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*In this chapter, we outline the challenges campuses face in addressing sexual violence and Title IX compliance. We argue that there are critical roles for student affairs professionals in Title IX work in developing effective campus sexual violence prevention and response strategies.*

## Addressing Sexual Violence as Student Affairs Work

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Since the release of the 2011 Department of Education, Office for Civil Rights (OCR) *Dear Colleague* Letter (Ali, 2011), the landscape of campus sexual violence response changed dramatically. Schools have scrambled to maintain or establish their commitments to federal compliance in this new era. As student affairs administrators, we sit amid many tensions related to responding swiftly and sensitively to sexual violence within our institutions where we have responsibilities to survivors, those accused, and the campus community. Although the heavy focus on compliance may be new, responding to and preventing sexual violence on college campuses is not (Heldman & Brown, 2014). For the general public, recent media attention surrounding sexual violence on campus is alarming. For those of us responsible for campus sexual violence prevention and survivor support, these issues are not a surprise. We knew the extent of the crisis and have been responding to these issues for decades. Over the course of 40 years, student affairs staff have supported those harmed by sexual violence and worked to change campus culture. However, this work was on the margins and had not benefited from widespread institutional commitment or resources. In Chapter 1, Jessup-Anger, Lopez, and Koss provide more detailed historical context for campus and sexual violence work and illustrate how it moved from the margins into a central institutional focus.

This chapter brings to light the challenges faced when addressing sexual violence on college campuses, particularly the focus on adjudication compliance to the detriment of comprehensive prevention efforts. We hear concerns from the general public and see colleges and universities responding out of fear to public pressure and increasing compliance requirements. This response has resulted in a trend to reposition Title IX responsibilities to legal affairs, human resources, stand-alone offices, or outside firms and

away from student affairs. We argue for the need for Title IX compliance to be addressed comprehensively, with student affairs professionals working in tandem with legal counsel and others, and illustrate the essential skills needed for effective sexual violence prevention and response. Student affairs staff have these skills and are best positioned to be effective leaders in this work.

## **Current Context**

Media portrayals and national conversations about campuses' involvement with sexual violence prevention and adjudication are not flattering. A 2015 National Public Radio feature reported that "... school administrators have often been indifferent to young female victims of sexual assault on college campuses" and are failing to keep students safe (Fokenflik). Recent OCR guidance and Violence Against Women Act (VAWA) mandates increased attention to campus sexual violence, which includes prevention efforts, investigation, and adjudication (Ali, 2011; Violence Against Women Reauthorization Act of 2013). However, enforcement of this guidance has primarily focused on failures in investigation, adjudication, and institutions' efforts to remedy the effects of sexual misconduct. In our capacities as a former Title IX Coordinator and current director of prevention (Williamsen) and a former Deputy Title IX Coordinator and current Assistant Vice President/Dean of Student Life (Landreman), we have worked with campus sexual violence policy development, prevention, adjudication, and survivor support for decades. We have seen an unprecedented growth in cottage industries and are inundated with solicitations for trainings, investigator certifications, campus climate surveys, bystander intervention programs, reporting mechanisms, legal advice, mobile phone apps, online modules, and, more recently, outsourced adjudication. We applaud the increased attention and resources given to these issues by the federal government and campuses, but we also urge caution. The profit-driven attention to sexual violence response is misguided, especially when it is not grounded in sound student development theory and devoid of an understanding of the organizational realities in higher education. This caution also applies to the qualifications and organizational positioning of Title IX coordinators and subsequent responsibilities.

Title IX requires campuses to stop discriminatory behavior, to remedy its effects, and to prevent its recurrence (US Department of Education, 2001). As recommended by OCR, many campuses are hiring full-time Title IX coordinators to take responsibility for overseeing sexual violence prevention, investigation, and adjudication processes and these coordinators are often required to have a law degree or experience with criminal investigations and law enforcement. Seldom do we see institutions prioritizing an understanding of college student development, sexual violence prevention, or higher education administration. In the rush to be in

compliance, campuses often create stand-alone positions, without an intentional or meaningful connection to student affairs or appropriate staffing and resources. Creating campus structures to respond to and prevent campus sexual violence without a deep and intentional understanding of higher education, and, more specifically, student development, decreases the likelihood for a sensitive and effective institutional response. Student affairs administrators bring their professional values, training, education, and theoretical knowledge to addressing the interconnected aspects of response, prevention, and remedying. Despite previous criticisms of campuses' responses to sexual violence, new campus Title IX interventions will not be effective unless they are meaningfully integrated with student affairs work.

### **Challenges in the Current Context**

Myriad factors led to higher education's current struggle to address sexual violence. Here, we offer a brief review of the challenges higher education professionals face when addressing campus sexual violence and Title IX compliance.

First, when Title IX was enacted more than 40 years ago, it was without the foresight of the weight of responsibility that would fall on colleges to ensure that campuses were free from sex-based discrimination. The issues that contribute to sexual violence begin long before students arrive on campus and are fueled by systematic, societal issues, including sexism, homophobia, rape culture myths, racism, and the normalization of violence. Although it is critically important that the foundation of comprehensive sexual violence prevention education efforts begin in K–12 education, school districts continue to debate the merits of sexuality education in schools while abstinence-only education is increasingly financed by state and federal policy (Ito et al., 2006). As a result, colleges are being held responsible for the dearth of information (and misinformation) provided to young people regarding human sexuality, gender issues, intimate relationships, and power-based personal violence. Institutions are expected to remedy years of miseducation and hold students accountable for violating newly taught norms and conduct codes upon arriving on campus. Recognition of this difficult challenge is not to excuse sexual violence but to recognize that it is a cultural issue that originates and exists outside college campuses. If the true goal is to end sexual violence in our society, we need to address the systemic issues that lead to its occurrence much earlier in students' educational experience.

Second, the rationale for colleges' and universities' adjudication for campus sexual misconduct is widely misunderstood. A 2014 *New York Times* opinion piece titled "Mishandling Rape" argued that colleges should hire lawyers for anyone reporting sexual assault and refer all cases to the criminal justice system for adjudication (Rubinfeld, 2014). However, campuses are mandated to have sexual misconduct policies, which include

sexual assault, sexual harassment, stalking, and intimate partner violence. These policies do not replace laws, but outline additional expectations for members of college communities and provide survivors of sexual violence a campus reporting and adjudication option. As the Association for Student Conduct Administration (ASCA) 2014 White Paper explains, “Campuses are not meant to be courtrooms, and the courts support this distinction. While television shows like *Law and Order* might be the only frame of reference that parents, students, and others may have, we must teach them that campus proceedings are educational and focus on students’ relationship to the institution” (ASCA, 2014, p. 1). College conduct systems have evolved to where they can be educational and socially just processes that uphold the college/university mission (Giacomini & Schrage, 2009). If survivors desire a criminal response, campus officials assist and support them through that process as appropriate. Institutional conduct processes serve to provide a campus response to a violation of the code of conduct afforded to any student affected by the behavior of another member of the campus community that interferes with their ability to obtain their educational goals.

Third, although long-standing women’s centers, gender and sexuality offices, women and gender-focused academic departments, and sexual violence prevention educators have done excellent work with limited staff, funding, visibility, and voice, their lower organizational status does not situate them to change the culture that supports sexual violence. Instead, these offices often compete for resources rather than collaborating on a shared mission. This reality can create contention and distrust, which limits the overall effectiveness of these efforts and negatively impacted students.

And last, confusion and disagreement remains about what the priorities of Title IX entail. In a recent online publication, a national trainer indicated that institutions must be clear on what Title IX (at its core) requires: policies and procedures in place to address complaints regarding sex/gender-based discrimination (Baligad, 2016). However, this view does not address all the requirements of Title IX nor its ethical and moral imperatives, which require institutions to design creative and innovative strategies to eliminate the occurrence of sex discrimination (including sexual violence), not solely adjudicate it (Lake, 2014). Title IX guidance mandates that schools respond to sexual violence and to meaningfully and effectively prevent it. These disparate views of Title IX illustrate the confusion about Title IX even among “experts” and how campuses are developing divergent strategies to be in compliance.

These challenges may seem like insurmountable barriers for campuses committed to complying with Title IX requirements and, more importantly, ending sex-based discrimination and violence. Responses to incidents of sexual violence should demonstrate our concern for the overall health of individual students and the campus community. Prevention through deterrence is not enough; colleges and universities must commit to supporting students’ well-being through pro-active education about healthy

relationships, respect, and bystander intervention. When student affairs administrators are not involved in Title IX work, accomplishing these goals becomes more difficult and the likelihood of caring for the whole student is diminished.

## **Role of Student Affairs in Addressing Title IX**

The challenges and criticism faced by administrators as they respond to Title IX raise two related questions: Why would any student affairs administrator make an argument to be involved in campus Title IX issues? Why not avoid the pressure and distrust and outsource these responsibilities to lawyers and consultants? For many of us who work within student affairs in sexual violence prevention, response, and student support the answer is simple: the involvement of student affairs staff is critical for an effective Title IX response. From its earliest beginnings, the support and development of the whole student has been at the forefront of student affairs work (ACPA/National Association of Student Personnel Administrators [NASPA], 1996; American College Personnel Association [ACPA], 1994). More recent scholarship further prioritized the role of student affairs educators to facilitate and engage in practices that result in students' acquisition of desired sets of educational, developmental, and ethical outcomes (Dungy & Gordon, 2011). In Chapter 4, Edwards, Shea, and Barboza Barela outline in greater detail the interaction between these educational outcomes and the specific learning goals and outcomes related to effective sexual violence prevention.

Student affairs practitioners are professionally competent (ACPA/NASPA, 2016) and are trained to balance the holistic education, development, and care of individuals with the need for community safety and accountability. Core components of student affairs practice include creating environments that promote respect, equity, civility, positive relationships, and healthy sexuality, providing education on difficult social issues, and removing barriers that interfere with students' ability to thrive. Creating environments that uphold these characteristics is also consistent with a vision for healthy relationships, and violence-free campus environments. As the American College Health Association (ACHA) (2008) stated, this vision requires a "...cultural shift that moves beyond the mere prevention of violence towards a community that adopts healthy and caring sexual attitudes and practices. Faculty, staff, administrators, and students must play key roles in the creation of a campus culture that reflects civility, honor, respect, and nonviolence" (p. 5). Not only are student affairs administrators called to Title IX work as members of the campus community accountable to responding to campus safety concerns, but their skills, training, and approach are essential to a compassionate and compliant college response. What follows are examples of these often-overlooked skills needed for effective Title IX work that student affairs professionals

can offer: community building, social justice and inclusion, crisis response and support, student partnerships, student-centered conduct response, and collaboration.

**Community Building.** When sexual violence occurs, the harm has a ripple effect on the larger community. Building campus communities where people feel known and cared for is a necessary condition for violence prevention. This community development approach—one that builds on and fosters positive relationships between students and their peers and members of the larger community—has been shown to have effective outcomes for reducing sexual violence (Centers for Disease Control and Prevention, 2014). It can also empower bystanders, which assists in preventing or addressing violence when it does occur.

Community building goals such as establishing a sense of belonging, common purpose, norms for individual and collective well-being, and clear expectations and accountability for behavior enhance sexual violence prevention efforts and student learning. Difficult educational topics can be more easily addressed and individuals can become open to considering new ways of thinking and behaving when they understand how individuals and the community they care about are impacted. Staff who understand the role strong communities play in effective sexual violence prevention and possess community development skills are essential. These are foundational skills used across student affairs practice.

**Social Justice and Inclusion.** In Chapter 2, Hong and Marine make the case that sexual violence prevention and response is a social justice issue. Eliminating sex discrimination requires attention to the systemic root causes of sexual violence at the individual, institutional, and societal levels. Administrators' practices must contradict harmful, dominant societal narratives such as problematic relationship behaviors, sexism, homophobia, racism, and the normalization of violence. Creating just practices and a campus community that will engage in actions against violence requires social justice education expertise. Social justice and inclusion is a core professional competency for student affairs professionals (ACPA/NASPA, 2016) and is an expected lens for all components of practice. In applying this lens to sexual violence prevention, student affairs staff recognize the cultural narratives that contribute to violence and work to create opportunities for all voices impacted by sexual violence to be heard. Student affairs professionals' commitment to socially just practice and our ability to facilitate effective, inclusive pedagogy positions us to be effective partners in sexual violence prevention and response.

**Crisis Response and Support.** On many campuses, the Title IX requirement to report all incidents of sexual violence to the Title IX Coordinator has been interpreted as the Title IX Coordinator being solely responsible for all components of response and support. As a result, on some campuses student affairs staff have not been involved in providing support or intervention on any issues connected to sexual violence. On-call housing

professionals, deans, counseling staff, and campus police or safety officers should work in concert with the Title IX Coordinator to create a consistent and intentional response, where staff can effectively meet community needs as they arise.

Support can take many forms, such as facilitating check-ins with involved students, attending meetings with survivors, sending appropriate e-mails, coaching, working with faculty on students' behalf, and creating support groups. Support can also be provided by others, not just the Title IX Coordinator or advocates. We have observed that healing timelines might not match our formal processes or expectations. We should not assume that a person's decision to not report or participate in a complaint process implies that they do not want or expect support. We may need to be more diligent in our asking, providing a consistent, compassionate connection while students decide the right next step for themselves. How the institution responds to sexual violence encompasses more than adjudication; it includes numerous support functions and other accommodations survivors might request, including housing and work assignment changes, academic assistance, and no contact directives.

Student affairs staff interact with students in a variety of contexts and many have skills and experience managing crisis situations as a primary component of their work. Campus sexual violence most often occurs between people who know each other (Sinozich & Langton, 2014), and we have seen this impact communities and friend groups. Student affairs staff should be called upon to assist students in navigating those complicated issues beyond the individuals directly involved, often long after the initial sexual violence has occurred. Providing this kind of support to students is what student affairs professionals do best.

**Student Partnerships.** Partnering with students in prevention and response to sexual violence is essential for shifts to occur in campus culture. Mobilizing student leaders and peer educators is identified as a best practice for changing unhealthy campus norms, improving campus climate, and facilitating effective prevention education. Research has shown that peer education on important topics has proven effective, inexpensive, well received by students, and powerfully engaging (McMahon, Postmus, Warrener, & Koenick, 2014).

Federal guidance includes recommendations for regular campus climate surveys, and we believe it is critical to work creatively and purposefully with students to make meaning of the survey findings and to effect positive changes to the campus culture. Students are experts in their communities and bring meaningful observations. Student affairs professionals are experienced in collaborating with students and bring the skills and resources to create programs that build on student observations. Together, students and student affairs staff can create opportunities to think creatively about prevention and response strategies.

The partnerships we are describing involve more than inviting students to a meeting to provide feedback; they include opportunities for meaningful engagement, role modeling, and collaboration. Student affairs professionals' developmental approach equips them to build effective relationships and to help students navigate through difficult emotional issues toward meaningful action.

**Student Conduct.** Ensuring a sensitive, fair, and just adjudication process that supports all involved in Title IX cases is at the forefront of Title IX guidelines. Institutions cannot abdicate their responsibility of holding students accountable to student codes of conduct solely because our criminal systems have similar laws and expectations. Student sexual assault survivors are often reluctant to participate in the criminal process because, like other victims, they may feel confused and conflicted about what happened. Further, survivors, especially those from minoritized groups, may be concerned about retaliation and may fear being doubted or treated with hostility by the police (Fisher, Daigle, & Cullen, 2010). By not attending to sexual misconduct, colleges and universities could exacerbate the problems of underreporting and greatly inhibit efforts to prevent sexual violence and support survivors on college campuses.

In Chapter 7, Wilgus and Lowery review the roots and goals of campus conduct systems and their intersections with legal processes. The goals of campus conduct are to maintain safe campuses while caring for students and promoting their growth and development (Schrage & Thompson, 2009; Waryold & Lancaster, 2008). Conduct professionals have applied their knowledge in student development and in creating environments that promote respect, equality, and civility, to establish campus conduct codes that enable all in the academic community to thrive. When this code is violated, student affairs professionals initiate educational conduct processes to address these issues. Responding to sexual violence on campus requires a sophisticated and innovative approach, integrating the best student conduct practice, and federal requirements, while also acknowledging that campus conduct systems were never meant to replace the criminal justice system. Even when suspension or expulsion is the result of a campus process, the outcome can also include efforts to ensure that future acts of violence are prevented, including educational sanctions. Examples of possible additional sanctions include referrals to counseling and/or alcohol and other drug assessment. Excluding experienced student affairs professionals from the campus conduct response to sexual violence could result in losing the insights and innovations associated with the field of student conduct, a valuable resource to these complicated issues.

Building bridges with, and making effective referrals to, the criminal justice system, while articulating the goals and limitations of a campus process, are also important. We cannot assume that our campus populations, their families, or the general public understand the specifics of a campus process. In addition, innovations in student conduct practice offer



possibilities for additional means of response, including restorative justice responses (Koss, Wilgus, & Williamsen, 2014). Creative partnerships between Title IX Coordinators and student conduct staff will ensure that compliance and student development goals are maintained.

**Collaboration.** Throughout this chapter, we have made a case for effective Title IX work to be done in collaboration with student affairs professionals. It takes a diverse and well-trained team to do the hard work of sexual violence prevention, response, survivor support, and culture change. Although every campus is different, a comprehensive Title IX team could include the dean of students, conduct administrators, women's, LGBTQ, and gender center staff, prevention educators, advocates, counselors, chaplains, legal affairs professionals, and campus police. It will require intentionally working across departmental lines to make strides in creating violence-free campuses. Student affairs professionals' insights and observations help shift campus cultures, ensuring that issues of equity and campus safety will be student-centered and focused on the community. These skills, in addition to their experience working collaboratively as part of their daily practice, make them essential members of a Title IX team and campus leaders on sexual violence prevention.

## Conclusion

We have made a case for the importance of understanding that Title IX involves more than policies and adjudication. Although the growth of full-time Title IX Coordinators on campuses across the country can be viewed as a positive step in that sexual violence on campus has been given more attention, it is not without its challenges. The focus on Title IX regulations has moved conversations about sexual violence away from examining difficult cultural norms that support violence to federal compliance. An unintended consequence of this heavy-handed legal approach may be that we lead with a compliance and a legal lens, while effective sexual violence prevention and healing are once again marginalized. This has created false divisions among policy, support, and prevention efforts.

Moving Title IX responsibilities exclusively to people outside the campus community or away from the purview or involvement of student affairs professionals will reduce the effectiveness of campus efforts. Campuses must have a vision for an equitable and thriving community free from sex discrimination. This vision cannot be accomplished in isolation or with a sole focus on compliance; it requires a partnership with administrators who have skills in community building, social justice and inclusion, crisis response and support, student partnerships, conduct, and collaboration. Student affairs administrators have these skills and are needed collaborators and leaders in Title IX work. If not invited to participate in the work, student affairs professionals must demand a place at the table. As vital members of our campus communities we cannot ignore our responsibility to answer

the call for ending sex discrimination on campuses that includes creating an environment free from sexual violence.

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