



**“Hostile College Campus Environments: The Problem with
Bureaucracy-Centric Sexual Assault Policies”**

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Policies

I. Introduction

In September of 1994, Christy Brzonkala was allegedly raped by two men who attended the same school she had just enrolled in that fall, Virginia Polytechnic Institute (often referred to as Virginia Tech). According to Brzonkala, she and another female friend had met the two accused students, Antonio Morrison and James Crawford, at their dorm and chatted with them for approximately fifteen minutes. Later when she was alone in her room, Morrison and Crawford raped her despite having told Morrison, who first engaged in the act, “no” twice. They had not used condoms, and she had not been drinking or using drug substances. Traumatized by the incident, Brzonkala did not report the rape until early 1995 under Virginia Tech’s sexual assault policy, which had been published on July 1, 1994 in “University Policies for Student Life 1994-1995” but not widely distributed to students around campus nor written in the official Student Handbook. Because the alleged rape had happened months earlier, thus leaving her with no physical evidence, Brzonkala decided against pursuing criminal charges against Morrison and Crawford. Virginia Tech did not encourage her to file criminal charges and did not report the incident to the police; at the time, “rape of a female student by a male student [was] the only

violent felony that Virginia Tech authorities [did] not automatically report to the university or town police” (“Christy”).

Three hearings were conducted in the span of one year. In the first two hearings, Morrison was found guilty of the charge both times (he admitted to having intercourse with Brzonkala despite knowing that she did not want to engage in the act) and was suspended for two semesters while Crawford received no punishment in the initial hearing. Morrison then appealed for a third time, arguing that he was deprived of his due process rights and was unjustly punished under a sexual assault policy that had not been explicitly written in the Student Handbook despite having already admitted to raping Brzonkala. After the third hearing, Virginia Tech Judicial Committee reduced Morrison’s charge to one of “using abusive language” (“Christy”). In December of 1995, Brzonkala filed a suit against Morrison, Crawford, and Virginia Tech, arguing that they had violated Title IX of the Education Amendments Act of 1972 and Title III of the Violence Against Women Act (VAWA) of 1994. Ultimately, the United States intervened with Brzonkala’s suit and the case was eventually brought to the Supreme Court in a constitutional dispute over whether the enforcement of the VAWA was an overreach of power by Congress. In 2000, the Supreme Court ultimately ruled that the VAWA was unconstitutional. By this time, the attention had already been turned away from Brzonkala and her attempt to seek justice; instead, the public seemed to be more interested in whether this Act was a violation of the constitution (“United”).

This case is a prime example in which the ambiguity of the institution’s sexual assault policy failed to bring justice for the victim, and victim erasure was dominant. This incident was also a case in which the accused due process rights were arguably stripped away, thus causing

increased conflict for the accuser, the accused, and the educational institution as a whole. Recent studies have shown that approximately 25% of women and 5% of men in colleges are sexually assaulted, and only about 5% of sexual assaults are reported to either the higher education institution or the local police (Richards et al. 105). Furthermore, several scholars such as Richards et al. suggest that the continued threats of sexual assaults in higher education institutions create campus environments that are unsafe and “not conducive to learning and student growth” (104). Given that sexual assaults remain very prevalent on college campuses and many scholars seem to agree that the sexual misconduct policies of colleges and universities are flawed, there seems to be a pattern of inadequate sexual assault policies between higher education institutions. What is the extent, then, of the consequences resulting from the flawed nature of these policies, and what effect do these policies have on the conduction of procedures held within higher education institutions?

In this paper, I plan to explore the toxic consequences that stem from flawed sexual assault policies of colleges and universities. I will also examine the odd nature in which procedures towards sexual assault investigations are carried out. In reality, not all procedures follow written policies, and many procedures are carried out incorrectly due to ambiguous, bureaucracy-centric sexual assault policies. In examining these problematic policies and procedures, I found that these policies created hostile environments on college campuses in which there is little, if any, space to have a fully developed and respectful conversation about sexual assault accusations. Not only has this led to the fostering of an unsafe learning environment, but it has also contributed to the continued prevalence of rape culture, victim-blaming, victim erasure. Overall, these factors have created a hostile space in which

victims do not feel safe and therefore do not want to report their incidents, while also unjustly stripping the accused of their legal rights.

II. Problems with Sexual Misconduct Policies in Higher Education Institutions

A. The Development of Sexual Misconduct Policies

The basis of nearly every sexual misconduct policy in education institutions is Title IX of the 1972 Education Amendments Act, which states that “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance” (“Title”). Essentially, because sexual violence of any sort is very much a gender-based issue that inhibits both victims and accused persons from the opportunity of receiving a full education, Title IX has been the core argument in ensuring that higher education institutions have and enforce sexual misconduct policies. Federal intervention in sexual misconduct policies of universities and colleges advanced in 1990 through the Clery Act of 1990. Like Title IX, this Act did not explicitly mention the needed presence and enforcement for sexual assault policies in institutions of higher education; rather, the necessity of these policies was implied. The Clery Act was essentially a consumer protection law that strived to ensure that higher education institutions who received any funding from the federal government understood and actively tried to enforce all laws in order to foster a safe environment on campuses (“Clery”). Both Title IX and the Clery Act provided a baseline for mandating sexual assault policies at colleges and universities; in this aspect, the federal government indirectly and unintentionally addressed the issue of sexual assault in higher education institutions.

Explicit federal action that directly and intentionally addressed sexual assault on college campuses did not begin to occur until recently. In response to sexual violence on college campuses becoming an increasingly publicized issue, the Obama administration issued a letter through the United States Department of Education in 2011 known as the “Dear Colleague” letter. “Dear Colleague” explicitly addressed the problem of both sexual assaults on college campuses and sexual misconduct policies of these colleges. The letter aimed to give victims of sexual misconduct a voice through outlining the procedures that educational (primarily secondary and post-secondary) institutions were obligated to follow regarding sexual misconduct cases including sexual assault, sexual battery, and sexual coercion (“Dear”). The letter specifically related and legitimized the enforcement of these obligations through in-depth research regarding sexual violence on college campuses as well as referencing Title IX. Later in 2014, during the second term of the Obama administration, the White House Task Force to Protect Students From Sexual Assault (“Task Force”) issued *Checklist for Campus Sexual Misconduct Policies*. This checklist was yet another attempt to address the still-rampant issue of sexual assault on college campuses. This time, a checklist was provided to colleges and universities that would further guide them in constructing comprehensive policies. The checklist contained ten elements in total, including recommendations to provide information regarding counseling for victims and specific definitions of sexual assault (DeLong et al. 3317-3318). It should be acknowledged that the letter and checklist were largely based on statistics of college campus sexual assaults, allowing these policies to naturally make generalizations about sexual assaults in favor of these victims.

Most recently in 2017, the Trump administration through Secretary of Education Betsy DeVos issued another “Dear Colleague” letter which retracted the 2011 “Dear Colleague” and skews in favor of accused students; this was an attempt to correct the victim-favored nature of previous sexual assault policies (“Sex”). In November of 2019, she acknowledged this public outrage and announced that new sexual assault rules would be released in January of 2020 (Meckler). While policies like the 2011 “Dear Colleague” letter were helpful in that they directly addressed the issue at hand, it is important to note that through a scholarly, in-depth reading of these policies, it becomes apparent that these documents were created to provide a minimum outline of what sexual assault policies at higher education institutions should discuss. However, because many colleges and universities have included only the information required by these outlines, these sexual misconduct policies have become bureaucracy-centric, incredibly flawed, and incomprehensive, consequently leading to four main problems: victim erasure, the absence of due process, the lack of consistency, and victim-blaming.

B. Problem One: Victim Erasure

Victim erasure, which is the complete disregard for the accuser’s emotional stability and/or perspective in a case of sexual violence, is a common consequence of bureaucracy-centric sexual assault policies and processes. Clearly, it is essential that universities and colleges establish specific policies and procedures to handle on-campus sexual assault policies because it allows for some stability and consistency when these common conflicts arise. But, there is a fairly consistent pattern amongst these institutions of higher education in which all sexual misconduct-related policies and procedures are bureaucracy-centric (that is, all investigations are conducted in a purely procedural manner).

The issue with this procedural manner of handling sexual assault policies is that there is little focus on the victim's well-being. In fact, the victim's mental health is often disregarded. In a 2015 study entitled "Necessary But Not Sufficient: Sexual Assault Information on College and University Websites" by Emily M. Lund and Katie B. Thomas, the researchers found that approximately 88.2% of the schools within their sample of 102 institutions provided some information regarding sexual assault on their websites (534). Additionally, it was concluded that most of this information was federally mandated through the backing of Title IX, showing that these sexual assault policies were procedural and bureaucracy-oriented (Lund & Thomas 537). Furthermore, in a 2017 study entitled "A Feminist Analysis of Campus Sexual Assault Policies: Results from a National Sample," Richards et al. found that while 99% of their sampled higher education institutions provided Title IX-mandated policies, only 29% of these schools had victim reporting facilitators (that is, information that stated that alcohol and drug use, the accuser and the accused's sexual history, and the clothing the accuser was wearing could not be used in investigations). There was also a low percentage of colleges and universities that provided information regarding sexual assault victim support networks such as counseling (Richards et al. 108-110).

In these two studies and many others similar to these, there is a consistent pattern between higher education institutions in which policies tend to not include and, consequently, disregard other necessary (but not federally-mandated) information such as available resources for victims of sexual assault. The pattern of the lack of victim support information in higher education sexual misconduct policies shows that victims are oftentimes ignored through the nature of these policies. A major factor contributing to the insufficiency of these sexual

misconduct policies is, ironically, federally-mandated policies like the 2011 Dear Colleague Letter; many colleges and universities abide by the rules of these federal policies, but their sexual misconduct policies only include obligatory information and nothing else. Given that these federal policies are seemingly meant to provide institutions with an outline, the fact that numerous higher education institutions only provide the required elements of sexual misconduct policies shows that these policies are incredibly insufficient in providing additional helpful information. Thus, victim erasure is ultimately one of the many consequences that emerge from the procedural, bureaucracy-centric nature of sexual misconduct policies of colleges and universities.

C. Problem Two: Due Process

With federal action in response to college campus sexual assault growing more common, a major flaw emerges from policies that aim to give victims a voice. While it is incredibly important to recognize and respect victims of sexual assault, these victim-centric policies often overcompensate by favoring accusers over the accused as opposed to providing equal treatment in their attempts to prevent victim erasure (ironically, as explained in the previous section, this is unsuccessful as well). What has ultimately resulted from this overcompensation is the deprivation of legal rights of the accused. More specifically, the right to due process of the law, which ensures fair and equal treatment within the United States judicial system, is eliminated. Therefore, accused students are typically perceived as “responsible” (essentially, “guilty”) before investigations even begin.

While all higher education institutions are obligated to uphold the Due Process Clause of the Fourteenth Amendment when conducting trials, recent federally-mandated policies have

weakened the application of this right to defendants of sexual assault. In “A Hostile Environment for Student Defendants: Title IX and Sexual Assault on College Campuses,” Stephen Henrick recognizes the many flaws within recent federal actions like the 2011 “Dear Colleague” letter and notes the injustices accused students face within university policies and procedures due to these federal actions. In particular, Henrick highlights that the 2011 “Dear Colleague” letter strips legal rights away from defendants; while the letter mandates institutions to inform accusers of their legal rights prior to the investigation, it does not require institutions to inform accused students of their own legal rights (63). In addition, the letter, along with the many university sexual assault policies, does not specify the need to inform accused students’ of their due process rights (Triplett 511). Because of this deliberate imbalance of legal rights between the accuser and the accused within sexual assault policies, universities have applied the “bare minimum” of the Due Process Clause to its procedures, which refers to accused students having “the right to ‘some kind of notice’ of the charges and the rights to be ‘afforded *some* kind of kind of hearing”” (Henrick 77). The due process rights of defenders are incredibly vague because higher education sexual misconduct policies typically do not specify the rights of the accused. Even worse, many institutions simply do not include any information regarding the legal rights of accused students (in four of the studies investigating the sufficiency of sexual assault policies in universities that I reference in this paper, none of the studies mentioned that defendants’ legal rights were a necessary component to these policies. In fact, this factor was never mentioned).

It should be noted that Henrick specifically argues that university courts lack the ability to fairly and properly conduct sexual harassment cases because they are incentivized to favor the victim by the Office of Civil Rights (OCR), an agency within the United States Department of

Education that issues sexual misconduct policies like the 2011 “Dear Colleague” letter and has the ability to withdraw federal funding from higher education institutions if it finds that the institution is not properly handling sexual assault procedures (55). While this point is certainly valid and subject to further debate, I want to emphasize that the lack of due process rights in sexual misconduct stems largely from a combination of the federal government’s overcompensation of victim erasure in sexual misconduct policies and the lack of specific and extensive information in policies of higher education institutions. The lack of specificity of legal rights for the accused in college campus sexual assault cases oftentimes lead to outrage on behalf of the accused (such as Morrison’s second appeal towards Virginia Tech, accusing the judicial committee of stripping him of his due process rights during the trial), thus creating a hostile environment towards the institution, the accuser, and the accused on the college campus.

D. Problem Three: Inconsistency

The issue of inconsistent sentencings and punishments arises primarily from the nature of sexual assault incidents on college campuses. The reality is that there is no set legal definition of sexual assault; the definition of the term varies by legal jurisdiction and therefore, from university to university (Baldwin). And, unlike other crimes such as burglary and illegal drug possession, there are no “mandatory minimums” (federally set sentences for certain crimes that cannot be lowered) for those found guilty of sexual assault (“What”). Rather, punishments for sexual assaulters can vary greatly, from less than one year in prison to life in prison, or no time at all (Baldwin). It may seem odd that sexual assault, which is a crime, is treated differently than other criminal activities, but the reason for the lack of mandatory minimums for sexual assault is logical: every incident of sexual assault is unique, with various circumstances and settings, and

typically, every incident is not as black-and-white as it may be perceived. Thus, the ambiguous nature of sexual assaults translates into law and higher education policies. In colleges and universities, there are no set punishments for students found responsible for sexual assault. Because there are no defined sentences for convicted students within university-conducted trials, massively inconsistent punishments are issued to responsible students. This means that students who were involved in the same sexual assault incident can receive varied sentences despite having committed the same crime in the same setting and circumstance (like Morrison and Crawford in Brzonkala's case).

I feel it necessary to emphasize that I am not advocating for mandatory minimums to be placed on cases of sexual assault. Rather, I want to point out a major flaw within the system. Sexual assault incidents can be ambiguous in its nature, and therefore higher education sexual misconduct policies tend to be ambiguous. This ambiguity ultimately leads to incredibly inconsistent punishments for students found responsible for sexual assault. While varying sentencings on a case-by-case basis is helpful when handling unique cases under different circumstances, it takes a negative turn when inconsistent punishments are given to students within the same case who committed the same crime as well as students who committed similar crimes under similar circumstances, though not necessarily in the same setting. The consequences of inconsistent punishments can be seen on college campuses and media outlets; people on both sides of the argument are outraged at punishments, with some people saying that the university judiciary is "too easy" on rapists while others complain that the punishments are too harsh.

E. Problem Four: Victim Blaming

The final major issue that arises from ambiguous, insufficient higher education sexual misconduct policies is victim-blaming, in which, as implied by the term, the victim of the sexual assault incident is blamed for causing the event to occur. Victim-blaming is an immediate consequence of the persistence of rape myths, stereotypical and often misogynistic perceptions towards sexual assault incidences that are typically either false or uncommon, on college campuses (Lund & Thomas 534). Examples of victim-blaming vary greatly, from pointing to the victim's clothing during the assault to faulting the victim for drinking too heavily. In a 2016 study entitled "It's Her Fault: Student Acceptance of Rape Myths On Two College Campuses," Hayes et al. found that rape myths were actually widely accepted by students on college campuses; males and heavy drinkers, in particular, were more likely to believe in rape myths than females and non-heavy drinkers (1548). The wide acceptance of rape myths by students at higher education institutions stems largely from the lack of statements in sexual misconduct policies that debunk these rape myths and provide extensive information about the reality of sexual assault. Thus, if higher education institutions were to include information debunking rape myths within their sexual policies, there may be a significantly lower acceptance of rape myths on college campuses thus, lowering the occurrence of victim-blaming.

However, the reality of sexual misconduct policies of colleges and universities is that they are purely procedural, and therefore little to no information regarding rape myths is provided. A 2015 study reported that from the schools sampled, only 20% of universities provided any statistics on sexual assault. About a third of these higher education institutions denounced victim-blaming, and an even smaller percentage explicitly debunked rape myths (Lund & Thomas 534). Based on this study, there is an obvious pattern in which sexual

misconduct policies of higher education institutions tend to specify only procedural aspects of sexual assaults and ignore the prevalent role rape myths play in these incidents. Therefore, without the debunking of rape myths in university policies, victim-blaming continues to be widespread. Without addressing issues such as rape myths and victim-blaming, the lack of awareness and exposure to these problems continue to persist on college campuses.

III. Problems with Sexual Misconduct Procedures in Higher Education Institutions

In this section of the paper, I will be examining the vast differences between written sexual misconduct policies and the nature in which they are carried out. In order to conduct this investigation, I will be focusing on three specific cases of sexual assault at three different universities. Before continuing with these case studies, I feel obligated to emphasize that I chose to focus on these three cases in particular primarily because I wanted to examine the variations between university sexual misconduct policies and how these policies are carried out. These case studies in no way represent all reported sexual assault cases as each incident varies from one another. Rather, by closely examining these three cases as opposed to reporting on even more statistics as I did in part II, I hope to show that sexual assault procedures at higher education institutions do not necessarily follow what is written in policy form.

Case One: Rutgers University

Recently, a sexual harassment allegation was made against an associate professor at Rutgers University. For purposes of caution and uncertainty, the name of this professor will not be revealed in this paper; he will only be referred to as “the professor” or “the associate professor.” For purposes of anonymity, the accuser is an unnamed graduate student who I will henceforth refer to as “Student X.” The associate professor had just been hired at Rutgers

University at the time of the alleged harassment. He was an official staff member, but because the semester had not yet begun, he had not started teaching at the university. According to Student X, she had met the professor when it was announced that he would become part of a certain department (of which she was a graduate student). When it was discovered that they would be attending the same conference together, the associate professor took to Facebook Messenger and pressed Student X to share a room with him. In return, the professor would pay the entire fare for Student X's trip. Student X immediately turned him down and reported the incident to Rutgers University; under Rutgers's sexual misconduct policy, sexual comments made towards another person are considered sexual harassment. Ultimately, the university refused to open an investigation. The reasoning for this decision pointed towards the timing of the alleged harassment: because the associate professor had not started teaching at the institution, the university was not responsible for opening and handling an investigation.

What is unique about this case is not so much the ambiguity of Rutgers's sexual misconduct policy, but the lack of using the policy that was in place. Rutgers's sexual misconduct policy is quite extensive; it is forty-three pages long and outlines the entire process of a hypothetical sexual misconduct investigation ("Student"). This is not to say that policy is perfect. In fact, it is far from perfection. However, what is important is that there was an extensive set of rules in which an investigation would have taken place. And, according to Rutgers's definition of sexual harassment, an investigation *should* have been conducted. Yet, because of the peculiar timing of this incident, the institution refused to open an investigation and the professor has grown to have quite a successful career at Rutgers, thus leaving Student X

with no assistance and no protection. In this sense, Student X has become a casualty of victim erasure.

The case of Student X has left several unanswered questions. How can Student X ever gain justice when the crime is not serious enough to bring to the local police and the institution refuses to open an investigation? When there is no media coverage of Student X's story and the only talk of her incident is kept within the bounds of the department, what can anyone do to help Student X? How many other students, both undergraduate and graduate, have gone through the same experience as Student X? Unfortunately, we can never know, especially if incidents such as this are neither spread on campus nor reported to media outlets. I can only offer some solutions, which I will discuss later in part IV.

Case Two: Yale University

On Halloween night of 2015, an unnamed woman (who I will refer to as Jane Doe) was allegedly raped by Saifullah Khan. Both Jane Doe and Khan were seniors at Yale University at this time, and Jane Doe had attended a party early that night where she had consumed several drinks to the point of intoxication. Later, Doe and her friends attended a Yale Symphony Orchestra concert, which Doe left to vomit several times. Due to her intoxicated state (a surveillance camera showed her stumbling forward), Doe was not allowed to re-enter the concert. She then left for her dorm, escorted by Khan. According to Doe's testimony, when they arrived at her room, Khan raped her. Doe claimed that she was too drunk to have given consent, but Khan claims that the incident was completely consensual. In his eyes, Doe had wanted the encounter to happen: she had flirted with him during the concert and she seemed to not have been too drunk to consent. Doe's trip to the hospital to check for venereal diseases after the

incident seems to counter his point: there were photos of bruises on her legs (Boboltz). Doe reported the incident to the university and Yale suspended Khan before handing his case to the police. After a two-and-a-half-year delay, his case was presented in the New Haven court, and Khan was found not guilty on all charges (Park and Mariwala). His lawyers had placed the blame on Doe, pointing to her revealing Halloween costume and her inability to control how many drinks she could consume (Boboltz). Khan was later expelled from Yale in 2019, but Doe never received true justice as Khan was acquitted on all counts (Park and Mariwala).

I chose to closely examine this case because it displayed three concepts that I discussed in part II: victim erasure, due process, and victim-blaming. Yale University's sexual misconduct policy is somewhat lacking in substance; while the policy provides some helpful definitions and resources, the outline of a hypothetical sexual misconduct procedure is ambiguous (in fact, rather than providing substantive information, the website points you to an app you can download and use to report sexual misconduct incidents) ("Sexual Misconduct Response"). Whether the ambiguity of this process contributed to a delay in court is unclear, but what is certain is that because of the delay in the system, Jane Doe was forced to wait nearly three years for the possibility of justice. This delay forced Jane Doe to relive this horrific experience over and over again, thus completely disregarding her mental health. As one may see, victim erasure within this case was much more subtle than presented in Case One, showing that the consequences of inadequate sexual misconduct policies and procedures can range from blatant to illusive. Furthermore, this case lacked due process because Khan was suspended from Yale before an investigation was even opened, revealing that at that point, he was not given fair and equal treatment before the law. It did not matter whether it was certain that Khan had committed the

crime or not; according to Yale's suspension policies, an investigation must be conducted before consideration of suspension for a student is even presented ("Disciplinary"). Jane Doe was further mistreated in this case when Khan's lawyers pointed to her clothing and state of intoxication during the trial. Consent is not to be presumed based on the victim's clothing or drinking, and therefore, a complainant's dress or alcohol consumption may not be placed under consideration in a trial. Yet in this case, this argument was still made in court, accepted by the jury, and the blame was ultimately placed on Doe, thus reinforcing victim-blaming.

Case Three: University of the Pacific

In May of 2008, Beckett Brennan, a star player in the women's basketball program at the University of the Pacific, attended an off-campus party late Saturday night. She had drunk a substantive amount of alcohol beforehand and found herself stranded at the party with no way to get back to her student housing complex, the "Townhouses." That's when two students from the men's basketball team offered to drive her back to the Townhouses. When they arrived back on campus, the two men guided Brennan to an apartment; Brennan had assumed that there was an additional party they would be attending. However, the night took a turn when they led Brennan into an empty bedroom and raped her. A third student, whom Brennan also recognized to be part of the men's basketball team, then entered the room, forced her into a closet, and raped her. At first, Brennan did not want to report the incident, which is an option that about 95% of sexual assault victims in colleges settle for. However, four days later, encouraged by her friends and family, Brennan decided to report the incident to the university, and the institution opened an investigation. About five weeks later, a trial was initiated; two of the accused students argued that the incident was consensual and the other argued that he was not even present. The

university judicial board ultimately found all three men responsible for violating the University of the Pacific's sexual misconduct policy, but the punishments for them varied: the student who claimed that he was not present at the incident was expelled, one of the students who claimed that the incident was consensual was suspended for a semester, and the other student was suspended for a year (Couric).

The unique aspect of this case is its uneven nature. All three students allegedly committed the same crime and violated the same sexual assault policy, yet each student received different punishments. The University of the Pacific's sexual misconduct policy is incredibly clear and comprehensive; not only does it provide information regarding definitions, statistics, and counseling, it also extensively outlines the procedures and the factors that determine punishments regarding sexual misconduct. Based on these factors, it can be understood why the student arguing the lack of his presence received a more serious punishment. However, the inconsistency of the two other student's punishments is puzzling because their circumstances and attitudes were nearly identical ("Sexual Misconduct and Title"). The reasoning behind the judgments of these punishments was never given, thus showing that though the university policy was extremely detailed and comprehensive, the institution's procedures lacked transparency and consistency.

IV. Looking Beyond

In the recent wake of the rising awareness of the prevalence of sexual misconduct on college campuses, the federal government (the Obama administration in particular) has attempted to instigate action to acknowledge and hopefully prevent future sexual assaults. This attempt at action took the form of the federal government releasing what seems to be general outlines of

what sexual misconduct policies of higher education institutions should address. However, because the government actions were based on statistics of sexual assault on college campuses, these outlines tended to generalize the unique nature of sexual assaults, thus often favoring the accusers over the accused. The main issue, then, is the pattern of many colleges and universities basing their sexual misconduct policies only on these generalized outlines, resulting in bureaucracy-centric policies that fail to include any other helpful information (such as the legal rights of the accused, the inaccuracy of rape myths, and victim-assistance options). The unwillingness of higher education institutions to provide clear and comprehensive sexual assault policies have a plethora of ramifications: victim erasure, the absence of due process rights, inconsistent punishments for the responsible accused, victim-blaming, and irregular procedures that fail to follow written policies. What ultimately results from the combination of these consequences are hostile college campus environments: there is outrage for the mistreatment of victims; there is outrage for the mistreatment of the accused; there is outrage towards complainants; there is outrage towards the accused.

Unfortunately, the problem of bureaucracy-centric sexual assault policies is so complex that searching for improvements and solutions is challenging. Many higher education institutions seem to provide sexual misconduct policies only because it is expected of them. Elite, reputable universities like Harvard or Yale are often criticized for mishandling sexual assault incidents, yet these types of institutions continuously receive tens of thousands of applications each year, showing that despite the criticism they receive, their long-standing positive reputations are never ruined. Thus, higher education institutions have no incentive to make their sexual misconduct policies more clear and comprehensive and less bureaucracy-centric; these colleges and

universities will always continue to receive thousands of applicants and any criticism aimed at the institution disappears over time. Until there is a stream of constant criticism and some form of incentivization, higher education institutions will continue to keep their flawed policies and procedures.

Another issue that emerges is the pattern of sexual assault investigational procedures misaligning with written sexual misconduct policies. In section III of this paper, it was found that higher education institutions with policies ranging from ambiguous and insufficient detail to clear and comprehensive suffered from irregular procedures, showing that the presence of sufficient sexual misconduct policies does not guarantee fair and just investigations. Sexual assault procedures held within colleges and universities are complex; it is the only source of achievable justice for many victims, but those who conduct the investigations within the institution do not have the professional experience of people within the criminal justice field, thus making the investigators somewhat untrustworthy. Thus, many scholars have suggested that in order to properly guide sexual misconduct procedures within higher education institutions, these procedures should be transparent. If colleges and universities fail to conduct sexual assault investigations fairly and justly, the transparency of the process will allow people to hold the institution accountable for its actions, which may result in better conduction of procedures.

Of course, advocating for transparency within sexual assault investigations is only one of many possible solutions. More research into this topic may look towards sexual misconduct policies of military universities, which may be even stricter and procedure-oriented, or women's colleges, who may feel obligated to produce policies that maintain a feminist gaze. The complicated nature of sexual assault incidents consequently breeds complex issues and hazy

solutions. However, what *is* clear and comprehensive is that bureaucracy-centric sexual misconduct policies of higher education institutions are incredibly flawed, which too often leads to distorted procedures and hostile campus environments. Without continuous efforts to push colleges and universities towards creating sufficient policies and conducting fair investigations, consequences such as victim erasure, victim-blaming, lack of due process, and inconsistency will continue to occur, therefore pushing college campuses further away from what it should be: a safe, healthy learning environment.

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