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Ivy League Status and Rape Culture on Campus

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Abstract

Sexual violence on college campuses is a public health problem that hurts students and can affect their ability to get an education in a safe environment. There seems to be a concerted effort by the more prestigious universities to protect the school's reputation rather than protect the students' safety. Examining top schools' methodologies in addressing sexual violence on campus is extremely important in evaluating the safety of a school and how the school does or does not protect their students. In this thesis, I look for trends in Ivy League universities' methods of handling cases of gender-based misconduct and connect the relationship between rape culture on college campuses and prominent universities' status based on public perception of the university. I analyze how prominent universities respond to allegations of sexual misconduct brought to the school by students. Through the lens of international human rights principles on gender-based violence, I explore possible paths for the university to address sexual assault on campuses more effectively. Overall, my thesis aims to assist schools in handling cases of gender-based violence and to promote transparency on the realities of sexual violence on campus, particularly at Ivy League universities that have a reputation to uphold.

Key Terms: sexual violence, gender-based violence, consent, affirmative consent, coercion, Title IX, gender-based misconduct, human rights

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Introduction

What is your biggest fear? On college campuses, students tend to have two diametrically opposed answers based on their gender: being raped vs. being accused of rape. In the last ten years, there has been an increased spotlight on colleges and universities to bolster their policies to protect students from sexual violence on campus, as well as political debates on how to define sexual violence on and off college campuses, which was especially poignant during the rise of Donald Trump and the #MeToo as a political and cultural touchstone.

In 2014, just at the start of the #MeToo movement, a student named Emma Sulkowicz at Columbia University brought a case to the school's Title IX office alleging being raped by another student named Paul Nungesser. After the university decided not to hold the accused student responsible, Ms. Sulkowicz chose to wear the mattress she was raped on every day to class for her thesis ("Carry that Weight"). Ms. Sulkowicz's thesis paralleled the rise of women using their voices to demonstrate a universal experience of gender-based violence with the use of two words: "Me too." While survivors began to speak up everywhere in the movement, the same was true for college students who were survivors of campus sexual violence. After Ms. Sulkowicz rose to prominence both nationally and with Columbia's student body, other students who experienced sexual violence on campus began to join her. Students protested carrying their mattresses and dropping them outside the house of Lee Bollinger, past president of Columbia.

Years later, when the country seems to have all but forgotten about Ms. Sulkowicz, the man she accused of raping her had not. In 2017, Nungesser filed a gender discrimination lawsuit against Columbia University, claiming the school allowed gender-based harassment against him after Sulkowicz received course credit for her thesis. Columbia settled with Nungesser, releasing

a statement that he was mistreated and that the school would uphold its gender-based discrimination policies more strictly under Title IX.

Survivors everywhere rarely get the justice they deserve or even closure on their trauma. Federal, state, and school policies often create further obstacles to a student obtaining justice. A university statement that aligns the school with the former student accused of rape, especially a case that was so public, exposes many of the inequalities that the school chooses to uphold.

This thesis examines Ivy League university policies on sexual misconduct in relation to the political climate from 2017-2023. The research documented in this paper examines in-depth research on policies at Ivy League univiersities, with a focus on Columbia University, as it has the largest archive of sexual misconduct guides available of the Ivy League schools. This thesis aims to reform college campus policies by comparing and contrasting the manuals Ivy League schools created for gender-based misconduct violations. This research examines the history and current policies on Ivy League universities to address sexual violence on campus and examines different schools' manuals and supportive measures offered for students who experienced sexual violence.

Beyond comparing the publications from other gender-based misconduct offices at different colleges, this research examines the connection between the sexual violence occurence on campus and the international human rights community's conversation and publications on gender-based violence. Overall, this thesis aims to explore possible paths for universities and the human rights community to prevent and address sexual violence on campuses more effectively. This work serves as a case study on student experiences at elite universities in the US and globally.

Research Question and Significance

This research is meant to answer the question of how can sexual violence be prevented on college campuses? Although vast research addresses this question, this thesis explicitly examines university policies at prestigious schools and the sociopolitical environment from 2017-2023 through a survivor-forward lens. Ivy League universities' reputation for being excellent schools is based on the belief that the education at the university will be fulfilling and will set students up for success. Research like this will be immensely valuable as universities seek to improve their handling of Title IX issues and reduce the negative impacts caused by the mishandling of the affected students.

Theoretical Framework

To frame this research, one must examine different iterations of Title IX through the years and how international human rights doctrines, treaties, and declarations address sexual violence. In the US, Title IX prohibits educational institutions from sex discrimination, but changes of power from President Barack Obama to Donald Trump to Joe Biden have shifted Title IX policies significantly in recent years. However, regardless of which political party held the Presidency, sexual violence on campuses continued to fester.

Under President Trump, the Secretary of Education, Betsy DeVos, shifted language in Title IX to better protect the rights of those accused of sexual misconduct, which Biden vowed to change back. When President Biden came into office in January 2020, his administration issued a proposed rule change in June 2022. However, the preliminary updated draft of the Title IX regulations was released two years later, in April 2024, to provide better protections for LGBTQ+ students and expand support for victims. As of this paper's writing (May 2024), the

Biden Administration has also provided a sample guidebook to make it easier for school Title IX administrators to implement the new draft. Schools have until August of 2024 to do so. The Biden Administration claims it plans to release the final iteration of the 2024 Title IX Regulations soon, which is intended to protect transgender students' participation on sports teams in the school.

In the international human rights community, there has been little done to address the daily experiences women face with sexual violence. Even the resources provided on the United Nations website on gender-based violence are scarce, with the most recent resource being from three years ago, in 2021. This study of on-campus sexual violence also reflects the often daily experiences that women who may or may not be in school experience that are violations of their human rights.

This thesis examines rape culture on Ivy League campuses and serves as an example of how sexual violence continues to fester, while there remains an utter lack of attention and accountability taken by the international human rights community to prevent gender-based violence. The international human rights community has a duty to research and work on prevention and education on sexual assault and sexual violence and document rape as a human rights violation and a form of torture, which also should involve putting a spotlight on the prevalence of rape on university campuses and the administrative responses to claims of sexual misconduct.

Monitoring universities through federal and state legislation, especially Ivy League universities that promise the best education, is essential in researching how to address sexual violence on campus, especially when there was a school administrative failure to provide resolutions and resources for a victim. Federal laws like Title IX and The Clery Act serve as

watchdogs in the US in monitoring and documenting a school's conduct and ability or inability to protect their students. However, legislation is not the only way to address sexual violence on campuses. Therefore, research like this that tracks university policy shifts and trends across multiple schools is essential to monitoring university conduct.

Methodology

This paper analyzes the guidelines released by Ivy League universities on how the school addresses and works to prevent campus sexual misconduct. Since, unlike the other schools, Columbia has archives of past gender-based misconduct guidelines, I use the guidelines from 2017-2023 to examine the language choices in their different manuals closely and to look at the de facto and de jure cultural and sociopolitical influences on the guides. This data will provide valuable insight into how universities use their policies to address gender-based misconduct on their campuses.

This research also compares the regulations on sexual misconduct from all the Ivy League universities to find the best and worst practices. The Ivy League school's manuals are not uniform. The school manuals vary in length and each school offers students different supportive and protective methods, so in-depth research on each school's policies is necessary to create the most effective school guidelines for sexual misconduct. This paper analyzes the most effective and least helpful measures used in Ivy League university sexual misconduct manuals and its alignment with state and federal laws on consent and sexual violence. This research addresses the problem of campus sexual violence by documenting the information schools should be including when updating their sexual misconduct manuals and the best supportive practices to ensure student safety.

Literature Review

Background on Columbia University's Rape Culture

In *Social Constructions of Rape at Columbia University and Barnard College*, the authors (Shamus Khan, Constance A. Nathanson, Desiree Abu-Odeh) examine rape culture at Columbia and Barnard from 1955-1990. This publication provides a contextual history of sexual assault at Columbia before delving into the details of the sexual misconduct guidelines from 2017-2023. The authors state that.

> "We show the ways police and other judicial and law enforcement authorities, feminists, university faculty, student groups, university administrators, and health professionals and institutions have struggled over ownership of how the problem should be defined and described, attribution of responsibility for addressing the problem, and prescriptions for what is to be done," (Abu-Edeh et al. 2020, 1).

Khan et al. highlight the issue I am researching: do education institutions (Columbia University, for my research) use Title IX to protect their students or the institution? The conflict of interest echoes the Foucaldian theory: institutions are meant to uphold themselves and discipline the bodies within them. It has led to much of the modern ideology around prisons, the military, and politics (Foucault 1975), and now the response to sexual violence.

Khan et al. also take an intersectional approach to analyze how different groups responded to sexual assault cases. The authors found that the law enforcement and college administration mainly comprised cis-gender, white, heterosexual men. As a result, there was little empathy for survivors and little to no recourse or punishment for those who committed the

assaults. The authors also found that women of color experienced the most significant number of sexual assaults.

In recent years, there has been an effort to get the numbers on how many students are affected by gender-based misconduct. According to statistics from 2022 by Columbia University's Mailman School of Public Health, at least 22% of all undergraduates reported being sexually assaulted during their time at Columbia. Half of the students assaulted were under the influence of a substance or substance(s), and 33% of both women and men were coerced into sex. Freshman year is a particularly difficult time for women on college campuses regarding sexual assault.

This report does not take an intersectional approach to examining sexual assault at Columbia University. They do not factor race, sexual orientation, gender identity, etc., into account but instead just delineate between "women" and "men." This is unlike the article referenced earlier in this literature review, *Social Constructions of Rape at Columbia University and Barnard College*, which takes all of these factors into account when examining rape at Columbia and Barnard. This study is necessary to represent student experiences and address student needs. However, Columbia University's Mailman School of Public Health study is far more recent. Hence, both of these publications and their data are extremely important to examine in conjunction to get a better understanding of campus rape culture.

The "Seven Sisters" and Historically Black Colleges and Universities

Both women's colleges and historically Black universities were created as elite institutions that were inclusive of women and people of color. Despite being seen as second string schools from their Ivy League counterparts, these colleges and universities have

functioned for years as the de facto elite schools for marginalized groups. Women's colleges like Wellesley, Smith, and Barnard were created as Ivy League adjacent schools so women could actually receive a college education. To this day, these schools are not considered on par with the original Ivy League schools, and the prestige of going to a historically black college or a women's college does not carry the same weight. However schools like these were necessary as the most competitive schools in the Ivy League did not let women in till around the 1970s, so the women's colleges that were created to level the playing field and allow women the chance to become college-educated are seen as second string to the Ivy League schools.

Women's colleges have their own reputations and prejudices like the other Ivy League schools, however without male students at women's colleges sexual violence is treated differently. Rather than focusing on sexual harassment or assault, when women's colleges were first started they focused on how to make their students a positive representation of a female student. Wellesley was the first women's college for higher education, a privilege only privy to white men. After the initial opening of Wellesley in 1836, 230 women's colleges were open by the 1960s. The first Ivy League universities to admit women were Yale and Princeton in 1969. Columbia was the last school to admit women in 1983, just about 41 years ago from now in 2024. There are only 26 women's colleges currently in the U.S., with the "Seven Sisters" representing the Ivy League of the women's colleges. Before the establishment of historically Black colleges and universities, people of color had almost no options, with even the women's colleges not admitting any women of color. By 1960, some of the seven sister colleges began admitting women of color as did some of the Ivy League schools. However top tier schools have not improved in any significant way, according to research done by the non-profit the Education Trust,

> "in fact, not a single Ivy League institution enrolled a representative share of Black students in 2020, despite having the ability to leverage race-conscious admissions. For these Ivies to reflect the Black population demographics of the states their students are from, they would need to enroll nearly 4,600 additional Black students combined; the group of 122 institutions would need to enroll an additional 30,000 Black students combined to be representative."

The lack of social consciousness demonstrated by all of these schools in the Ivy League, and many of the women's colleges, demonstrates that educational institutions were built on racist and sexist fundamentals, which was why the need for historically black colleges and women's colleges was created in the first place.

However, women's colleges, despite being created to educate women, also have a history of imposing stricter rules on their students to uphold that they were still "ladies." For instance at Barnard, the women's college of Columbia University, the gate to the quad where the vast majority of the first year dorms were located, would close its gates after 10pm. This forced students to take a longer route, so that the students who come home late or are checking in guests late at night that may even go to Columbia had to enter at the front gate which is farther than the gate at their dorm. Students colloquially referred to this as "chastity gates," and the check in process as "the walk of shame."

The increased scrutiny put on female students at women's colleges shows that women's academic education was not the sole purpose of a women's college. There was an emphasis on the female students to express femininity, so as to appear non-threatening to the male students. If women were to attend college they had to do it like women, not like men, which to many

women's colleges meant emphasizing the social expectations of the female students attending the school.

Historically, female students at women's colleges were encouraged to socialize with male students at the then all male Ivy League colleges. As a result, when female students would go visit the Ivy League campuses by bus, students would miss a bus to go home and having no place to stay and would go home with a male student, so there was a place for them to sleep. The buses that brought over the female students were informally labeled by students as "fuck trucks" or "cuddle shuttles" in reference to the reputation of what the transportation symbolized. Women's colleges did not always prioritize the safety of students, and particularly when schools were gender segregated there was pressure for female students to socialize, which often meant attending social events or parties that had alcohol even though many students were underage. As technology innovations and transportation accessibility has increased over the years and since schools have desegregated, students have more options available to them when trying to return home.

Sexual Violence Prevention and Accountability Policies in the Human Rights Field

When the Universal Declaration of Human Rights (UDHR) was first established in 1948, the initial rationale was because of the Holocaust. The UDHR addresses crimes against humanity and crimes that are public and visible. The idea of protecting only the public sphere, a space that is predominantly occupied by men (particularly in certain cultures/states where women are not permitted a public role), is inherently male. According to Hilary Charlesworth's Feminist Critiques of International Law and Their Critics, human rights law was heavily male-dominant, saying, "International law has a gender, a fundamental, if sometimes subtly manifested, bias in

favor of men." (pg. 2)" Regarding international human rights law, the private sphere remains relatively unregulated, due to its relation to women and children. Regulating the private sphere is complex because many people do not want any international body or state government to interfere in their personal lives. However, the problem remains: how do we protect women against violence? The Convention on the Elimination of Discrimination Against Women (CEDAW) and the Children's Rights Convention were meant to help address this. Still, these conventions were not signed and ratified by some states, including the US.

Although not central to the thesis, the connection between rape and its ultimate derivation from gendercide is essential background on how rape culture developed from gendercide and now occupies all areas of life, including on a university campus. Gendercide is the purposeful killing and rape of women and gender nonconforming and trans individuals. Specifically, gendercide is the mass killing of people based on their gender identity. As Angela Hefti puts it, "crimes against women are characterized by impunity… Femicide is not defined in international criminal law (ICL), let alone recognized as a sub-form or method of genocide" (pg. 80).

The UDHR did not offer regulation around the private/domestic sphere, which is the area of life predominantly occupied by women, so the UN hosted a tribunal in 1993 to address the issue. The Vienna Tribunal on Violence Against Women included women from all different countries who spoke out about their experiences with sexual assault. All the assaults were highly unique yet painfully similar in how they had impacted the women. Many also discussed violence against girls or mentioned the children they had lost to violence because of the pervasiveness of rape culture (Vienna Tribunal 1993).

The importance of intersectionality also arose in the Tribunal and the literature on rape culture. According to Patricia Hill Collins, intersectionality is defined as "As opposed to

examining gender, race, class, and nation, as separate systems of oppression, intersectionality explores how these systems mutually construct one another" (Collins 2000, 63). Rape impacts races, ethnicities, and cultures differently. Women's experiences of rape differ based on their lived experiences. For instance, the rapes and assaults that students may experience on a college campus are a different experience of violence than, say, women subjected who undergo forced reproduction as a violent tactic of ethnic cleansing. These examples offer vastly different experiences of sexual violence, and yet both examples represent a universal female experience of gender-based violence and its intersection with other forms of identity. Overall, multiple experiences collectively amount to what we now call rape culture.

Another factor that stood out in the tribunal and literature on rape culture is the intersectionality of it all—women of color experience much more violence than white women. However, there are even more factors at play than just race. We also have to take into account sexual orientation, ability/disability, gender identity, etc., as these characteristics worsen the violence against these individuals. For instance, one rampant example of rape culture in the US that demonstrates the intersectionality of rape culture is the murdering and raping of black trans women. This sends a clear message to those who are considered "minorities/women of color" to stay in the private sphere or even not to have the right to exist at all.

Using this argument, we can now more clearly see why the international human rights community and the world have paid little attention to violence against women and girls. The women and girls most frequently being attacked are underrepresented in more than one way and face multiple barriers of discrimination, which complicates the current human rights legal system and the international community's method of categorizing victims. For instance, LGBTQ+ individuals are viewed as their minority group, while gendercide and the women and girls

affected who become refugees are another. The intersection between some of these women and these categorizations demonstrates that not everything can be solved by examining each issue separately, and sometimes solutions are more effective when they are intersectional.

The History of Title IX from 1972-2024

The discussion around campus rape culture is not new; however, the policies shaping the accountability of perpetrators are ever-changing. In 1972, Title IX Policies were established by the United States federal government to "protect people from discrimination based on sex in education programs or activities that receive federal financial assistance" ("Gender Equity/Title IX," 2023). Title IX itself was created by Congress and signed into law by President Richard Nixon. Title IX has many protections, including students on any university campus receiving federal funding. These protections require that educational institutions do not discriminate based on sex. It also requires that sex-based harassment, including sexual assault, be addressed through preventive (educational programs) and investigative tools (staff hired to advocate/determine fault) to protect individuals from harm.

Title IX was created during the Nixon Administration in 1972 to prevent discrimination based on gender and sex in educational institutions (C-Span 2022). Although the intention of Title IX was and continues to be to protect and help students avoid experiencing gender-based discrimination/violence and provide accountability, especially for students who do not want to go to the police, it has not historically corresponded to the policy being justly applied (Know Your IX 2023)

After Title IX's creation, there has been and continues to be controversy over its interpretation and application. Under different Administrations, the pendulum has and will

continue to swing back and forth on the interpretation of Title IX. But deeper than that, how do institutions, from schools to Administrations, address or suppress sexual violence?

Ivy League institutions care about their reputation and survival, which leaves individual students with little to no power over their safety on college campuses. The safety of the school will always overshadow the safety of the students. Sexual violence is a reality that institutions cannot accept, for they need to maintain their esteem. Instead, the students become the numbers within the reports quietly released by the schools.

Under the Obama Administration (2009-2017), the evidentiary requirements for survivors in Title IX investigations were modified only to require a preponderance of the evidence rather than the prior administrations' 'clear and convincing' standard. According to the Department of Education/the Obama Administration,

> The "clear and convincing" standard (*i.e.,* it is highly probable or reasonably certain that sexual harassment or violence occurred), currently used by some schools, is a higher standard of proof. Grievance procedures that use this higher standard are inconsistent with the standard of proof established for violations of the civil rights laws and are thus not equitable under Title IX. ("Dear Colleague" 2011)

The Obama Administration's guidance intended to change the narrative around sexual assault cases. It shifted the onus of proof from being carried by the victim/survivor to the perpetrator. In fact, rather than investigating a sexual assault case with a neutral attitude, schools like the University of Pennsylvania recommended that investigators begin the process by believing the complainant (University of Pennsylvania, Title IX). Given that less than 2% of rapes are considered "false accusations" (False Allegations and Sexual Assault 2020), false accusations are highly uncommon, especially since (based on the usual accusation of making a false report)

schools do not award money to complainants from the accused perpetrator or provide any reward for coming forward as a survivor.

The ideology and policy implementation in the US regarding rape culture changed following the election of Donald Trump. Under the Trump Administration, Secretary of Education Betsy Devos reverted the government's policy to the 'clear and convincing standard' (U.S. Department of Education 2018). This aligned with Trump, who repeatedly commented that women are for the taking and that, specifically, he, a "powerful" man, had rights to women's bodies without concern for their bodily autonomy (" 2021).

During the Trump Administration in 2020, there were changes made to implement Title IX policies, which included altering the definition of sexual assault. Under former US Secretary of Education Betsy Devos, sexual harassment was defined as "unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive." Including words like "reasonable person," federally legalizes the instituting of bias from another person. The Obama Administration did not include biased terms, instead putting greater detail into explaining what constituted as sexual harassment. Although under Obama's administration in 2016, Title IX regulations protected trans students, by 2017, the Trump Administration had rescinded the 2016 Title IX guidelines that protected trans students.

Overall, the changes made in 2020 by the Trump Administration were meant to provide more protection for the respondents who were accused of sexual misconduct, which in turn took away the credibility of complainants and their right to a just process from the university they want to be at. Narrowing the definition of sexual assault delegitimizes the experiences of survivors who did not fit into the narrow box they created and does not take the vast array of

experiences of survivors into account. The 2020 Title IX changes hurt survivors and allowed for much more leniency under law for the accused.

Political and Cultural Shifts on Title IX and Rape Culture 2016-2024

Public perception of what rape is, what rape culture is, and the best way to hold perpetrators accountable has oscillated for decades; however, this research begins on the political and cultural touchstone of the election of Donald Trump. In 2016, a tape was released of then Presidential candidate Donald Trump bragging about assaulting women when he first sees them. Shortly thereafter, Trump was elected to the highest office in the US. Since the tape was released right before the election, survivors felt indignation that even with proof of claiming to assault women, there were no repercussions for the most powerful person in the country. This incident, coupled with many other famous men like Harvey Weinstein who seemed untouchable by the law, started the #MeToo movement in 2017.

Trump's presidency changed the conversation around rape in the US. Although his election demonstrated that a lot of voters did not care if the president had assaulted anyone, it also mobilized survivors to make their experiences with sexual violence public, like in the #MeToo movement, to bring substantive change in case results, legislation, and elections. Trump's administration prioritized weakening protections for survivors, like appointing a Supreme Court Justice who was accused of rape to diluting or redacting language in Title IX.

Shortly following Trump's election, the #MeToo Movement began in 2017. Although the words "me too" were coined by survivor Tarana Burk on MySpace in 2006, it wasn't until the two words were turned into a hashtag that it went viral. The words "me too" going viral online

encompassed a level of empathy and shared suffering around a community of survivors that previously may have felt entirely alone. As more survivors began to come forward, there was more pressure for accountability to be taken and justice to prevail. However, even rapists found guilty of assault, like Harvey Weinstein, who was accused by over a hundred women of harassment and assault, had his case appealed in 2024 (although Harvey Weinstein remains in prison as one of his convictions was not overturned). Similarly, the conviction of Bill Cosby, who was accused of drugging and raping women for decades, had his conviction overturned in 2021 and walked free.

2018 was a better year in terms of legislation that protected survivors. In 2018, Congresswoman Sen. Dianne Feinstein's bill, Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act, became law, which amended the Victims of Child Abuse Act of 1990. The law required adults who interacted with minor or amateur athletes to report any suspected child abuse under penalty of law. Trump signed this bill into law in 2018 as well as named April Sexual Assault Awareness and Prevention Month in 2019.

Title IX Regulations 2024

The newest version of Title IX regulations was released by the U.S. Department of Education on April 19, 2024, and was updated to better protect students from experiencing sex discrimination. The new ruling updates the definitions of key terms used in the Title IX process, like complainant and respondent. Due to the partisan landscape of the U.S., Title IX regulations have changed as presidents and administrations have changed over the years. Under President Trump, there was a greater focus on protecting respondents' rights, and that resulted in a more significant burden of proof for the complainants. President Biden's administration's Title IX

regulations were sharply departed from the rules of the Trump era. In the newest version of Title IX released by the Department of Education in April 2024, sex discrimination now includes stereotypes based on sex characteristics, gender identity, sexual orientation, and pregnancy, when previously Title IX has been solely about discrimination based on sex.

Before this iteration of Title IX, sexual harassment was previously classified into two forms: either quid pro quo or a hostile work environment. Quid pro quo refers to an employer threatening or promoting an employee's career advancement. Quid pro quo translates to “this for that” in Latin. A hostile work environment is described as a form of harassment or assault that interferes with an employee’s work environment.

In the 2024 version of Title IX, the definition of sexual harassment was expanded beyond quid pro quo and hostile work environment. The term “sex-based harassment” was introduced in 2024 as a guideline that describes sexual assault, domestic violence, and stalking as forms of sex-based harassment. The new guidelines also allow for allegations of harassment and sex-based discrimination for students to bring to their schools on conduct that may have occurred off campus or even outside of the U.S. The inclusion of sexuality and gender identity discrimination in 2024 is also extremely monumental in protecting LGBTQ+ students.

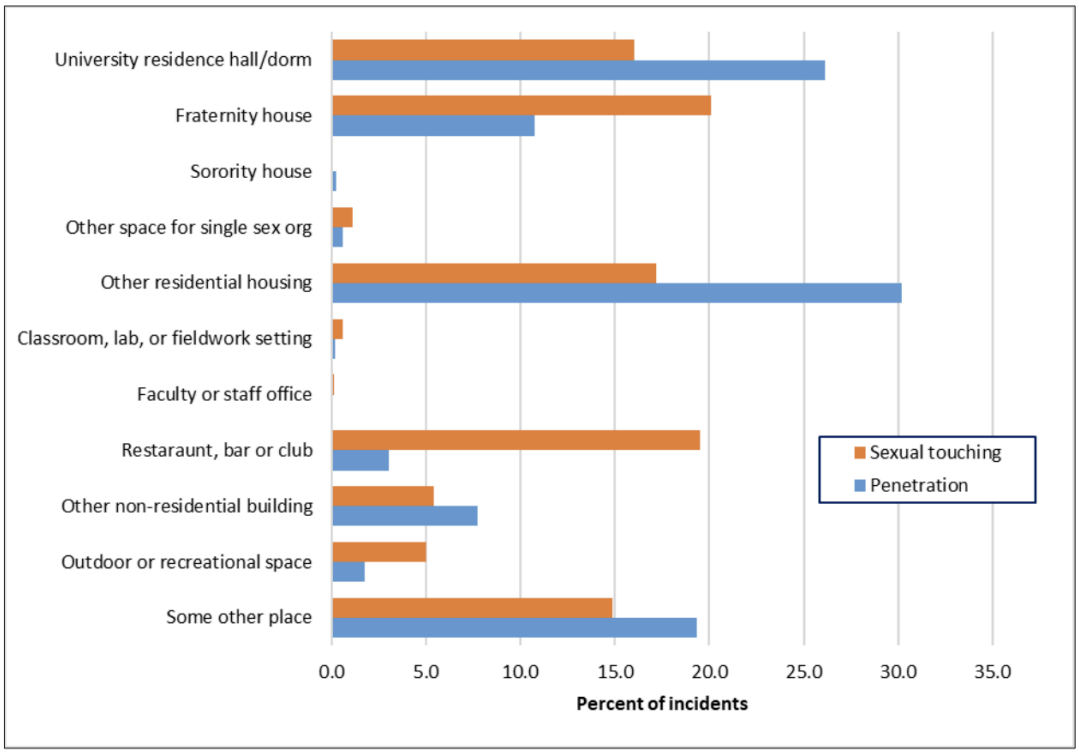
The new Title IX widens the scope of what is considered sex discrimination and how to determine whether discrimination has taken place. The most recent Title IX regulations provide more comprehensive definitions of terms like “retaliation,” which were missing from the previous rules. The implementation of this ruling that will be put in effect in August 2024, which will result in schools editing their policies on sexual misconduct and could help protect students’ well-being and force school administrators to take cases of sexual misconduct more seriously.

The new Title IX regulations effectively do most of the work for the universities adopting them. The Department of Education included in the information on 2024 Title IX the complete legal text, a summary of the new rules, and an explanation of how they differ from the previous regulations in 2020. The resources published on drafting nondiscrimination policies, notices of nondiscrimination, and grievance procedures should be the primary resources used by universities to create new manuals for the next school year.

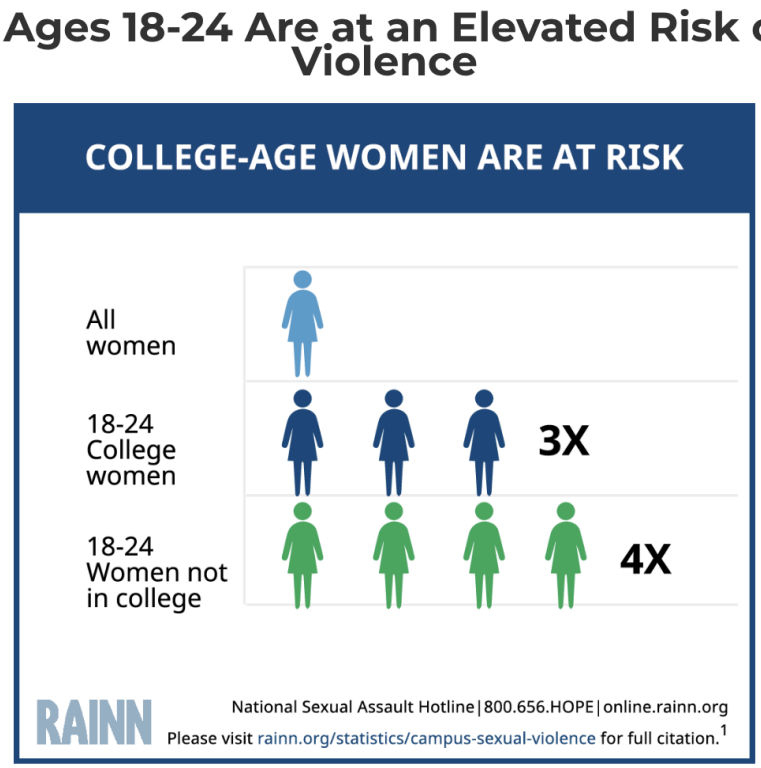
The inclusion of pregnant students and the discrimination they may face in school is also a new guideline that will expand protections to students who previously did not have specific guidelines that protected them from discrimination. Overall, the Biden Administration's new Title IX guidelines are far more inclusive than any previous policies. The 2024 policy is stricter and more detailed on what the government considers discrimination.

AAU Statistics:

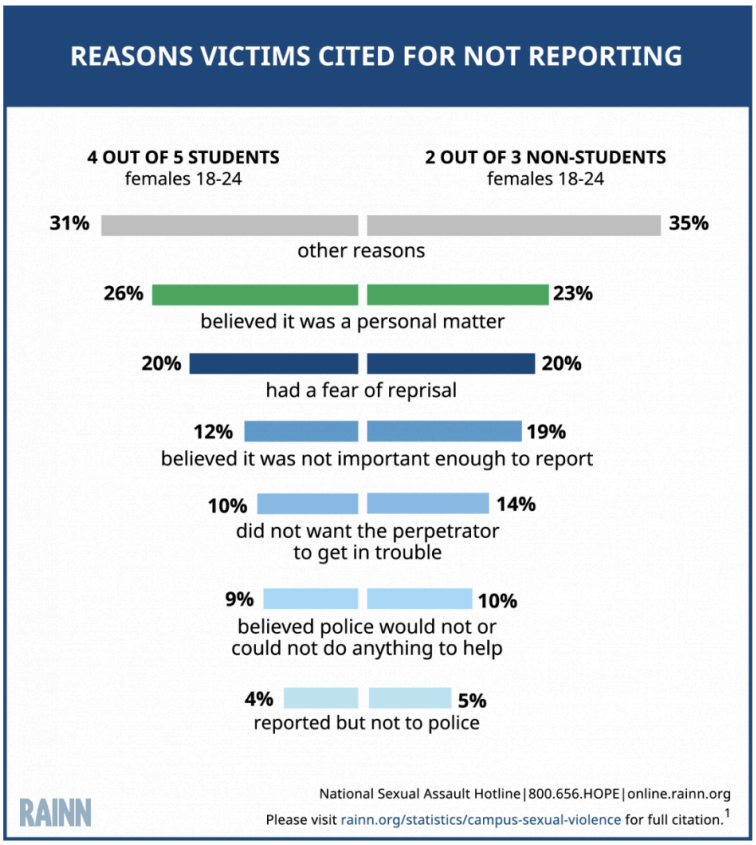
Figure 5. Location of nonconsensual sexual contact incidents experienced by women, by type of sexual contact



RAINN Statistics:



College-Age Victims of Sexual Violence Often Do Not Report to Law Enforcement



Because this study allowed victims to cite more than one reason for not reporting to law enforcement, this statistic may not total 100%.

NYS STUDENTS' BILL OF RIGHTS

New York State law requires that all institutions of higher education in New York publish the following Bill of Rights for all students attending higher education institutions in the State.

All students have the right to:

1. Make a report to local law enforcement and/or state police

2. Have disclosures of domestic violence, dating violence, harassment, stalking, sexual exploitation, sexual assault, and retaliation treated seriously

3. Make a decision about whether or not to disclose a crime or violation and participate in the University gender-based misconduct process and/or criminal justice process free from pressure by the University

4. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard

5. Be treated with dignity and to receive from the University courteous, fair, and respectful health care and counseling services, where available

6. Be free from any suggestion that the Complainant is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations

7. Describe the incident to as few University representatives as practicable and not be required to unnecessarily repeat a description of the incident

8. Be protected from retaliation by the University, any student, the accused and/or the Respondent, and/or their friends, family, and acquaintances within the jurisdiction of the University

9. Access to at least one level of appeal of a determination

10. Be accompanied by an advisor of choice who may assist and advise a Complainant, accused, or Respondent through the judicial or conduct process included during all meetings and hearings related to such process

11. Exercise civil rights and practice of religion without interference by the investigative, criminal justice or judicial or conduct process of the University

Findings

Ivy League Schools and Sexual Assault Incidences

Do Ivy League schools have more students who commit sexual violence than other schools? Although no statistics are currently available that can answer that question, there are theories on why Ivy League schools have higher incidence rates than other colleges. For example, students at Ivy League universities may be more aware of what constitutes consent because of their education on sexual misconduct at that university, a point that has been repeatedly argued by various Ivy League university representatives when asked to address the issue.

In 2015, the Association of American Universities conducted a survey across 27 colleges in the US on rates of sexual assault and harassment, and seven of the eight Ivy League universities participated. Students at the Ivy League schools that were surveyed reported higher rates of sexual violence than the students at other schools that were surveyed. There has been federal legislation to address the problem of on-campus violence. The *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics (Clery) Act,* passed in 1990 and most recently updated in 2021, was created to increase the transparency of crimes happening on or close to campus. Like the research done by the AAU, the Clery Act has investigated claims of on-campus sexual violence, however, with an emphasis on the conduct of the university in their response to and transparency of sexual violence incidences. The Clery Act has also led to reports of investigations of universities, some within the Ivy League, to determine whether the schools has failed to protect their students.

Overall there is limited research on rape culture on Ivy League campuses, some of which may be due to the schools' desires to maintain prestigious reputations. When deciding where to go to college, talking about the rates of sexual violence on campus should be important to potential students, but this information is not easy to find. Attending a top university like an Ivy League university is prioritized for students because of the high quality academia or reputations in desired career fields, but safety is not generally discussed with applicants. Although there is some discussion about big schools being "party schools" and students who were drugged and sexually assaulted at parties, prestigious universities may have scandals make the news but they never want to have their reputation be tarnished - especially, by any students who claim to have been assaulted on campus and that the university took very little or no action.

Ivy League university degrees are used to represent a person's intellect and should be a point of pride for the former student for, conceivably, the rest of their life. If you are a student who spent their whole life studying and praying to be able to attend Harvard or Princeton, and you feel that your school was not able to adequately protect you or help you get justice. In that case, that degree will have a different feeling attached to it than just pride. Research like this paper can work as a guide sheet for schools creating their sexual misconduct guidelines and other recommendations that other schools successfully use. Access to education must ensure a safe learning environment for all students.

Columbia University Gender-Based Misconduct Guidelines

The concept of affirmative consent regarding sexual encounters has developed. Affirmative consent requires that each party must be an enthusiastic participant in any sexual

encounter that takes place. As with other states in the United States, the state of New York has also developed its statewide policies for sexual assault in the state and on college campuses, entitled “Enough is Enough.” (“Enough Is Enough: Combating…” 2015). To put it simply, in New York State, instead of the aphorism “no means no,” the saying is now “yes means yes,” i.e., affirmative consent; as a result, Columbia University’s Title IX policies are guided by both federal and state rules and requirements.

As a result of these federal and state requirements, Columbia University has adopted the policy of Affirmative Consent. Once a complaint has been made, University investigations rely on the legal principle that the burden of proof must demonstrate a “preponderance of the evidence.” A preponderance of evidence “means that a panel must determine, based on the information provided, that a Policy violation was likely to have occurred, to find the student identified by the complainant as responsible for violating the Policy.” (U.S. Department of Education 2021).

Since Columbia University had the most prolonged guidelines and had the most available archive consisting over multiple years compared to any other Ivy League university, I analyzed language and trends of policies and contradictions in the Columbia University Gender-Based Misconduct Guidelines from 2017-2023. Overall, I found that in Columbia's gender-based misconduct manuals from 2017-2023, there seems to be a partiality to the respondents and general language that does not stress accountability, supportive assistance for students, or finding justice.

Gender-Based Misconduct 2017-2018

Two components describe what constitutes sexual harassment legally: quid pro quo and a hostile work environment. The Columbia manual has only one sentence on quid pro quo but far more information on sexual harassment. This manual extrapolates on what can be explained in a manageable length and shortens definitions that seem important and relevant to students reading it. The 2017-2018 manual is also far too long and has too many scenarios without enough substantial information.

Gender-Based Misconduct 2018-2019

According to the gender-based misconduct guide published by Columbia from 2018-2019

> "coercion is more than an effort to persuade, entice or attract another person to engage in sexual conduct. When a person makes clear that they do not want to participate in a particular form of sexual conduct, that they want to stop or that they do not want to go beyond a certain type of sexual conduct, continued pressure can be coercive if it would reasonably place an individual in fear of immediate or future harm… In evaluating whether coercion was used, the frequency, duration, and intensity of the other person's verbal or physical conduct or threats are all relevant, as is the degree of confinement or isolation to which the person was subjected. Coercion may be evidenced by an interaction that can reasonably be interpreted as indicating that a party will be harmed or restrained if they do not engage in sexual conduct (e.g., "You can leave, but only after you perform oral sex.")

One of the most common takeaways I have from analyzing all of these gender-based misconduct guidelines is that Columbia University's definition of coercion has vague language

that has stipulations, unlike the other definitions the university gives for other instances of gender-based misconduct. Coercion is also said to be evaluated by "the frequency, duration, and intensity" of a threat, leaving much to interpretation. Based on the definitions that Title IX officers use to judge whether an incident can be considered gender-based misconduct, ambiguity in languaging can lead to more significant confusion and less uniform results in cases.

Results that are not uniform can also be considered unequal, and unequal rulings on cases can significantly harm the students as well as leave the university vulnerable to legal retaliation. Title IX and affirmative consent are briefly defined by the state, and the succinct language that is approximately one page long means that the definitions are highly accessible to students who are considering whether or not an incident is regarded as a violation of their rights. A university like Columbia, which has gender-based misconduct guidelines that are over pages long, increases the likelihood of confusion for the students and staff. The convoluted and lengthy manuals published by the university serve as another obstacle students face when reporting a gender-based violation. A form of gender-based violence can leave long-lasting trauma, and retelling the incident(s) to anyone, friends, family, or a Title IX office can be incredibly traumatic in itself, so creating accessible resources that can guide students through a complex process might even streamline the process resulting in a quicker and easier case turnaround.

Similar to the previous year's edition, the manual is very long and does not properly condense the necessary information.

Gender-Based Misconduct 2019-2020

The definition of coercion in the 2019-2020 gender-based misconduct guide is very narrow. Coercion is not an effort to persuade a person, and rather it has to involve continued pressure. Coercion is defined as:

> "Coercion is more than an effort to persuade, entice, or attract another person to engage in sexual conduct. When a person makes clear that they do not want to participate in a particular form of sexual conduct, that they want to stop, or that they do not want to go beyond a certain type of sexual conduct, continued pressure can be coercive if it would reasonably place an individual in fear of immediate or future harm."

This is a confusing and convoluted definition, which leaves a lot open to interpretation. Continued pressure seems to suggest that you cannot have just been pressured once into doing an unwanted sexual activity but must be pressured multiple times for it to have the chance of being considered coercion by the university. The Oxford English Dictionary defines coercion as "persuading someone to do something." Columbia negated the definition of coercion and invented its own definition. Given the opposing definitions of the same word, the method of judging whether coercion has taken place is flawed from the start. What definition the university uses in making decisions about how to respond to incidents of gender-based violence jeopardizes the Title IX office's legitimacy.

The 2018-2019 definition of coercion is not remarkably different from the 2017-2018 edition, instead using the phrase "coercive if it would reasonably place an individual in fear of immediate or future harm" (2019-2020) versus the former definition, including "coercion may be evidenced by an interaction that can reasonably be interpreted as indicating that a party will be harmed or restrained if they do not engage in sexual conduct," (2018-2019). Overall, there's an

impression from the previous version that there needs to be an element of restraint involved in coercion. However, coercion is supposed to be a verbal way of forcing a person into sexual conduct, not a physically restraining force, which is usually just referred to as sexual assault. Sexual assault includes both physical and verbal methods to force one into sexually unwanted conduct.

Columbia continues to have a very lengthy manual in 2018-2019, and does not organize the information well for the reader.

Gender-Based Misconduct 2020-2021

According to the Gender-Based Misconduct 2020-2021, there are six steps needed to determine whether a student who has been found responsible for sexual assault should be suspended or expelled:

> "Sanctions for Sexual Assault: The determination to suspend or expel a student found responsible for any type of sexual assault takes into account numerous factors, including (1) the specific gender-based misconduct at issue; (2) the circumstances accompanying the lack of consent; (3) the respondent's state of mind at the time of the gender-based misconduct; (4) the impact of the offense on the complainant; (5) the respondent's prior disciplinary history; and (6) the safety of the University community. Sexual Assault: Penetration includes any form of vaginal, anal, or oral penetration, however slight, by a penis, object, tongue, or finger without a person's affirmative consent. Of the cases within this category, four findings of responsibility resulted in Disciplinary Suspension for all cases."

This quote is a telling way to describe the trauma of sexual violence. Trauma from sexual assault is imprinted into the bodies of survivors; although a traumatic event may have passed, trauma can last a lifetime. A common defense of people found guilty of sexual assault is that punishing the person found guilty can affect them for the rest of their lives. The trauma of being assaulted versus being punished for sexually assaulting a person thus is unequal.

The language that Columbia University's Title IX Office uses in this edition of their gender-based misconduct guide is reflective of thousands of years of dismissing survivors of sexual violence to protect those who committed the violence. Another notable language choice is the third step: "the respondent's state of mind at the time of the gender-based misconduct." The respondent's state of mind, who at this point has been found guilty by the university of sexual assault, is taken into account in whether the university suspends or expels the respondent. There is no elaboration on this step, which thus fails to describe why a respondent's state of mind while sexual assaulting someone is relevant to the sanction given to them by the university. As a result of these steps that the university requires, a greater burden of proof is put on the complainant to prove that not only were they assaulted, but that even if the university determines that they were assaulted, it has to prove that the assault and the pain it caused is worthy of a sanction like expulsion.

The most surprising part of university conduct like this is that it's in their students' best interest to expel or suspend a student who the university determined has sexually assaulted another. By not removing a safety hazard like a rapist from campus, a university is not adequately protecting the other students at the school. The university may now have to spend more money and resources if the student is brought to the Title IX office again for assaulting another person because of the policy Columbia instituted that prohibits the office from using a

student's past Title IX case details and results when examining a new incident. Thus, the university is wasting resources, time, and, most importantly, risking the safety of others and possible action being taken by students who are upset by the school's conduct, which one would reasonably expect the school to want to avoid. In this 2020-2021 report, all four of the sexual assault cases where the respondent was found responsible were suspended and not expelled.

Gender-based misconduct that the University does not define as sexual assault is given less stringent sanctions. The difference in sanctions between assault versus gender-based misconduct such as sexual exploitation, stalking, and domestic violence, therefore, is being determined by the university as not as traumatic or does not reach the severity of sexual assault.

> "Sanctions for Other Gender-Based Misconduct: For the broad range of Policy violations identified as gender-based misconduct other than sexual assault, sanctions issued during this reporting period included: policy education, disciplinary suspension, registration hold, access restriction, persona non grata status, loss of alumni privileges, and ineligibility for future enrollment in any University program. Of the cases in this category, there were three findings of responsibility. One case resulted in Disciplinary Suspension and two cases resulted in Conditional Disciplinary Probation."

A University Title IX Office to create this distinction between sexual assault and other forms of gender-based misconduct is a bold policy. Making a policy that categorizes the severity in trauma by university officials, not legislators or research experts, also places the university in a position of moral authority.

From their first accessible publication from 2017 to the manual2020-2021, Columbia's *Gender-Based Misconduct* manuals continue to be lengthy year after year, and it seems there is very little editing done from one year to the next.

Gender-Based Misconduct 2021-2022

In the data reported from Columbia University's Gender-Based Misconduct, between July 1st, 2021 to June 30th, 2022, there were 340 reports of sexual assault and gender-based misconduct. There are about 2,200 undergraduates enrolled. This is all displayed on a data sheet and separated between undergraduate and graduate students. The gender-based misconduct from 2020-2021 frames of resolution of reported violations are supposed to be resolved within seven months.

The definitions of the violations provided by the university include the terms: sexual assault: penetration, sexual assault: contact, domestic violence, dating violence, sexual exploitation, stalking, sexual harassment, and gender-based harassment.

The resolutions the school offers include:

1. "A formal Title IX Complaint was filed but was dismissed by the University," 2. "Complainant declined to identify a respondent and/or declined to provide significant detail to support an investigation; no further investigation was conducted–complainant offered support by the Student Conduct and Community Standards Case Manager," 3. "Complainant did not know the identity of a respondent and/or the respondent was a non-affiliate; no further investigation was conducted–complainant offered support by the

> Student Conduct and Community Standards Case Manager," 4. "A complaint was submitted by a third party but the identified complainant reported that no sexual assault occurred and/or did not corroborate this complaint," 5. "Behavior described by reporting individual did not meet the definition a violation of the Gender-Based Misconduct Policy for Students," 6. "Alternate Resolution" (a non-disciplinary resolution), 7. "Mediation," 8. "Restorative Justice," 9. "Respondent accepted responsibility for the violation of the Policy or indicated no contest of the recommendations of the Investigative Team"

Although these resolutions could be interpreted in by students and school administrators alike in a multitude of ways, the language does not center around the protection of the survivor. Instead the forcus on the first five of the "resolutions" are on why the university would decline or discontinue an investigation before offering any actual resolution. The manual lengthily presents scenarios and non-essential information, however it does not properly explain why a formal complaint would be declined by the university and offers very few resolutions even within the category entitled as "resolutions."

The resolutions are an example of language that protects the school by rejecting a complaint which means there is one less case to report on in their annual report. The school also offers a resolution to discontinue a case the administrators do not think has enough evidence, which all results in school administrators being able to be picky on what they deem worthy of school involvement and worthy of documentation.

Administrators at Columbia have to closely examine their guidelines on sexual misconduct the way this paper does, as language and small details matter greatly to students who

have experienced sexual violence. Editing, researching, and reshaping guidelines like these is vital to ensure students' a safe educational environment.

Gender-Based Misconduct 2023-2024:

The definitions of the violations provided by the university included the terms sexual assault: penetration, sexual assault: contact, domestic violence, dating violence, sexual exploitation, stalking, sexual harassment, gender-based harassment, and retaliation. Notably, prior gender-based misconduct violations are not included in this version. In each manual iteration from 2017-2018 to 2023-2024, the investigators perform a "credibility assessment." The 2017 version of the gender-based misconduct manual is described as follows:

> "The Investigative Team will use the following factors when assessing the credibility of parties and the witnesses: the consistency or inconsistency of their accounts of events over time; their demeanor during their interviews; their motive to lie; any corroborating evidence; and whether their statements included specific details that were reasonable and logical."

However, by the 2023 guidelines, some of the terms used to describe the university's "credibility assessment" were changed from "motive to lie" to "potential for bias in favor of a specific party or outcome." The manual also no longer includes the student's demeanor as part of the university's credibility test.

In the manual, the Title IX office defines preponderance of evidence as:

> "Preponderance of the evidence means that the Investigative Team must determine, based on the evidence presented, whether the Respondent was more likely than not to have engaged in the conduct at issue. During the investigation and adjudication process, the Respondent is presumed not responsible. The Complainant and Respondent may each participate at the level to which they are comfortable. The Investigative Team bears the burden of showing evidence to support its recommendation regarding responsibility. The burden is not on the Respondent to prove that they did not engage in gender-based misconduct."

One of the most significant problems I discovered in the gender-based misconduct manuals is the diluting of important terminology with excessive and convoluted "examples" of sexual violence. Guidelines on sexual misconduct are supposed to center the survivor in the language and demonstrate the school's dedication to its student body's safety. However, Columbia's gender-based misconduct manuals from 2017-2024 continue to use their bylaws to protect the university and not the student.

Columbia University's "Gender-Based Misconduct Interim Title IX Policies and Procedures" delves into gender-based violence and provides definitions for sexual assault, sexual harassment, stalking, etc., as well as all the language used to describe these forms of gender-based misconduct. However, the manuals doe not provide inclusive definitions for words used to express sexual assault, such as the term "coercion." Although this word falls under the category of sexual assault, the University does not provide a comprehensive definition. It is also not represented in the examples they provide of what sexual assault is defined as by the "Columbia University Gender-Based Misconduct Interim Title IX Policies and Procedures." The manual describes instances of sexual assault as follows:

> "Examples of this type of violence include hitting, kicking, punching, strangling, or other violent acts, including violence or threats of violence to oneself under certain circumstances, violence or threats of violence to one's partner, or the family members, friends, pets, or personal property of the partner."

While coercion can refer to threats, threats may not necessarily be limited to acts of physical violence. A relationship where one partner pressures the other to have sex until that partner succumbs to pressure and "gives in" is also a form of coercive rape. Although states vary on the exact legal definition of coercion, it is recognized in most states that coercion or coercive rape is a criminal offense, and the charges vary based on whether any physical force was used. Acquaintance-based rape often involves coercive methods, and acquaintance assaults make up the majority of rape incidences on college campuses. However, based on this manual's definition of sexual assault, it has to involve "physical violence" or the threat of such violence. The term sexual violence does not necessarily require that the victim be seen as visibly "physically assaulted" (such as bruises, cuts, etc.), and using the term physical violence rather than physical force implies the degree of physical pain that a victim experiences should be severe and physically detectable. The threat of such violence is also not encompassing all different kinds of rape.

These specific examples and the lack of comprehensively defined terms indicate that the Columbia University Gender-Based Misconduct Interim Title IX Policies and Procedures manual does not adequately protect its students. The manual is the source that students refer to before initiating a Title IX complaint. By limiting the amount of information and definitions that the University will accept, students may be led to believe that Title IX investigators would not protect their experience. They may also feel, based on the language, that the trauma they

experienced will not be recognized because it does not fit the "category" of rape defined by the university.

Ivy League Universities' Title IX Office Policies and Manuals

Although comparing the manuals Columbia University has published over the last five to six years, examining other Ivy League schools' policies that are available is important in order to find the most effective guidelines used by the schools.

Cornell University

Cornell University's Title IX website is not as easily accessible as other Ivy League university websites for Title IX resources. Although Cornell's website seems to have tons of different pages of information, very little is discussed regarding the Title IX case process. In opposition to Columbia's lengthy manual, Cornell needs to consolidate the resources for students to use more efficiently.

Harvard University

Harvard is unique in their policy of using lawyers who specialize in sexual harassment law as "fact finders" to assess a Title IX case. Harvard also offers safe spaces for survivors with a women's center and an office of gender equity. Harvard has two resources from their Title IX office on their policies: a sexual misconduct policy manual, which is three pages, and a sexual harassment policy manual, which is seven pages. Harvard's policies are accessible to students in their succinct yet comprehensive format online, and the school also has multiple support

resources that are easily available. Harvard has a student-centric focus in the policies and offices/centers set up to support students.

Yale University

Yale University surprisingly has about a page and a half of its policies on teacher-student relationships. Teachers and graduate students are allowed to have a sexual and romantic relationship so long as the teacher never taught or advised the student. Undergraduate students and teachers are not allowed to date under any circumstances. Yale dedicates a portion of their Title IX website to discussing these relationships and titles that portion "policy on teacher-student consensual relationships." This section is also the longest of all the definitions and policies defined by the school, including being almost twice as long as the definition of sexual consent.

Princeton University

In contrast to Columbia University's policies on gender-based misconduct, Princeton University has supportive measures offered to complainants and occasionally respondents, including:

> "counseling; extensions of deadlines or other course-related adjustments; modifications of work or class schedules; campus escort services; mutual restrictions on contact between the parties; changes in work or housing locations; leaves of absence; increased security and monitoring of certain areas of the campus; and any other measure that can be used to achieve the goals of this policy."

Princeton has a policy of presumption that complainants “are made in good faith. A finding that the alleged behavior does not constitute a violation of this policy or that there is insufficient evidence to establish that the alleged conduct occurred as reported does not mean that the report was made in bad faith.” Princeton policy presumes the respondent is non-responsible.

One of the key differences between all the Ivy League schools mentioned is that they are based in different states, which have different laws on sexual misconduct. For instance, Columbia is based in New York, and Princeton is based in New Jersey. Both New York and New Jersey have affirmative consent laws. However, New Jersey’s statute is very brief and has a lower age of consent than New York's (NY: 17 years old, NJ: 16 years old). Because of the variance in state laws, there is some variance in school guidelines. Notably, Columbia University seems to be more protective of the school administration than the students compared to Princeton. Princeton’s sexual misconduct policies are geared towards supporting the students under all circumstances.

Columbia’s 2017-2018 Gender-based misconduct manual does not set a time frame for the university to respond. By Columbia 2022-2023, the gender-based misconduct manual policy sets a timeline of 120 days, with the possibility of an extension. Princeton’s current sexual misconduct manual sets a turnaround of 90 days, with the possibility of a longer timeline if there are extenuating circumstances.

Dartmouth University

Dartmouth does not have a different website for their Title IX office than the general school webpage. However, they built the webpages on Title IX with safety precautions in mind

for those in abusive relationships or situations, including a safe exit in case a victim is being monitored by their abuser. This tool is unique to Dartmouth and is an excellent policy that effectively anticipates survivors' needs and is often a strategy used by domestic violence shelters' websites.

Aside from this fact, like Columbia, Dartmouth has a very lengthy policy and procedure manual that is not accessible to students. Dartmouth's guidance is somewhat redundant and includes some unnecessary information. For instance, within the Dartmouth College Policy on Sexual and Gender-Based Misconduct, there are many links to other resources. While extra resources can be beneficial, having such a long sexual misconduct policy book that doesn't include a section on resolving a complaint against a student in the policy book, but rather has resolutions in another resource made available, which, in turn, is in similar length to the prolonged policy book as the redundancies and unnecessary information cloud valuable policies.

Unlike the other manuals, Dartmouth describes their collecting of evidence on the case as an effort to "assess for evidence of a pattern or other similar conduct by the Respondent," a constructive way of phrasing that shifts the burden of proof and moves the spotlight from the complainant to the respondent. Other universities described assessing the credibility of the complainant, and Dartmouth's shift in language once again anticipates the needs of a student experiencing trauma and abuse to feel validation and support in their coming forward to share their incidences of sexual misconduct. This is clouded by the fact that the term "respondent" is not defined until the very end of the manual, and the overall lack of direction in the manual itself.

Brown University

Brown University has well-designed and intuitive web pages on sexual misconduct policies. However, the school is exceptionally restrictive compared to the other universities on what can even be considered a complaint worth pursuing. If the respondent is not currently enrolled, a complaint will not be investigated, and the manual even goes so far as to have the right to discipline a student who makes "false allegations and evidence." Brown claims it considers a complainant's prior sexual history not relevant and then defines two exceptions to that case, including

> "(i) when the questions and evidence are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant; or (ii) when the questions and evidence concern specific incidents of the Complainant's prior sexual behavior concerning the Respondent and are offered to prove consent."

In contrast to Dartmouth, which seems focused on protecting the respondent's well-being, the Brown sexual misconduct policy is far more concerned with the credibility of claims than assessing any evidence offered. Brown claims that sexual history is only relevant to "prove consent" or prove someone who wasn't accused was actually the responsible party. The policy diffuses all responsibility from the respondent and the severity of the burden of experiencing sexual misconduct complainant falls to the wayside. In addition, other disciplianry actions involving the students involved in a case are "typically viewed as irrelevant to the investigation." Brown also states that "The University makes the presumption that reports and Formal Complaints are made in good faith and presumes that the Respondent is not responsible for the alleged Prohibited Conduct until a determination is made at the conclusion of this procedure." Without student testimony on their perception of how the university handles sexual assault cases, the resources on the school's policies on sexual misconduct and harassment are an

essential indicator in determining the safety and support measures put in place to protect students.

Overall Recommendations for Universities

This thesis has examined de jure and de facto laws and regulations around rape culture in the US over the last decade and an in-depth analysis of Ivy League universities and their incidences and regulations on sexual misconduct. Based on the findings, there are five recommendations for schools updating their manuals: 1. Concise Language and Information, 2. Reference Title IX and Federal and State Consent Laws, 3. Spaces for Student Survivors, 4. Engage with the Student Body, 5. More Research on Other Universities' Guidelines

1. *Concise Language and Information*

A recommendation I have for universities with manuals like Columbia is to significantly shorten their manuals by editing out the information that is not pertinent to a student trying to decide whether they experienced gender-based violence and if they want to bring it to the school's attention. Suppose Columbia University determined that including scenarios about gender-based misconduct was still crucial for students to see. In that case, the school should create addendums and other resource documents with specific labels rather than one convoluted resource where finding the relevant information is extremely difficult.

2. *Reference Title IX and Federal and State Consent Laws*

Another recommendation for universities is to closely examine the laws around gender-based violence and definitions of terms in their state and federal laws and to use these laws and definitions in their resources. Creating terms and regulations that do not align with state laws is unjust to students and is also excessive, unnecessary work for the Title IX office.

When creating new gender-based misconduct manuals, I urge the school to look to new reports and recent legislation nationally and in states where the schools reside. By doing this, schools can determine whether to include new information or definitions. For instance, with the creation of AI came the latest form of sexual exploitation: deep fake porn. The following year's edition of the gender-based misconduct manuals at universities, including a definition of deep fake porn under the sexual exploitation category, would demonstrate the school's adaptability and commitment to protect students from all forms of gender-based violence.

The 2024 preliminary iteration of Title IX released by the Biden administration in April 2024 provides detailed guidelines for school administrators to reference when creating their new gender-based misconduct manuals. School administrators have to keep doing continual research each year on what are the most and least effective practices or guidelines implemented by the school, and follow any trends that may be observable over multiples cases to better shape future guidelines.

3. *Spaces for Student Survivors*

My research could assist universities in examinig their school statutes and policies on sexual misconduct to find ways to better accommodate their students. For instance, a few of the schools I researched did not provide the students with spaces dedicated to helping marginalized

groups within their student body. Some of the universities I examined have women's centers, LBGTQ+ centers, and offices run by students dedicated to violence prevention on campus. Having centers that support students' identities and shared experiences on campus encourages student engagement and could significantly impact students' sense of security on campus. Not only could students find community and safety in a designated space, but centers could also offer classes that develop skills and abilities in bystander intervention and assisting other students who have experienced sexual violence.

4. *Engage with the Student Body*

Engaging with the student body on issues of sexual violence within the university through clubs or student-run associations that have good relationships with school administrators could help school administrators better understand current problems facing their student body. This engagement could forge trust between the students and the school, as the students will feel that their voices are being heard by the university.

Researchers who work with the university to survey the student body on their experiences with sexual violence on campus would be a safe and confidential way for students to communicate their needs, particularly if the student does not wish to have their identity known.

5. *More Research on Other Universities' Guidelines*

School administrators from different colleges should meet to discuss the positive and negative takeaways they had on the last year's sexual misconduct cases. Universities should have

their manuals on sexual misconduct readily available for school administrators from other universities and having conferences with other schools to discuss best current practices could be extremely impactful on the safety of the student body. School administrators must continually research how to address on campus sexual violence and share results with other schools on any significant findings. The priority of univeristies has to always be protecting the safety of students, or else it threatens their right to education in a safe environment.

Conclusion

So many students applying to college dream about attending universities like Harvard or Yale. However, after being assaulted on a university campus, students may no longer feel safe at a school, especially at a prestigious school that has a big reputation to protect. Some students leave the schools that they may have spent their lives hoping to attend because they'd rather leave than live through the trauma of being on campus, seeing the person who hurt them, or continue at a school that would not protect or bring justice and closure to the student.

Ivy League schools rely more on a good reputation than other schools to maintain prestige. Because of this, there has to be more monitoring of prestigious universities' published statistics and policies to better evaluate a school's ability to keep its students safe. With work like this, hopefully, more attention will put a bigger spotlight on schools to be transparent and just in their policies. This paper concludes with the hope that with more research and attention placed on prestigious universities' policies and reputation on sexual misconduct, there will be greater transparency, which could help students applying for colleges make more informed decisions and could potentially reshape and reform the way universities address sexual violence on campus.

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