the promotion of beneficial reporting is evaluation. Sexual assault policies are living and breathing documents that must be responsive to an ever-increasing understanding of how to prevent and respond compassionately to sexual assault. Some things in the policy will be effective and function as expected. Other aspects of the policy will inevitably produce some unforeseen consequences (positive or

negative). The people contributing to and crafting these policies are human and there will be accidental omissions and roadblocks that will only be revealed upon implementation. In order for the policy to evolve into the best policy for a specific university, the institution must commit to evaluating the policy on a consistent basis. This is, in fact, the ultimate act of integrity and accountability. This is especially true as HEIs shift from old values and understandings of sexual assault to those presented here and those that emerge as important in the future.

Evaluation is the opportunity for colleges and universities to continue to learn about themselves and their impact on sexual assault prevention and response. This is a built-in way to continue to check on the inner conditions of the institutions to ensure that HEIs create the culture of care that they were aiming for. More specifically, I recommend that universities establish a set of questions that can be used to assess their success and progress. For instance, they can ask What are the sexual assault rates on campus? Is this rate changing? Does the change indicate progress? Are reporting rates increasing? What are the qualitative experiences of those impacted persons who report to the university? What does the campus climate indicate? There are numerous ways to evaluate progress (and lots of well-trained researchers on campus to work out the intricacies) but the point is that HEIs create an evaluation and response schedule. This can even be provided in the policy and on the website along with how progress will be evaluated (to maximize transparency). By doing so, HEIs demonstrate thorough real-world actions that they are accountable for their values and behaviors both to themselves and their community members.

To facilitate a thorough evaluation, the members of the policy-making committee can create a document that reflects their goals, intentions, and values that went into creating the policy initially. This same committee can be used to complete the evaluation process. However, there may also be value in having some outside members or separate committee participate in the evaluation process. This provides fresh eyes and as Buller (year) points out, people can become very attached to policies and procedures that they personally have created in higher education and can have a difficult time looking at them critically and changing them. In order for the policy to consistently promote enabling conditions over time and improve outcomes, those who evaluate it must be completely open to an honest and meaningful review.

Any evaluation committee should be representative of groups on campus. It should be diverse and represent those on campus who may be particularly impacted by sexual misconduct. The process and requirements should emulate those discussed in the policy context section above. They should be trained extensively in enabling values and in all related information regarding sexual assault. The original policy creating committee can then provide the document with the goals and objectives list like those used in strategic planning to outline the goals of the policy and how they expect to observe the success of each policy point (Bryson 2011; Rowley, Lujan and Dolence 1997). The evaluation committee does not have to be restricted to this document. They should also be charged with adding other measures that they think are meaningful. This document will then be used by the evaluation committee to analyze the outcomes of the policy.

The evaluation is an effort to hold the HEI accountable for doing

what it set out to do via the new and improved sexual misconduct policy. Evaluation should take a deep look at the education and training aspects of the policy and obtain the serious feedback of those who oversee this aspect of creating enabling conditions. They may also consider more intensive measures less frequently like conducting some propensity and or efficacy research of students and employees on campus in addition to the annual traditional campus climate surveys. Focus groups on the impact of training and the relative applicability of policy to real life sexual scenarios would also be greatly effective on evaluation. Finally, HEIs could consider a third-party research team to conduct interviews with impacted persons to truthfully gauge their impression of their reporting experiences. Do they feel they were treated with dignity and care? Do they have suggestions? Was justice restored from their perspective? Did they feel judged or revictimized in the process etc.

The more information HEIs are willing to learn about their own campuses as it relates to sexual assault, the more they will be enabled to improve their policies and outcomes. Proposed changes and improvements should be made public to the campus community while protecting the privacy of those who provided feedback. Just like with the policy itself, transparency and trust can be improved by eliciting comments and feedback from the campus. The process does require people to filter through various opinions which may or may not be relevant or applicable, but most importantly it is an act of valuing members of the campus. It allows people to feel involved and influential on a topic that is important to many.

There is not right way to perfectly conduct policy evaluation on campus. The main point is that a thorough evaluation occurs and occurs on a regular basis. In the

business of running a university, follow up procedures like this one can fall to the wayside or be dismissed as less important or even unimportant. To achieve a culture of care, HEIs must continue to care. That will require that they prioritize the evaluation step as much as any other step of the process. This process shows that the institutions is committed to those enabling behaviors. You are committed to educating yourself about yourself. You are committed to being honest and transparent about the impact of the policy. You are committed to ensuring the policy is compassionate. Ultimately, you are committed to being accountable for the outcomes of the policy. Each time a university evaluates their sexual misconduct policy they demonstrate a renewed commitment to the enabling values of bodily integrity, personhood, equality, and diversity and maintaining a culture of care.

Chapter 8: Conclusion

The results of this study indicate that a culture of care on our college and university campuses does not quite exist yet. The analysis reveals that there are some seeds of enabling conditions present, particularly as they relate to personhood. However, other enabling conditions seem all but absent like equality or outrightly absent, like diversity. While this may initially seem disappointing, it is an immense reminder that HEIs need to keep moving and working toward a culture of care. The fact that a culture of care does not exist right now, does not mean that it cannot exist in the near future. However, the challenge of putting enabling conditions in place and nurturing that culture of care will likely be a difficult row to hoe. This is partly because there is still so much we do not know or understand about this complex social problem.

Of course, this points to continued need to further research aspects of campus culture enable the prevention of sexual assault but only to continue to understand how current campus culture enables the occurrence of sexual assault. I believe higher education institutions do underestimate the impact that implicit bias has on campus overall but specifically on all aspects of the policy making process. This opens the possibility for future research to help HEIs and others understand how implicit association works specifically in relation to sexual scripts and rape myths. Such research can build on the implicit bias tests performed by Banaji and Greenwald (2016) and lead us to ways in which gender, race, religion and numerous other background impact the associations we make in the context of sexual assault. Furthermore, methods to identify and combat implicit biases on campuses are much needed in order to effectively help HEIs achieve cultures of care. Without dealing with bias there is likely no pathway that

leads to significantly better outcomes regarding sexual assault and the nature of reporting assaults at US colleges and universities.

In fact, truly inclusive campuses will not stop at applying this mindset to sexual assault but will use it for all ways in which they hope to improve campus culture. A significant finding in my research is that diversity is not normalized into the way HEIs address problems or culture at their schools. There is some movement right now to change that. However, research on how an inclusive lens can become a key value and characteristic at universities is much needed. This research does exist, but not to the extent and depth necessary that sends a message that it is a priority. Research on diversity and inclusion needs to be taken seriously, and schools need to heed the results and apply the findings consistently.

The research presented here addresses policy and corresponding web-based resources. However, my results cannot speak to how policy is implemented in the real world. It would be helpful for future research to examine the gap between what a policy requires and how a policy is acted out. To what extent do discrepancies exist between the words and the implementation? What structural characteristics of the university contribute to discrepancies? Along that same vein and in alliance with the enabling characteristic of integrity and accountability, research is much needed on how to achieve implementation that is faithful to a sexual assault misconduct policy that is based on enabling conditions. How can universities not only achieve by-in on a culture of care but what are the most effective ways to hold people accountable to this new standard? This may involve deep case studies and observation of specific departments at HEIs as well as interviews with various people involved.

I could continue to lay out suggestions for future research for another fifty pages or more. This points directly to the fact that we just need to know more about the role HEIs play currently in preventing sexual assault and promoting beneficial reporting. We also need to know more about how to successfully shift HEIs from their current state to the desired state of a culture of care. The roadmap I laid out here can help but is far from a comprehensive instruction manual on how HEIs. What is needed is a full body of research that can assist colleges and universities in establishing a set of benchmarks or ideal steps and behaviors to pair with my roadmap. This ultimately calls for research on every side of this problem, including more information on how university systems can enable a culture of care. What other barriers might be present from a political standpoint? How will the consistently changing nature of Title IX impact HEIs' abilities to create and maintain cultures of care?

Table 1: Summary of Enabling Conditions

Enabling Value	What it Entails
Bodily Integrity	Control and ownership of one's own body. Sacredness of the physical body. No one is entitled to another's body even if that person cannot articulate that. example
Personhood	Self-determination and autonomy of the individual to decide for themselves and expect that it be respected. Example of consent
Equality	Fair distribution of risk and benefits between women and men. Power and resources for women. example
Diversity	Pushes equality to the next level by requiring that inclusivity be a key value that drives true culture of care. The prior three values are complicated by diverse backgrounds, and we cannot address those three without address the intersectional nature of the humans that have less access to BI, Personhood, and Equality.

Table 2: Data Overview

Institution	Basic Characteristics Enroll Region HBCU	Carnegie Classification	Data Source for both phases	Phase I: Policies Final policies checked and collected 4/22/2019	Phase II: Web Data Pages collected	Unique pages used
Bowie State university (BSU)	~6,100 Suburban HBCU	Master's College & Universities: Larger Program	www.bowiestate.edu	13 pages Html converted to word Revised 12/12/2014	22	17
Coppin State University (CSU)	~2,700 Urban HBCU	Master's Colleges & Universities: Small Programs	www.coppin.edu	18 pages pdf Approved 10/21/2015	23	12
Frostburg State University (FSU)	~5,100 Rural campus	Master's College & Universities: Larger Programs	www.frostburg.edu	20 pages pdf Revised 7/28/2017	23	13
Salisbury University (SU)	~8,600 Rural campus?	Master's College & Universities: Larger Programs	www.salisbury.edu	28 pages pdf Effective date: 11/24/2015	26	17
Towson University (TU)	~22,700 Urban	Doctoral/Professional Universities	www.towson.edu	26 pages pdf Amended 8/21/18	19	14
University of Baltimore (UB)	~4,500 Urban	Master's College & Universities: Larger Programs	www.ubalt.edu	21 pages pdf Updated 7/20/2018	17	6
University of Maryland, Baltimore (UMB)	~6,800 Urban	Special Focus Four-Year: Medical Schools & Centers	www.umaryland.edu	9 pages Html converted to word Revised 8/26/2015	22	10
University of Maryland (UMD)	~40,70000 Suburban /Urban	Doctoral Universities: Very High Research Activity	www.umd.edu	15 pages pdf Amended 5/13/20	35	14
University of Maryland, Baltimore County (UMBC)	~13,600 Suburban	Doctoral Universities: High Research Activity	www.umbc.edu	25 pages pdf Amended 8/30/2017	31	20
University of Maryland, Eastern Shore (UMES)	~2,886 Rural HBCU	Doctoral Universities: High Research Activity	www.umes.edu	9 pages Html converted to word Approved 8/22/2014	32	17

Table 3: Coding Strategy

Phase	Coding Strategy	Details		
I	Emergent	• No a priori codes created • Policy content drove coding		
	Enabling Conditions as categorization tool	Used as themes (umbrellas) in 2nd and 3rd coding iterations		
II	Hybrid emergent and traditional	• Codes from key themes in phase I were purposely sought out in phase II • Continued to allow other potential codes to emerge.		
		Themes	**Codes**	**Inclusion Criteria**
		Bodily Integrity	Definition of sexual assault	Definition of sexual assault has physical aspect
			Incapacitation	Words dealing with "incapacitation," "ability or capability of consenting," "unresponsive" or words or phrases with similar meaning
			Consent	Words and headings labeled "consent" or word and phrases with similar meaning such as permission, willing/unwilling, etc.
		Personhood	Coercion	Words and headings labeled "coercion" or words and phrases with similar meaning such as pressure, arguing into, persuasion, threats, references to strategies to overcome lack of consent.
			Control	References to confidentiality and its meaning in the context of disclosing versus reporting an assault.
		Equality	Title IX: sex assault as sex discrimination	Explicit statements that sexual assault is considered sex discrimination and is forbidden.
			Gendered Language	Any language that references stereotypical or historical notions about women and men, like dichotomous and stratified labels.
		Diversity	Textual inclusion of groups	Specific mentions of diverse groups on campus in the context of assault prevention or response
			Specialized service and training	Specific mentions of culturally sensitive services or training of responding staff.

Table 4: Results Overview

	Bowie	Coppin	Frostburg	Salisbury	Towson	UB	UMB	UMD	UMBC	UME
Cue Taking	x	x	x	x	x	x	x	x	x	x
SA Definition	x	x	x	x	x	x	x	x	x	x
Incapacitation	x	x	x	x	x	x		x	x	x
Consent	x	x	x	x	x	x	x	x	x	x
Coercion		x	x	x	x	x		x	x	
Control	-	-	-	-	-	-	-	-	-	-
Confidentiality	x	x	x	x	x	x	x	x	x	x
Respons. Empl.	x	x	x	x	x	x	x	x	x	x
Reporting	x	x	x	x	x	x	x	x	x	x
Conf in reporting	x	x	x	x	x	x		x	x	x
Equality	x	x	x	x	x	x	x	x	x	x
Admin Role		x	x			x	x		x	x
Gendered Lang	x	x	x	x	x	x	x	x	x	x
Diversity										

Table 5: Themes found that relate to Enabling Conditions

Enabling Value	Themes Found
Bodily Integrity	• Definition of sexual assault • Autonomy of the body • Incapacitation
Personhood	• Consent • Coercion • Control
Equality	• Title IX: sexual assault as sex discrimination • Rape myths and scripts
Diversity	• Textual inclusion of vulnerable and underrepresented groups • Services and training specialized to diverse groups

Table 6: Policy Results within the Broad Theme of Bodily Integrity

Policy Results: Bodily Integrity	
Autonomy of the body	• Not specifically addressed
Definition of Sexual Assault	• Majority use state of MD definition without further discussion/context • Hidden assumption that people understand bodily integrity
Incapacitation	• 8/10 HEI policies address this topic • 5/8 address it in a basic way by defining it • 3/8 stand out by putting it in common context like drinking • 6/8 who, what where, why, and how as a generic guideline

• Absence of BI as a core value
• Does not clearly define or model the desired behavior (replace old with new)
• Does not address the hierarchical nature of privileged v. unprivileged bodies

Table 7: Policy Results with the Theme of Personhood

Policy Results: Personhood	
Consent	• Prominent focus of all ten policies • All use affirmative consent • 5 HEIs cue take and use the 5 guidelines from USM • Bowie, Coppin, and Frostburg—what one should do if unsure

Coercion	• 8/10 address coercion (UMB and UMES do not)
	• Language is problematic:
	    • make clear--> what counts as clear?
	    • continued pressure, unreasonable pressure, unreasonably compel→message that some level of pressure is ok.
	    • Intensity, frequency, duration of the words/actions→ Same
	• Coercion is above and beyond Title IX but is necessary to defining and identifying assault.

Control	• Confidentiality v. Responsibility in disclosing/reporting • Emphasis on reporting to responsible employees • Few references to confidential resources • Fewer confidential resources (many are 3rd party providers) • Loss of autonomy of experience/narrative for impacted persons

Table 8: Coercion Definitions by Institution

Institution	
Bowie	"When someone makes clear that she/he does not want to engage in certain activity, she/he wants to stop, or she/he does not want to proceed in sexual activity beyond a certain point, continued pressure can be coercive."
Coppin	"Consent cannot be obtained by use of physical force, threats, intimidating behavior or coercion. Coercion is the unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure used…"
Frostburg	"Words and/or conduct that substantially impairs an individual's ability to voluntarily choose whether to engage in a sexual activity… Coercion is evaluated based on the intensity, frequency, and duration of the words or actions."
Salisbury	"Sexual Coercion means an act of using unreasonable pressure in an effort to obtain Consent for sexual activity. Coercion arises after the victim clearly communicates verbally or non-verbally the intent to stop or refrain from sexual activity."
Towson	'"Coercion" includes but is not limited to conduct that intimidates, constitutes an express or implied threat of physical or emotional harm (i.e., one that would reasonably place an individual in fear of immediate or future harm), unreasonably pressures (whether by force or threat), or otherwise serves to unreasonably compel someone to engage in Sexual Contact...'
UB	"Sexual Coercion means an act of using unreasonable pressure in an effort to obtain Consent for sexual activity. Coercion arises after the victim clearly communicates verbally or non-verbally the intent to stop or refrain from sexual activity."
UMD	'"Coercion" includes conduct, intimidation, and express or implied threats of physical or emotional harm that would reasonably place an individual in fear of immediate or future harm and that is employed to persuade or compel someone to engage in sexual contact.'
UMBC	"Consent cannot be obtained by force, threat, coercion, fraud, manipulation, reasonable fear of injury, intimidation, or through the use of one's mental or physical helplessness or incapacity."

Table 9: Policy Results within the Themes of Equality and Diversity

Policy Results: Equality & Diversity	
Administrator Roles	• Who has the power to decide? • Decision making roles are not necessarily provided in the policy→Assumptions and doubt • Concentration of power-->Bias?
Language	• Objective and Reasonable: euphemisms for privileged perspectives and knowledge bearers/expertise holders • Symbols and signals to impacted person and potential impacted persons that their experience will not be centered and their claims are likely to be received with suspicion.
Rape Myths	• No policies directly addressed rape myths or sexual scripts
Perpetrators	• Anyone can perpetrate (not really the diversity I was thinking of)
Services/Resources	• Nothing addressing specialized services or resources for victims of varying backgrounds? Language, cultural norms, bias challenging training for responders, etc. myth busting.

Table 10: Themes that Emerged from the Policy Analysis

Emergent Values	
Education/Training	• Policies mentioned training without details • Policies as educational in and of themselves • Details of education and training as policy content. How to disperse norms and expectations to the community • Commitment to bias training
Transparency	• Transparency in process and procedure are lacking in the policies • In reporting process • Decision making
Compassion	• Policies have affect • these are cold, legalistic, noncommittal, unassuring • We believe you, We care about your well-being here
Integrity/Accountability	• Lack of accountability to community • Focus on Title IX compliance • How can HEIs hold themselves accountable for a CofC • Build in evaluation or risk being both non-reflective and non-responsive

Table 11: Sample Organization for Policy Brainstorming

		Context	Content	Implementation	Evaluation
Values	Bodily Integrity				
	Personhood				
	Equality				
	Diversity				
Characteristics	Education				
	Transparency				
	Compassion				
	Integrity				

Table 12. Enabling Conditions Policy Process Planning Guide

	Context	Content	Implementation	Evaluation
1. Bodily Integrity				
a. Educational				
b. Transparent				
c. Compassionate				
d. Accountable				
2. Personhood				
a. Educational				
b. Transparent				
c. Compassionate				
d. Accountable				
3. Equality				
a. Educational				
b. Transparent				
c. Compassionate				
d. Accountable				
4. Diversity				
a. Educational				
b. Transparent				
c. Compassionate				
d. Accountable				

Figure 1: The Micro to Macro Exchange Process

Macro Level
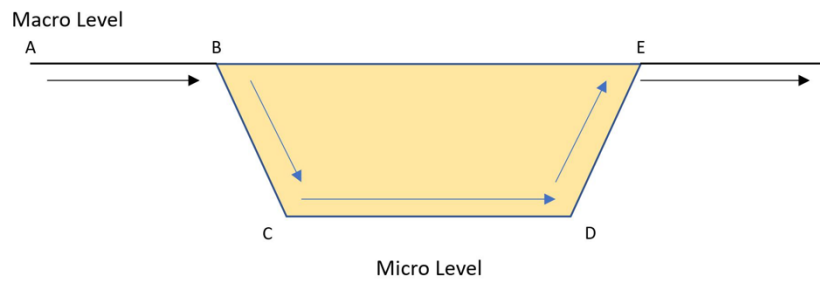
Micro Level

A.   Current policy environment (Macro Level)
B.   Policy Change, new standards begin (Macro Level)
C.   Individuals test out new incentives and disincentives (Micro Level)
D.   Micro level outcomes include new individual behaviors
E.   Combos of individual behavior results in new culture (culture of care)

A to B: Transition between contemplating and initiating change at the institutional level
B to C: New norms and expectations and corresponding sanctions (constraints and facilitators) are
         rolled out via marketing, education, and training
C to D: Social learning—over time individuals exercise new or old behaviors, experience sanctions,
         and commit to a different set of norms.
D to E: Momentum of new outcomes pushes new norms and expectations up the hill and creates a
         new normal.

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