A student sits in your office, asking for an extension on the final paper, saying that they have not been coming to class because of “personal issues.” After skirting the issue, maybe seeing something like doubt cross your face, they blurt out the rape. They may cry, they may not. You see their pain—maybe as a survivor yourself, you begin to feel it—and you struggle: what are you supposed to do? Maybe you immediately offer the extension, something you normally do when there’s a death in the family or a medical crisis. But in this situation, faced with the trauma and confusion so evident in the student’s speech, body language, or tears, you might ask yourself whether there’s more you can do for them. And then they tell you: it was another student, at a party. Or it was your senior colleague, someone who has harassed you as well. What now?

Given the frequency with which college students experience sexual assault, these kinds of faculty-student encounters happen a lot, and with increasing frequency in the wake of greater public discussion about sexual assault over the last ten years.¹ Some of us in the academy certainly handle such disclosures more than others, just because of the subjects we teach or the politics we embody. And perhaps we have ourselves been harassed or assaulted—within the university or beyond—or we have witnessed the sexual harassment of others, whether faculty, graduate students, or staff.² Sometimes we know a colleague accused of sexual misconduct, or we have faced a complaint ourselves.³ But following the Obama-era reforms to federal oversight of Title IX, academics have also been inundated with messages about Title IX compliance, either through train-
ings at our home institutions or through news accounts about the latest campus rape or faculty harassment scandals. If disclosures like the one described above become formal complaints to university authorities, they also often result in what trauma researchers Smith and Freyd have termed "institutional betrayal"—the failure of colleges and universities to respond effectively to the needs of survivors, thereby increasing significantly the risk of causing them even greater trauma. As in the many aspects of academic life addressed in this volume, faculty often find themselves unprepared to respond to sexual misconduct, whether they hear about it, witness it, or experience it themselves. Yes, we may have learned the university's rules for reporting sexual misconduct, joined a faculty task force, or studied the yearly campus climate reports. But how do we respond to sexual misconduct, not only when we hear about it from students, but also when we find ourselves the target of sexual violence and sexual harassment (svsh), retaliation, or a complaint? What is our responsibility—as professionals, as university employees, and as human beings—to those affected by sexual misconduct in the academy?

If you work at a college or university in the United States, your administration's response to increased federal oversight has very likely included revising its svsh policies, defining what constitutes sexual misconduct, how investigations should proceed, and what sanctions may apply. Many institutions also require all employees to report any disclosure of svsh to a designated university official, immediately and without the consent of the person who experienced the sexual misconduct. Although such policies have spurred a significant expansion of student services and support, they have largely neglected faculty and staff employees, considered only in their roles as potential perpetrators and reporters, but not as victims, bystanders, or advocates. While some faculty prefer this exclusion, it has nevertheless left many of us without the knowledge and the tools we need—as teachers, research supervisors, and administrators who maintain the modern university—to respond appropriately and effectively to sexual misconduct on campus.

This chapter confronts the invisibility of faculty in the most common responses to campus sexual violence, drawing on current research on prevalence, discussing the negative effects of federally mandated intervention, and suggesting how academics can help to reduce svsh in the university. Understood within the framework of "institutional betrayal"—a term that describes the risk posed to victims by the inadequate response to their complaints within military, religious, and educational institutions—sexual violence and harassment can only be effectively addressed if faculty, staff, and students take an active role in Title IX compliance. Compliance mechanisms derived from legal definitions
of workplace harassment, which typically do not address the power inequities that inhere in higher education, have been inadequate to the challenges of making our campuses safe. Further, compliance-based approaches increase the likelihood of academics’ unwitting participation in institutional betrayal and inhibit our ability—as teachers and colleagues—to advance institutional courage. Every disclosure about sexual misconduct we hear, every incident of verbal harassment we witness, provides academics with an opportunity to demonstrate awareness, knowledge, and sensitivity to the person victimized by it. Moreover, unless higher education’s most permanent workforce—the embattled tenure-stream faculty—become change agents in the quest to provide educational access and workplace safety for all members of the university community, svsh will remain an intractable problem on our campuses.

Whereas the previous edition of The Academic’s Handbook addressed how faculty might better “anticipate and avoid misperceptions of harassment,” the current version—drafted on the one-year anniversary of the #MeToo movement and finalized on the cusp of new laws that roll back Obama-era Title IX guidelines—asks instead how academics might move beyond compliance, not only by responding better to individual students and colleagues targeted by this violence, but also by working to improve the university’s capacity to respond effectively and unequivocally to campus sexual violence. Even as public attention has increased the visibility of sexual coercion and unwanted sexual attention in academia, growing awareness of the more widespread (and underreported) prevalence of gender harassment—verbal and nonverbal behaviors that convey hostility, objectification, exclusion, or second-class status about members of one gender—poses new challenges for academics, particularly in STEM fields.

As long-term and privileged leaders in the university community, tenure-stream faculty are uniquely positioned to build alliances with staff and students to decrease the prevalence of svsh in higher education. The final section of this chapter suggests how academics, by learning about their institution’s policies, offering support to survivors, documenting complaints of sexual misconduct, and working to improve the university’s response, can make our campuses safer places to work, teach, and learn.

Title IX: From Sports Equality to Freedom from Assault

From “Take Back the Night” marches of the 1970s to the creation of women’s studies programs, and through the longer struggle to diversify college admissions and hiring, feminist scholars and their allies have long struggled to advance the fundamental premise of Title IX legislation, signed into law in 1972:

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“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.”

The passage of Title IX corresponded to the expansion of women’s, feminist, gender, and sexuality studies in higher education, as well as increasing numbers of tenure-track women faculty willing to formally complain about sexual misconduct, often at significant personal and professional cost. Recognizing that sexual violence and harassment have constituted persistent barriers to the advancement of women in academic departments, scholarly research, and administrative hiring, women (particularly those who also experience discrimination as sexual, gender, and racial minorities) have struggled both individually and collectively against discrimination and harassment in the university environment. Although Title IX compliance initially focused on securing female students’ equal access to athletics teams, the problem of rape and harassment on college campuses meanwhile festered, spurring complaints, student disciplinary hearings, and civil and criminal litigation that was often resolved (or dismissed) quietly behind office doors.

The result has been a persistent pattern of toleration for SVSH on college campuses—by university attorneys, upper-level administrators, coaches, deans, and faculty—a pattern that both enabled perpetrators of sexual misconduct and consistently undermined their accusers. Not until the uproar generated by high-profile campus rape scandals in the 1990s—frequently linked to student behavior in athletics and campus fraternities—did the prevalence of sexual violence on college campuses, and the failure of universities to address it, become a topic of national concern.

Growing awareness of campus sexual violence, along with the success of other laws addressing violence against women passed in the 1990s (both national and international), laid a strong foundation for Title IX’s transformation in the last twenty years into a mechanism for expanded federal oversight of women’s and girls’ access to education. After 2008, the US Department of Education (DOE) pursued an aggressive agenda to assess university compliance with Title IX, Clery, and other campus safety measures, issuing letters of guidance for campus officials and threats of punitive action to those found wanting. Since April 2011, the DOE has opened 502 Title IX investigations on college campuses, resolving just 197 of them by June 2020. And after 2013, the Department of Justice also became involved, creating agreements to secure Title IX compliance with the University of Montana, Wheaton College, and the University of New Mexico. The expansion of university compliance mechanisms also created a veritable industry in Title IX services—a network of Title IX coordinators, attorneys, and advocates who in turn provide training seminars, campus climate
survey tools, sexual harassment policy templates, and marketing advice to beleaguered university administrators.\textsuperscript{15} In US higher education of the early twenty-first century, the enhanced scope and compliance framework of Title IX indeed brought national attention to the problem of campus sexual violence, but was often limited by its focus on peer sexual violence, leaving universities to regulate faculty and staff sexual misconduct through employment and civil rights law. Significantly, while administrators regularly use \textit{s}v\textit{s}h and student conduct policies to sanction student misconduct, they have been less successful in addressing sexual misconduct—both by and against—faculty and staff.\textsuperscript{16}

The expansion of Title IX enforcement on university campuses in the past decade has generated responses from across the political spectrum, from critics who argue that federal intervention in \textit{s}v\textit{s}h goes too far, does not go far enough, and/or is fundamentally misguided. Conservatives have long criticized the \textit{DOE}-led increase of the university's role in sanctioning sexual misconduct, challenging the definition, investigation, and sanctions of Title IX by universities.\textsuperscript{17} On the other hand, feminist/queer critiques of Title IX point out that university \textit{s}v\textit{s}h policies have failed to support the most vulnerable populations, such as minority, \textit{LGBTQ}, and disabled students.\textsuperscript{18} For its part, the American Association of University Professors has weighed in on the "History, Uses, and Abuses of Title IX," documenting how many university administrations have implemented Title IX in ways that undermine academic freedom and/or employment rights of faculty.\textsuperscript{19} In August 2020, the Trump administration will implement new regulations defining Title IX compliance in K-12 and higher education, including measures that narrow the definition of sexual harassment, limit the geographical scope of university response, and require live hearings with cross-examination for all postsecondary institutions, measures that will have a chilling effect on reports of sexual assault and harassment.\textsuperscript{20}

Moreover, after a decade of Title IX–inspired changes to how universities handle sexual misconduct, research findings have begun to show the limits, and even the damage, caused by those efforts.\textsuperscript{21} Recent studies have shown, for example, how the most frequent manifestations of institutional compliance—such as universal mandatory reporting, required sexual assault awareness training, and Title IX investigation and hearings processes—themselves have unintended negative consequences, such as discouraging reports of sexual violence, negative gender norming, and retraumatization of assault victims.\textsuperscript{22} Ongoing studies of prevalence/climate, student cultures and behavior, trauma and crisis intervention, institutional behavior, and the Title IX legal framework have repeatedly challenged the efficacy of a compliance approach to campus \textit{s}v\textit{s}h.\textsuperscript{23} A growing body of research on peer sexual violence has also revealed the complex issue of sexual violence and the inherent vulnerability of victims and perpetrators as well.

\textbf{Academia}

So how do we go about sexual violence prevention? To "effectively" train faculty and staff, we must first do a better job of understanding our own biases and the impact they have on our perceptions and responses.

The research is clear: sexual assault and abuse are not only psychological trauma, but it is also a physical trauma. Our institutions must be places where survivors feel safe to report and seek help. This starts with a commitment to training all administrators, faculty, and staff on how to recognize and respond to instances of \textit{s}v\textit{s}h.
plexity of student behaviors in relation to alcohol, partying, and hooking up, with important implications for how we think about institutional response. Research on campus sexual violence has repeatedly exposed the limitations inherent in both federal and university interventions that fail to consider the vulnerabilities, violence, and misconduct of university employees, both staff and faculty. How can universities learn to prevent and respond safely to sexual violence without first understanding, educating, and enlisting the support of staff and faculty who are both subject to and responsible for implementing university policies? Given all of the uncertainties of the Title IX landscape, and the requirements imposed by our home institutions—be they required trainings, mandatory reporting, or respectful campus policies—what are the faculty, considered here both individually and collectively, to do?

Academics and SVSH
So how are academics implicated and involved in responding to campus sexual violence? The answer goes far deeper than policies warning instructors not to “fraternize” with students might suggest, to the most troubling realms of the training, mentorship, scholarship, and professional standards of our academic disciplines. What a cursory glance at blogs and publications on higher education reveals is an enduring pattern of sexual harassment among scholars, and between faculty and students, about which we often lack more than anecdotal information. Subject to both the gendered expectations common in any workplace and the particular pressures of unwritten codes of scholarly collegiality, faculty and graduate students targeted by sexual misconduct struggle mightily, often at great cost to themselves, to identify and take action against sexual harassment.

To take just one well-documented example, the story of Terry Karl, a political scientist hired on the tenure track in 1980 by Harvard University, contains all of the above elements. Subjected to repeated sexual overtures, unwanted physical contact, and threats of reprisal by her senior colleague Jorge Domínguez, in January 1983, Karl began to formally raise her concerns with university administrators, documenting the incidents of harassment and her concerns about their impact on her professional standing. Administrative intervention was so minimal and without sanction to Domínguez that Karl chose to leave for a position at Stanford rather than remain at Harvard. At a distance of 30 years, one can easily see how a different institutional context—such as the existence of clear svsh policies and a Title IX office—might have ameliorated the negative professional and personal effects on Karl. But her case still perfectly illustrates the ways that the university setting, usually in combination with broader
academic culture, continues to enable harassment, discourage reporting, and punish complainants. A 2016 study showed that even as sexual harassment has become more readily identifiable, only 11 percent of female faculty who experience sexual harassment have reported it. In the end, then as now, it is just easier and safer for a faculty member (or student or staff, for that matter) to leave for another department or institution than to file an official complaint and risk retaliation, which perpetrators regularly apply with impunity in the academic context. Male privilege, research dollars, and the diminishing of sexual harassment as a “real” problem—even in the current context of heightened Title IX action in most universities—all mitigate against the safety and professional well-being of those who complain. On the other hand, because sexual harassment undermines the integrity of research itself, federal grant agencies and academic associations have recently issued new guidelines on sexual harassment and other forms of bias. But in an institutional context, particularly as federal oversight through Title IX morphs and declines, academics continue to have little incentive to report sexual misconduct, turning instead to the age-old strategies of avoiding perpetrators, surviving through tenure, or leaving the university or the profession.

The problems named above really begin with how academics have been socialized to gendered rules of professional behavior. Certain academic fields have infamously tended to be more prone to endemic sexual misconduct, because of factors such as persistent gender imbalance in graduate programs and at all faculty ranks, extreme dependency in mentor relations, and the physical isolation of labs or distant field sites. Recent research on higher education has revealed the persistence of high levels of faculty sexual harassment toward graduate students and its negative impact on students’ mental health, progress to degree, and standing. Graduate students and medical residents—the research and teaching faculty of tomorrow—have historically been subjected to high levels of sexual misconduct and racial/gender/sexual/sexuality/disability discrimination, behaviors prohibited by both federal civil rights law and university policy. But the price of even informal complaint can be unendurable for those who report misconduct. In many academic fields in which women remain underrepresented at senior ranks, the relationship between overt gender harassment and regular sexual misconduct remains a painful reality. Combined with the invisibility of faculty and staff in university Title IX compliance systems, and the vulnerability of most university employees within them, sexual misconduct remains largely unseen and unaddressed. We, the university’s faculty employees, are often required to report sexual misconduct in a context rife with insecurity, both personal and professional.

Even for the most privileged actors in higher education—the shrinking numbers of tenure-stream faculty—recourse to complaint is rife with profes-
sional risk, even beyond the real or implied threat to achieving tenure. While it remains difficult to fire tenured faculty without cause, colleagues openly accused of misconduct have ready access to professional retaliation, from denial of grant funding and program support to the filing of countercomplaints, all of which can be as devastating as they are difficult to prove. Those who submit formal complaints, moreover, often experience immediate repercussions of accusing a colleague (or supervisor) of sexual misconduct. The discomfort of continuing to operate in work environments subject to investigation, as well as the long waiting time for investigations to be completed, increases stress and trauma for the complainant. As in the Karl case, the failure to create or enforce (or otherwise incentivize) professional behavior at the level of departments and professional associations has encouraged enabling and risk-averse responses from university administrators and senior academics. Finally, because faculty enjoy the additional protections of academic freedom, university administrators (including legal counsel) often assume that faculty also enjoy additional protection from verified complaints of sexual violence and sexual harassment. This is incorrect, but this widespread perception serves as a brake on meaningful sanctions for faculty misconduct.\textsuperscript{34}

**How Academics Can Respond—Some Suggestions**

Institutional responses that fail to consider and involve faculty in their efforts to diagnose, design, and execute Title IX mandates will have limited or contradictory effects on campus sexual assault. This contradiction arises from the fact that even the basic remedies designed to protect our students must be implemented and supported through institutional and professional relationships that are shot through with power imbalances. In addition, work environments currently expose survivors, reporters, and advocates to virtually unchecked retaliation from peers and supervisors. We have to first recognize the vulnerabilities inherent in professional relationships—including the likelihood of faculty members’ experience of harassment and well-founded fear of professional retaliation—before we can empower faculty participation, both individual and collective, in meaningful responses to campus sexual violence and harassment.

Given the ongoing uncertainties of Title IX law and guidance, as well as the great variety of policies in place at universities, how can we as academics respond effectively to the prevalence of sexual violence and harassment on college campuses? Faculty at every rank can try some of the following steps to protect themselves, support others, and improve their institution’s response to sexual misconduct:
1. **Learn the System:** Study your institution’s policies for defining, reporting, investigating, and sanctioning sexual misconduct, asking whether these policies effectively promote equal access to education and a safe workplace for students, faculty, and staff. Universities must not only prohibit sexual misconduct, but are also required by Title VII to sanction any retaliation that occurs as a result of reporting **svsh**, usually through whistleblower protection policies. Find out whether your institution’s policies, including the manner in which they are implemented, encourage the identification of sexual misconduct and protect those targeted for **svsh** and retaliation. If existing policies have negative impact on survivors and reporters, raise these failures with your administration, compliance office, and/or faculty governance leaders, and demand changes that will better support survivors and reporters of **svsh**.

2. **Support Survivors:** When you witness or hear about an incident (or repeated occurrence) of sexual violence or harassment, start by listening to those aggrieved and offering to connect them to **confidential** support services. Victims of sexual misconduct benefit tremendously from being heard without judgment and offered supportive measures that affirm their sense of control—over their stories as well as their physical safety.

   Unless you have the authority to intervene and correct the abuse—usually assigned to those at the level of Chair and above—your first obligation is to the victim, whose well-being may suffer further damage if you report to university officials without first securing their consent. Unless someone is in immediate danger, consider the risks the survivor may face if you share their story without their consent. If your university requires mandatory reporting of Title IX violations, you can comply with the spirit of such policies—while also respecting a victim’s request for privacy—by referring them to your institution’s confidential service advocates.

3. **Document Everything:** If you file a complaint under your university’s sexual harassment policies or support a student, staff member, or faculty colleague in doing so, document every step of this process and avail yourself of any reliable support and reporting services in the community.

   As is often the case, university officials may be unable or unwilling to fully investigate a complaint or sanction the perpetrator, or they may even seek to cover up the complaint to avoid risk of negative publicity or lawsuit. In these circumstances, it is imperative that you accompany survivors (or seek accompaniment) in administrative interviews and hearings, save relevant correspondence and reports, and construct timelines to monitor the administration’s response. Such materials are critical for mounting administrative inquiries that are critical for mounting

4. **Support the Survivors’ Advocates:** Work with your administration, advocacy leaders, and your colleagues to gather information and provide resources that may help establish a support system for our students and faculty, and that give us a sense that they have control over their personal and academic lives. Additionally, support the administration in their efforts to create a safe and respectful environment.

5. **Participate in the System:** Participate in the systemic solutions to eliminate sexual violence and harassment on your campus. A strong, proactive campus community that actively addresses these issues is critical to the success of any initiative to prevent sexual misconduct.

   Although your institution has a responsibility to shape the culture and protect the rights of all individuals, we know that there is more that we can all do to make our institution a safer and more welcoming place. By taking an active role in the prevention and response to sexual misconduct, you can help create a culture of respect, safety, and accountability that will benefit all members of our community.

   You can participate in the system by joining or supporting existing advocacy groups, attending workshops and training sessions, and taking part in conversations about sexual violence prevention and response. You can also take action to change policies and procedures that are not effective in protecting survivors and preventing sexual misconduct.

   To learn more about the resources available to you and to find out how you can become involved, please visit the website of the National Sexual Assault Hotline at www.rainn.org. They provide confidential support and services to survivors of sexual violence, and can help you find resources in your area.

   You can also contact your university’s Title IX coordinator or advocate to learn more about the resources available to you. They can provide you with information about the policies and procedures in place to prevent sexual misconduct and can help you understand your rights as a survivor.

   Additionally, you can support the work of sexual assault prevention and response organizations in your community. These organizations work to prevent sexual violence and provide support to survivors, and they can provide you with information about how you can get involved in this work.

   By participating in the system, you can help create a culture of respect, safety, and accountability that will benefit all members of our community.
administrative appeals as well as seeking legal remedies to situations that
the university may fail to resolve.

4. Support Institutional Courage: As members of the university community
and academic disciplines, we participate—often unwittingly—in the acts
of betrayal and courage carried out by our universities and the academy as
a whole. As teachers, academics bear primary responsibility for creating
a supportive classroom environment, and can offer clear instructions to
our students about the confidentiality and accommodations we can offer
them if they report sexual misconduct to us.37 Bring your knowledge and
concerns about sexual harassment to the appropriate venues for faculty
governance, shared governance, union organization, and administrative
leadership, pressing for policies that are both research-based and survivor-
centered. If your university resists these efforts, get your tenured colleagues
together, work with student and staff associations, and cultivate alliances
with campus advocates and investigators to press for change. Finally, push
the upper administration to provide real leadership on campus sexual vio-
ience; these leaders should provide appropriate messaging and resources to
address the persistence of svsh.

5. Participate in #AcademicMeToo Movements: For many faculty, the
struggle against sexual harassment is not contained within the university,
but extends to their work with professional associations in their disciplines.
A slew of academic associations and the National Science Foundation
have already established new procedures for considering complaints
(or findings) of sexual harassment that should influence decision-
making about publication, research grants, committee membership, and
professional honors. Join a working group or a review panel and make your
opinions known.

Although this chapter has focused on how we can respond to svsh in an
institutional context—namely, the teaching and professional relationships that
shape academics’ experience at colleges and universities—even this approach
risks over-determining just how we fight sexual misconduct. When someone
we know or we ourselves are the target of sexual violence or harassment, we
do well to recognize, like Cortina and Fitzgerald, that “like rape, sexual harass-
ment is both a legal concept and an experience, and it is important to recognize
that these are not the same.”38 Before we rush to make an official report, or
otherwise try to “fix” the problem, we should stop to identify the needs and
secure the safety of those experiencing svsh. Further, when we fight our insti-
tution’s practices of institutional betrayal, we must beware the temptation to

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focus primarily (as have so many university leaders) on those efforts that serve chiefly to show compliance with federal law. Rather, we must also, in Nicola Gavey’s words, work against the beliefs and practices about sex that “scaffold” sexual violence. As the authors of the National Academies of Science, Engineering, and Medicine’s 2018 report argued, without increased transparency and accountability, advances in diversity and inclusion, and effective leadership at all levels of academic life, policies that prohibit sexual violence and harassment alone hold little promise for reducing sexual violence. By listening to and supporting those targeted by SVSH and bringing faculty experience to bear on efforts to promote institutional courage, we academics can indeed make our classrooms, programs, and universities safer places to work, teach, and study.

NOTES

The author thanks the students, staff, and faculty who have shared their experiences of sexual harassment and sexual violence, which inspired this chapter and have transformed the way the University of New Mexico responds to sexual misconduct. The author also recognizes her colleagues of Faculty Safe UNM and the staff of the Women’s and LGBTQ Resource Centers, the LoboRESPECT Advocacy Center, and the Office of Equal Opportunity at UNM for their tireless work on behalf of our community.


3. This chapter uses “sexual misconduct” and “sexual violence and sexual harassment” (SVSH) to refer to a range of activities prohibited by law and/or university policy, including sexual assault and sexual harassment. Sexual harassment is defined by the Equal Employment Opportunity Commission as “Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harass-


5. Although coercion (“compulsion” or “force”) is not illegal if sexual consent is involved, the recent report, 4, and the strong correlation between coercion and ostracism continue to inform our understanding of gender harassment at college campuses. See the report four for more on unacknowledged or unspoken gender harassment.


7. Consider the impact of sexual misconduct on student, staff, and faculty careers.


9. Survivor stories often contain important lessons even when this story is not as bad as others’.

10. See the recent report 4 for more on unacknowledged or unspoken gender harassment.

11. For example, the recent report, 4, and the strong correlation between coercion and ostracism continue to inform our understanding of gender harassment at college campuses.


13. Consider the impact of sexual misconduct on student, staff, and faculty careers.


15. Survivor stories often contain important lessons even when this story is not as bad as others’.
ment when this conduct explicitly or implicitly affects an individual’s employment, unreasonably interferes with an individual’s work performance, or creates an intimidat-


5. Although this chapter focuses on response to unwanted sexual attention or sexual coercion (“come-ons”), an important body of research centers the more pervasive incidence of gender harassment (“put-downs”) in the academy. The National Academies’ recent report, Sexual Harassment of Women, relied on decades of research to show a strong correlation between gender harassment—behaviors that insult, humiliate, or ostracize women—and the incidence of sexual harassment and coercion. Noting that gender harassment is often conducted by multiple actors and tolerated by supervisors, the report found higher levels of sexual harassment in institutions where leadership was uninformed or unresponsive to reports of harassment: “This means that institutions can take concrete steps to reduce sexual harassment by making systemic changes that demonstrate how seriously they take this issue and that reflect that they are listening to those who courageously speak up to report their sexual harassment experiences.”

NASEM, Sexual Harassment of Women, x.


7. Consider, for example, the sexual harassment that many faculty and staff have already experienced—up to and including assault—in the course of their undergraduate or graduate training, which can have long-lasting and deleterious effects on education, career, and private life: Claire Raymond and Sarah Corse, “A Distorting Mirror: Educational Trajectory after College Sexual Assault,” Feminist Studies 44:2 (2018): 464–490.


9. Survivor advocates, as well as recent findings in psychology, emphasize the importance of how individuals, including academics, respond to incidents and disclosures of sexual violence: Emily R. Dworkin, Charlotte D. Brill, and Sarah E. Ullman, “Social


11. 20 USC, Sec. 168, Title IX (1972).

12. The landmark 1977 case of Olivarius v. Yale University, though unsuccessful, was the first attempt to argue that sexual harassment constitutes a violation of Title IX, inspiring a series of further lawsuits and Catharine MacKinnon’s important volume, Sexual Harassment of Working Women: A Case of Sex Discrimination (New Haven, CT: Yale University Press, 1979).

13. For an excellent reference work on the origins and transformation of Title IX, see Susan Ware, Title IX: A Brief History with Documents (Long Grove, IL: Waveland, 2007). On sexual violence in college athletics, see Jessica Luther, Unsportsmanlike Conduct: College Football and the Politics of Rape (Brooklyn, NY: Akashic, 2016).


16. The focus on student sexual assault complaints has been so intense that university general counsels have sometimes been unwilling to recognize Title IX complaints by staff and faculty. See the discussions at NACUA’s 55th annual conference, “Title IX and VAWA Issues Specific to Employees and the Employment Relationship,” Washington, D.C., June 28–July 1, 2015.


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21. NASM, Sexual Harassment of Women, chapter 2, “Sexual Harassment Research.”


23. Much of this research has emerged at the University of Oregon, where psychologist Jennifer Freyd’s Dynamics Lab has generated research findings on trauma and institutional betrayal, work that has also advanced their campus engagement with university policies on SVSH. See the Dynamics Lab publications at https://dynamic.uoregon.edu/ (accessed February 20, 2020); Weiner, “Principled and Legal Approach.”


28. Psychologist Jennifer Freyd refers to the likely responses that further discourage both informal and formal complaints to authorities as DARVO: Deny, Attack, and Reverse Victim and Offender. Institutions that fail to sanction offenders or prevent retaliation


33. While any university employee who is required to report incidents of sexual harassment may themselves be drawn into a subsequent investigation or become a target of retaliation, staff, graduate students, and contingent faculty—including those who belong to ethnic and sexual minorities—are even more vulnerable: Alexis Henshaw, “The Challenges for Adjuncts When Supporting and Counseling Sexual Assault Victims,” Inside Higher Ed, June 23, 2017.

34. A fuller discussion of how Title IX regulations and OCR guidance have been insufficiently attentive to the protection of academic freedom can be found in AAUP, “The History, Uses and Abuses of Title IX.”

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35. Following the Department of Justice’s findings on noncompliance with Title IX at the University of New Mexico in April 2016, faculty organized a movement for mutual support and collective action at the university, “Faculty for a Sexual Assault-Free Environment,” or Faculty SAFE UNM. These and other efforts have successfully mobilized faculty authority and expertise to maintain pressure on university administrations and influence the direction of institutional change in recent years.


37. Your institution’s Title IX Coordinator may suggest language for course syllabi regarding relevant services and employee reporting requirements for SVSH, but instructors may choose to rely instead on the American Association of University Professors’ “Statement on Professional Ethics,” which requires that professors protect students’ academic freedom and “respect[s] the confidential nature of the relationship between professor and student.” https://www.aaup.org/report/statement-professional-ethics.


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