
REVOKING HARMFUL TITLE IX GUIDELINES THROUGH A MULTI-LEVEL NATIONAL CAMPAIGN

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BACKGROUND

Emily Doe* was unconscious and could not provide consent, when her assailant brutally assaulted her behind a dumpster, outside a fraternity house. “My independence, natural joy, gentleness, and steady lifestyle I had been enjoying became distorted beyond recognition. I became closed off, angry, self-deprecating, tired, irritable, empty. The isolation at times was unbearable. You cannot give me back the life I had before that night either” (Doe, 2016) – every word of her heart-wrenching impact statement gives us a glimpse into the many ways in which sexual assault continues to impact survivors, even long after the first traumatic event. Sexually transmitted infections, post-traumatic stress disorder, anxiety, depression, high blood pressure, and sleep disorders are just a few of the numerous health impacts faced by survivors (LaMotte, 2018).

The United States Department of Justice reports that nearly 25% of female undergraduate students experience sexual assault prior to graduation from college (United States Department of Justice Archive, 2016). LGBTQ students are at an even higher risk for experiencing sexual assault (United States Department of Justice Archive, 2016). However, fewer than 30% of survivors report sexual assault to authorities (Campus Sexual Violence Statistics, 2019). However, the most alarming statistic on this issue is that 99% of perpetrators will not be incarcerated for their crimes (Campus Sexual Violence Statistics, 2019).

In 1972, Title IX of the Education Amendments was first signed into law. Classified as a civil rights law, it 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” and aims to provide protective measures against acts of sex discrimination (History.com, 2009). It was initially formed in order to address the inequality and significant barriers faced by female athletes in comparison to their male counterparts.

In 2011, the Office for Civil Rights at the Department of Education revised these guidelines, stating that “an educational institution must take action to respond to sexual harassment that is so severe and pervasive that it deprives or limits the victim’s enjoyment of educational rights, privileges, advantages, or opportunities” (Seaver, 2015). In addition to a broader definition of what constitutes sexual harassment, the 2011 guidelines also guided schools to use the “preponderance of evidence standard” – in other words, disciplinary action was to be taken against students accused of harassment or abuse if the “misconduct was more likely than not to have occurred” (Yuen, 2018).

For survivors and activists against sexual violence, it seemed that the government was finally taking the issue of campus assault seriously, and doing what it should to ensure the safety and well-being of survivors. Finally, it seemed the government was strongly and publicly acknowledging that sexual misconduct would not be tolerated, and that schools would be held accountable.

In 2018, Secretary of Education Betsy DeVos repealed these guidelines in an effort to protect the rights of individuals accused of sexual misconduct. The new guidelines proposed by Ms. DeVos propose a narrow and vague definition of sexual harassment, and make schools responsible for determining their own standard of evidence (Yuen, 2018). In addition, only formal complaints are legally required to be investigated (Yuen, 2018). Schools are only held responsible to investigate cases that occur on educational facilities, and not cases that involve their students in other locations such as fraternities (Yuen, 2018). However the most outrageous part of the new guidelines is that live hearings are to take place in schools, involving cross-examination of the accuser by the accused, through a third party (Yuen, 2018). This is reprehensible. For millennia, our society has placed the burden and blame of sexual assault on victims, traumatizing them repeatedly through inadequate and insensitive practices that occur following the initial assault. Victims of harassment and abuse are subject to invasive medical procedures and inconsiderate scrutiny of every aspect of their lives: their choice of clothing, their social behaviors and their personal relationships. If they choose to pursue the case legally, more often than not the perpetrators of these crimes walk away free or receive an inconsequential sentence. The norms of our society have conveyed a clear message to survivors throughout the years. It is unsurprising that so many victims do not even report their assault or harassment to authorities, and instead suffer in silence.

The guidelines proposed by Secretary DeVos and her team would serve only to further stigmatize and victimize the survivors of sexual assault on college campuses, and would perpetuate rape culture in society. In order to address this serious issue and prioritize the needs of survivors, the new Title IX guidelines introduced by Ms. DeVos need to be revoked. A multi-level national campaign would be an effective strategy to build public support and persuade Ms. DeVos to revoke the guidelines that have been proposed. The multi-level campaign proposed includes 3 main components: (i) a series of media clips to be broadcasted nationally to encourage viewers to reflect on issues such as rape culture, sexual assault and their own power in addressing this issue, (ii) educational roundtable talks to be conducted in high schools and colleges nationwide which would create safe spaces for teenagers and young adults to engage with one another and collaborate on their role in addressing these issues, and (iii) an organized protest against the new Title IX guidelines.

Although the three components of this campaign will operationalize various theoretical constructs to build public interest and gain support, the overarching intention of this campaign is to successfully persuade legislators such as Ms. DeVos to revoke the new guidelines. In order to achieve this goal, we need to target behavioral determinants in legislators. Tung and colleagues suggest the theory of planned behavior may be used for this purpose (2012) – this campaign will therefore be designed to ultimately impact the policymakers' attitude and subjective norms in order to impact behavioral intention, and promote behavior change.

MEDIA CLIPS

The first component of this campaign is a series of media clips with 2 main targets: Ms. DeVos and the voting age population. The media clips would consist of video testimonials from parents of survivors, college students, celebrities and other members of the general public discussing their experience with the new Title IX guidelines, and regarding issues such as rape culture and sexual assault. These clips would be broadcasted nationally on platforms such as Facebook, Instagram, YouTube and television channels, so as to target large audiences.

Firstly, these clips aim to change Ms. DeVos's attitude towards campus sexual assault by changing her perception of severity about the issue of campus sexual assault, and her perception of the role of government (Tung, 2012). This would impact her behavioral intention and therefore persuade her to revoke the new guidelines.

It appears from Ms. DeVos's rhetoric that she perceives false accusations of young men to be a more serious issue than campus sexual assaults (Meckler, 2018). To modify Ms. DeVos's perception of severity, the clips would contain testimonials from young college-aged men who would discuss how false accusations occur at insignificant rates, as compared to actual acts of sexual assault. They would also discuss how men may also be targets of sexual harassment. By including young men in these media clips, it would reinforce the message that both men and women are negatively impacted by campus sexual assault, and that young men are willing to be held accountable for their actions. This can change her attitude towards the issue of campus sexual assault.

Ms. DeVos's new Title IX guidelines also place the responsibility of addressing sexual assault claims directly on educational institutions, which may determine their own evidentiary standard and appeals process (Green, 2018) – this suggests that Ms. DeVos perceives the role of government should be minimal in addressing campus sexual assault claims.

If the individuals in the clip discuss how Title IX should be modified, this would serve to change Ms. DeVos's perception of the role of government – the clip would demonstrate that voting constituents believe the government should play a greater regulatory role in addressing issues of sexual assault rather than allowing college campuses to come up with their own systems. This can influence her attitude and therefore her behavioral intention.

Secondly, these clips would target voting age members of the general public to garner support for the movement against the new Title IX guidelines. Micro and macro level theories of mass communication should be used to design and structure these videos to successfully meet this objective.

The success of a media communication in influencing behavior or attitude change is to a great extent determined by audience characteristics (Glanz, 2015). Aside from legislators which were discussed above, the target audience for these media clips include voting age members of the general public, particularly parents of young adults, and college students themselves. Due to the broad and diverse target population, the series of clips would include individuals of various race and ethnicities, ages, genders and roles (such as parents, students, administrators). Since it would not be a single clip, and rather would feature a series of testimonials released on different media platforms, it would be more effective in gaining public support if audience members feel represented. Ensuring that different groups and communities are all represented would be the best way to address the concept of audience characteristics. Furthermore the clips could be personalized based on context; for instance, in a state with predominantly Spanish-speaking constituents, the clip could be aired in Spanish.

In the development of these media clips, message effect theories are also of importance. Essentially, these clips are a form of narratives, which are extremely powerful in engaging target audiences (Glanz, 2015). Watching individuals whom we find relatable share their personal stories can be very persuasive – these stories should include anecdotes and memories about watching loved ones navigate the aftermath of sexual assault. Such messages would be very impactful to the viewer. These clips also incorporate the use of exemplars, as the individuals in these clips highlight their personal experience. Showcasing celebrities, such as actor Terry Crews who has been vocal about his experience with sexual harassment, would also be effective in promoting these media clips.

Framing is also an important concept to operationalize in the creation of these media clips, and refers to the tone or characterization of an issue and how it is presented to a target audience (Glanz, 2015). Current political rhetoric by the President and Secretary DeVos is very negative and dismal. However, framing the issue as a problem which has a solution, using a hopeful tone, might be more effective in encouraging individuals to take responsibility for these issues. Including positive messaging such as “I can make a change” or “I have the power to change this issue, and so do you” would help to frame these clips in a more positive light.

When considering macro level models, the knowledge gap hypothesis is particularly important in the creation of these media clips. If the series of testimonials were released solely on platforms such as YouTube or social media applications, this would only serve to further marginalize certain parts of the population who do not have access to these platforms. Furthermore, this campaign targets voting age individuals which includes those whose primary mode of entertainment may be through the television. In order to ensure that the information about Title IX guidelines and campus sexual assault from these clips benefits individuals of all socio-economic backgrounds, this series of media clips would be released on both social media platforms and television. Additionally it would air on multiple channels that may be viewed by different demographics, such as sports channels, cultural channels, news channels and more.

It is also important to consider the concept of windows of opportunity. Colombini states that these “often emerge quickly with a clear triggering event” (2016). In this case the window of opportunity consists of both the upcoming 2020 Presidential elections, and the exponential growth of the #MeToo movement in recent months. These provide a great opportunity to bring the issue of rape culture and campus sexual assault further into the spotlight. As presidential candidates aim to appeal to different demographics, and to distance themselves from current political rhetoric, they may be encouraged to support this movement and the hopeful tone that has been used to frame these clips.

In addition to publicizing the issues of campus sexual assault, Title IX guidelines and rape culture, these clips would also serve to encourage reflection by the viewers. The clips would increase the audience’s perceived susceptibility to the harmful consequences of these guidelines, but also increase their self-efficacy and the confidence to solve this issue. These clips would include a prompt to visit the RAINN website to gather more information, and would encourage viewers to “join the movement” by participating in a protest, the culminating component of this campaign.

ROUNDTABLE TALKS

The second component of this campaign directly targets teenagers and young adults and aims to engage with them on the issue of rape culture. The intervention would consist of moderated group discussions within groups of students, conducted by trained facilitators. The purpose of this is to encourage self-reflection with young adults about the nature of rape culture, and their power to address this issue. Additionally, this intervention aims to create a space for teenagers to discuss information that they would have gathered from the media clips discussed previously. Each roundtable would consist of a group of 6 to 8 students. The discussion would commence with group members taking turns to read statements from survivors of sexual assault. They would then have a discussion on a series of questions related to rape culture, sexual assault and Title IX guidelines. They would additionally learn skills on how to navigate difficult conversations on this issue, with significant people in their lives, such as their parents or peers. The purpose of this arm of the campaign is also two-fold, as described below.

Oftentimes, those who are least affected by these issues and have the resources to protect themselves, are in fact responsible for making the rules for the rest of society – as is the case with the current administration who come from families of high socio-economic status. These individuals in power are also responsible for perpetuating harmful social norms through the legislature that is passed – as seen in this case, where the Title IX guidelines do nothing to fight rape culture, a key determinant of campus sexual assault. Therefore, this component of the campaign first aims to influence Ms. DeVos's subjective norms through increased normative pressure from her family and friends (Tung, 2012). Ms. DeVos has long been a promoter for school choice (Meckler, 2018), and strongly advocates for private school education vouchers and budget-cuts to the Department of Education, which would severely impact public schools (Strauss, 2018). From this and her own background, we can assume that the adolescents in her social circle, including family and friends, most likely attend private schools. Therefore, in order to bring the conversation of rape culture and Title IX guidelines directly into her social circle, the roundtable talks would also take place in private schools. The goal is to challenge students from wealthy families to consider the implications of rape culture, and to then potentially have conversations about this topic with their parents, thereby bringing dialogue about harmful legislature directly into the personal lives of legislators such as Betsy DeVos.

The second objective of these school based roundtable talks is to improve health outcomes related to rape culture and campus sexual assault through the use of principles from community engagement. Community engagement in this case consists of collaboration among high school or college students regarding a shared interest in creating a safer educational environment for themselves and their peers. In order to ensure that this intervention equitably impacts all students, the talks would take place not only in the private schools mentioned above, but also in public schools, and college campus. The students would hopefully already have been exposed to the media clips described previously, and therefore have started considering the impacts of rape culture and Title IX guidelines on their lives. Engaging in self-reflection on these topics can lead to empowerment for individual students. Empowerment is defined as “a social action process for people to gain mastery over their lives and the lives of their community” (Glanz, 2015). Through a deeper understanding of how this issue impacts their own personal lives, students can increase their sense of power and self-efficacy in creating change. However, discussion with their peers also raises critical consciousness, through active engagement and discourse on how these issues impact the lives of others around them (Glanz, 2015). In addition, moderators will be present to facilitate these discussions and ensure that students have the support needed to address such issues with others in their lives, such as family members. The goal of this intervention is to build community capacity in the process of talking about these issues openly, by equipping students with tools to recognize the toxic nature of rape culture and to find solutions for this problem.

Having these discussions take place in high schools and college campuses is vitally important in order to “start where the people are” (Glanz, 2015). The students sharing in these discussions would understandably have different life experiences that would have shaped their knowledge, attitudes or beliefs about an issue like rape culture. Therefore participation and relevance are important concepts to consider, and can be applied through encouraging students to converse openly and creatively address issues surrounding rape culture that are of importance to them (Glanz, 2015). Through these discussions, the campaign hopes to involve the community which is directly impacted by Title IX guidelines in community organizing – that is, it aims to enable students to identify issues that are relevant to them, and to come up with goals on how to solve this issue. The discussions will also encourage students to consider participating in the third part of this campaign, which is a protest.

NATIONAL PROTESTS

The two arms of the campaign will culminate in national protests, taking place on the same day in several cities around the country. The objective of this protest is to shape the behavioral intention of legislators and to influence DeVos's subjective norms through normative pressure from both constituents and other legislators.

In order to influence behavioral intention, Tung and colleagues recommend the use of voting pledges (2012). Therefore the campaign will invite 2020 presidential candidates to sign pledges during the protest, declaring their support for more stringent Title IX guidelines. In particular the pledges would commit to the following changes: (1) an unambiguous definition of what constitutes sexual harassment, (2) lowering the standard of evidence to what it was in 2011, thereby reducing the burden on the victims, (3) making schools responsible for investigating all complaints of sexual harassment, including those that take place in non-educational locations such as fraternities, (4) banning cross-examination by the accused, even if it is through a third party, and finally (5) requiring that all educational institutions have a designated Title IX coordinator who does not have any conflicts of interest (such as holding an administrative position in the school). In addition to influencing behavioral intention for potential presidential nominees, these pledges will also influence Ms. DeVos's subjective norms, by increasing her normative pressure from her fellow legislators (Tung 2012).

Finally, this component of the campaign aims to increase normative pressure on Ms. DeVos from her constituents, the voting age population (Tung 2012). In order to achieve this objective, concepts from both community engagement and social marketing can be used to maximize the number of participants in the protest.

Through the roundtable discussions in schools and the media clips, the campaign aimed to build capacity, and promote community engagement among students and their families. The media clips broadcasted on various social media and entertainment platforms would have also prompted viewers to visit the RAINN website and to participate in the protest. During these events, coalitions and partnerships would have been formed between students, their families and other significant individuals in their communities, as they "work together to solve problems" (Glanz, 2015). These groups and individuals would have been organizing around the issues of campus sexual assault, Title IX guidelines and rape culture.

The campaign would then culminate in a national protest, which would be promoted using social marketing strategies. Particularly, a product-driven approach would be utilized to make the protest appealing to the audience (Glanz, 2015). The campaign will partner with movements like #MeToo, celebrities who advocate for an end to rape culture, and big brands such as Nike or Gillette to promote participation in the protest. Therefore, at this stage, advertisements would be aired that encourage individuals to participate in the protest. Respected and admired celebrities will acknowledge their support for the movement, expressing messages such as “I will be there, will you?”. The celebrities would also be participating in the actual protests. Having large groups of individuals protesting the new Title IX guidelines, in various cities across the nation, would increase normative pressure on legislators from their constituents – this is especially pertinent as the 2020 election draws closer. This normative pressure from voters would influence the subjective norms of legislators, and therefore influence their behavioral intention and hopefully lead to behavior change.

CONCLUSION

In 2016, Emily Doe’s assailant was sentenced to six months in county jail and probation – a mere slap on the wrist. The judge presiding over this case stated “A prison sentence would have a severe impact on him...I think he will not be a danger to others” (Levin, 2016). It is painfully clear that current social norms are embarrassingly forgiving to perpetrators of sexual violence, while disregarding the health, well-being and lived experiences of survivors. Despite enormous strides made to build a more balanced and equal world, there is still progress to be made to ensure that students can complete their education in peace, without fear of sexual assault or the many consequences that follow. We have to ensure that survivors can speak out about their experiences, and in response receive support and belief from society. This campaign aims to address these issues by persuading Ms. DeVos to revoke the new Title IX guidelines.

As recommended by Tung, this campaign targets Ms. DeVos’s attitude through the use of media clips designed using mass communication theories. It also targets her subjective norms through normative pressure from 3 key agents: her family or friends (through roundtable talks at private schools), her fellow legislators (through the voting pledges at the protest), and finally her constituents (who are involved in the protest). The campaign also aims to target the behavioral intention of legislators other than Ms. DeVos, specifically the 2020 presidential candidates, through pledges and the other components of this campaign. Using this multi-pronged approach ensures that Ms. DeVos is persuaded to revoke the harmful new Title IX guidelines. Involving 2020 presidential nominees also ensures that the movement against rape culture and the fight against toxic social norms continues well beyond Ms. DeVos’s term as Secretary of Education.

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