**The Efficacy, Impacts, and Limits of Harvard College’s Title IX Policies**

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**Abstract**

*Given the prevalence of sexual assault on college campuses in the U.S., universities have a responsibility to eliminate hostile environments, prevent harassment, and protect students. Title IX policies, as interpreted by the Department of Education’s Office for Civil Rights, regulate this responsibility. However, these policies simply mandate that colleges investigate and prevent sexual violence and provide limited guidance on specific institutional procedures and measures. Acknowledging Harvard College’s insidious rape culture, this project examines Harvard’s Title IX policies and procedures. Through expert interviews with Title IX coordinators and interviews with Harvard students, this paper outlines a set of recommendations for how Harvard can more effectively eliminate a hostile campus environment, prevent sexual assault, and mitigation the effects of sexual misconduct. I find that existing resources are primarily reactive rather than preventative, and survivors face several barriers in attempting to navigate support measures.*

*I affirm my awareness of the standards of the Harvard College Honor Code.*

Lauren Yang

**Introduction**

According to the National Sexual Violence Resource Center (2015), one in five women are sexually assaulted in college, and more than 90% of survivors on college campuses never report the assault. Pointing to a silent, insidious rape culture ingrained in universities, these statistics reveal that colleges are not the safe havens they purport to be. In fact, in recent years, a wave of student protests has taken over campuses across the U.S., demanding institutional accountability and reform.

Elite universities, historically strongholds of misogyny, have been forced recently to reckon with their failures to protect students and acknowledge rampant rape culture. In 2014, the Department of Education launched an investigation into Harvard College’s Title IX procedures after student activists illuminated how Harvard had mishandled sexual assault complaints (Edwards, 2015). Although Harvard has since reformed its policies and hired Title IX coordinators, the still ever-present mass of voices claiming that Harvard has failed survivors and can, *should* do better cannot be ignored. A widely circulated letter by an anonymous student recounted their uphill, futile battle reporting sexual assault and poignantly declared, “Dear Harvard: You might have won, but I still have a voice. And I plan on using it as much as I can to make things change” (“Dear Harvard: You Win,” 2014).

In an effort to still “make things change,” this paper seeks to conduct a thorough case study of the Title IX policies at Harvard College. How do Harvard’s Title IX policies and procedures protect students? How have Harvard’s institutional structures impacted campus culture around sexual harassment and assault?

**Literature Review**

In order to situate these research questions, it is important to first understand what Title IX is and how it can be mobilized to address sexual assault on college campuses. Title IX of the Higher Education Amendments of 1972 prohibits discrimination on the basis of sex in educational institutions. Since its enactment, the scope and coverage of the law has been heavily contested. Amidst uncertainties over application of Title IX, the U.S. Department of Education’s Office for Civil Rights (OCR) issued a series of guidelines and regulations specifying how colleges and universities must address reports of sexual misconduct. All educational institutions that receive federal funding are expected to follow the rules outlined by the OCR, or be subject to lengthy, publicized, and costly investigations. This includes establishing prevention policies, grievance and investigative procedures, and mechanisms to mitigate the effects of sexual assault. Over the last few decades, through these policy releases and lawsuits, Title IX has been deployed as a powerful tool in ameliorating campus sexual harassment and gender inequality (Reynolds, 2019).

Although the language of Title IX remains fixed, the guidance released by the OCR has fluctuated significantly over the last decade, in turn influencing institutional level policies. In 2011, the Obama administration’s OCR issued the “Dear Colleague Letter,” a pivotal paradigm designed to “eliminate harassment, prevent its recurrence, and address its effects,” targeting campus cultures and social attitudes (U.S. Department of Education, 2011, p. 4). The Trump administration rescinded the 2011 guidance and unveiled a new set of regulations in 2020. These standards notably narrow the definition of sexual harassment, mandate live hearings for sexual misconduct cases, and allow for cross examinations of witnesses (Melnick, 2020). Scholars, activists, and lawyers alike have extensively studied and debated the contentious recommendations found in each iteration of the OCR’s Title IX rules. These include the Title IX due process procedures in campus sexual assault adjudication, fair and impartial hearings, cross examination, and the preponderance of evidence standard (Harper et al., 2017; Edwards, 2015). The policy arguments are comprehensive, nuanced, and multi-dimensional, but very few scholars conduct in-depth case studies on specific universities, instead opting for legal discourse and theoretical frameworks.

I argue that it is critical to study the impacts and mobilization of Title IX on not only a policy level but also an *institutional* level. Although legally binding, the regulations set forth by the OCR are the *minimum* federal standards that educational institutions must comply with. Each college still retains authority and control over the formulation of its own Title IX policies and procedures, as long as they meet the required guidelines (Melnick, 2020). Due to institutional differences, including governance structures and funding regimes, sexual violence prevention, investigation, and adjudication inevitably vary between universities. For instance, although universities may have Title IX grievance procedures, less well-resourced institutions may not have the financial means necessary to properly train hearing panels and investigators, thus affecting the impartiality of investigations (Edwards, 2015).

Although few scholars have extensively and systematically researched individual universities’ policies and their impacts on students, there has been work investigating the effects that institutional failures have on individual students. Studies indicate that well-intentioned administrators, institutional programs, and university policies, can actually reproduce and reinforce structures that perpetuate rape culture and further marginalize student survivors (Cruz, 2020). Limited psychological literature suggests that victims of real or perceived institutional betrayal experience higher levels of post-traumatic symptoms, exacerbating students’ emotional and physical reactions to sexual assault (Stader & Williams-Cunningham, 2017). Institutional betrayal includes punitive policies, victim blaming, unclear or nonexistent reporting methods, and a failure to respond to allegations of sexual harassment.

Existing literature and doctrine reveals that Title IX policies are institution-specific but federally-compliant and can have profound, lingering effects on students navigating grievance and reporting procedures. This research all points towards a need to study a specific institution and its policies and procedures. Situated to fill this gap, through conducting a case study of Harvard College, I seek to understand how Title IX federal policies translate into Harvard’s Title IX practices and consequently impact students and campus culture.

**Methods**

To conduct a case study of Harvard’s Title IX policies, I primarily engaged a qualitative approach, drawing from two main sources: 1) expert interviews with administrators, Title IX Coordinators, and SHARE (Sexual Harassment/Assault Resources & Education) Counselors at Harvard and 2) interviews with Harvard College students. Through this research, I detailed the efficacy, impacts, and limits of Harvard’s Title IX policies and outlined a set of preliminary recommendations for Harvard’s Office for Gender Equity (OGE). Acknowledging that existing literature and hypotheses may not accurately apply to Harvard, I inductively approached two sub-questions that frame and guide my research.

I first began by establishing what Harvard’s current policies entail, how they may have changed in recent years, and how they compare to the minimum guidelines set by the Department of Education’s Office for Civil Rights. What are Harvard’s current Title IX policies and procedures, and are they more advanced than federal regulations? To address this question, I interviewed three Title IX experts, specifically administrators in the Office for Gender Equity and the Harvard College Title IX Office. My questions for the experts revolved around Harvard’s agency in setting policies, the institutional procedures and processes that precede a Title IX policy change, and expert clarifications surrounding the main components of the current 2020 interim policies (Interim Title IX Sexual Harassment Policy and the Interim Other Sexual Misconduct Policy). Uniquely, the administrative perspective helped demystify the institution’s response before, during, and after sexual assault reports are filed.

Secondly, with this foundational knowledge built, I sought to identify the efficacy and limits of Harvard’s current practices and illustrate the relationship between institutional policies and campus culture. How effective are Harvard’s procedures? To address this question, I conducted interviews with six Harvard College students. In order to limit confounding variables, all student interviewees were female-identifying students who were already involved in sexual violence activism and awareness spaces on campus, including the Harvard College Title IX Student Advisory Board, Harvard College Women’s Center, “Our Harvard Can Do Better,” and peer counseling groups. My questions for students revolved around their lived experiences and conversations with peers, perceptions of campus rape culture, and attitudes toward Title IX, grievance procedures, and reporting mechanisms. All interview questions can be found in the appendix.

Through inductive analysis of the six student interviews, I observed four major themes. Interviewee transcripts were coded using Nvivo as follows. “Information” indicated references to the transparency and confidentiality of Title IX resources. “Culture” referred to student sentiments surrounding campus climate and interpersonal relationships. “Institution” designated remarks about institutional practices or structures relating to sexual misconduct and its effects. “Alternatives” referred to any comments surrounding suggested changes to Title IX policies and historical student-led approaches to preventing sexual assault. Coded quotes were reviewed again and consolidated to generate a list of key findings and recommendations. Notably, through an inductive approach, I elected to observe patterns as they seemed to emerge, even if they deviated from my original research intent.

**Limitations and Positionality**

 It is important to acknowledge and consider the various methodological limitations and potential biases present in this research. First and foremost, this research paper does not attempt to prove a causal relationship between Harvard’s Title IX policies and campus culture surrounding sexual assault. Instead, it primarily seeks to observe and describe Harvard’s Title IX practices and subsequently offer potential recommendations, undergirded by experiential evidence from students. Notably, only six Harvard College students were interviewed, all of whom are involved in the sexual violence space. As such, this research is not generalizable and cannot reflect the experiences of all Harvard students. Experiences will likely be skewed, but with such a small sample size, it is necessary to interview students who already are actively considering questions related to campus sexual harassment and are in roles where they likely have sought out conversations with other students.

 I currently serve on the Harvard College Title IX Student Advisory Board and have experiences working and volunteering in the sexual violence space. As such, I recognize my own bias in instinctively putting survivors first and distrusting administrative figures. I also acknowledge that my positionality as a Harvard College student may bias conversations with both administrators and students. However, I took a few specific measures to mitigate these concerns. Firstly, my questions were non-leading to reduce any confirmation bias. Examples of these questions can be found in the appendix. Secondly, I transparently explained the components of my research, offered confidentiality, and asked for interviewee consent. Thirdly, I strongly believe that my recommendations and research should reflect the lived experiences of the students I interviewed and should be informed by Title IX experts. I found value in primarily observing and seeking to understand, rather than self-directing conversations. I responded minimally in interviews and emphasized that I would not be sharing my own opinions.

 Throughout the research process, I complied with ethical standards for research involving human subjects. Acknowledging that the topic of sexual violence is a potentially triggering and heavy one, informed consent was obtained from all individual participants involved in the study, with full transparency of the purpose of this research and their rights as interviewees. I did not ask questions about specific lived experiences nor probe for any details, ensuring that interviewees had full agency in choosing what to share. All interviewees were provided with the option to remain anonymous and chose how they prefer to be referred to.

**Findings**

Interview findings can be broken down into four main sections: Harvard’s limited agency in Title IX policies, campus climate change, barriers to accessing resources, and activism born out of necessity. These sections together indicate that Harvard has failed to effectively prevent and react to pervasive campus sexual misconduct.

*Harvard’s Limited Agency in Title IX Policies*

Administrators reveal that Harvard has extremely limited agency in Title IX policy change, constrained heavily by federal regulations and guidance. Guidelines issued by the Office for Civil Rights provide detailed, often controversial prescriptions describing exactly what colleges and universities must do with regards to sexual misconduct. Title IX Coordinators have to work within those guidelines to shape Harvard’s policies and determine which decisions are within institutional control.

The summer of 2020 provides a case study reifying this entire process, from the issuance of federal agency regulations to the creation of Harvard’s current interim policies and procedures. With the new Trump administration guidelines released in May 2020, Harvard had a few months to parse through thousands of pages of regulations and conduct a mass upheaval of its existing policies. Administrators cited frustration at the constantly changing guidelines with little notice and little room for discretion. However, where there were policy gray areas, administrators extensively consulted a wide range of stakeholders to determine how to best integrate community values into the Title IX decisions within institutional control. For example, federal guidelines mandated that the investigation and adjudication of claims must be conducted by a hearing panel rather than a single investigator. However, they afforded discretion to institutions to determine the actual composition of that hearing panel, including whether or not decision makers should be internal or external to Harvard.

Harvard currently has two interim policies: Title IX Sexual Harassment Policy and Other Sexual Misconduct Policy. Because federal guidelines narrowed the situations and students covered under Title IX, Harvard adopted the second policy, “Other Sexual Misconduct,” to broaden the purview of its sexual harassment policies. Notably though, a new set of guidelines issued by the Biden administration could result in another mass upheaval of these interim policies.

An administrator notes, “We are working on changing what is within our control. One of the problems with Title IX [though] is that we are trying to change culture solely through structures. We’re only looking at policies and procedures.”

Given Harvard’s limited agency in setting its Title IX policies, calls for cultural change, rather than solely policy change, become more salient.

*Campus Climate Change*

“Student sexual assault is a massive issue on campus, and it has been and will continue to be. There are some areas in student life that work really actively to try to solve this issue, and at the same time, there are sites of deep violence that continue to perpetrate harm.”

Similar to a peer counselor’s description of campus climate surrounding sexual harassment and assault, several students remark that environments that cultivate sexual violence are deeply ingrained at Harvard. Policies and interventions are more often reactive than preventative, providing support resources for survivors to navigate already perpetrated harm. There is a resounding sense of frustration and helplessness among interviewees, reconciling few effective preventative methods with a belief that Title IX cannot dismantle hundreds of years of discrimination. Systemic cultural change requires significant and lengthy labor, difficult interpersonal conversations, and communal action. As students and administrators alike recognize the need for individual, cultural, and structural change, students also lament that education and labor often fall on survivors, especially women of color, to shoulder:

“Usually that work is done by people who have experienced harm, having to educate people about their trauma, having to bear their soul and to wear their heart on their sleeve, and to have to say… this is my branding. This is my reputation.”

Although there appears to be more awareness surrounding sexual misconduct on campus and an eagerness to intervene, there also is a lack of acute insight into precursors of harm, generating a gap between desired community values and student capabilities to actually sense harm.

*Barriers to Accessing Resources*

Reactive resources include academic and housing support, professional counseling, and Title IX official reporting mechanisms. However, several barriers exist that impede students from seeking out those resources. These barriers can be consolidated into three main categories: 1) insufficient information about and trust in resources, 2) conflation of resources with other institutional structures, and 3) invalidating conversations and stigma.

As a Title IX Student Advisory Board member remarks, resources can be effective “once you know how the game works… at Harvard.” This said game is often convoluted, confusing, and conflicting. Students remark that peers frequently do not know where to seek support, how to navigate available resources, and feel overwhelmed by the lack of transparency around confidentiality. In fact, all interviewees note that they only feel informed about procedures because of their roles on campus: “I think it'd be very difficult to navigate [resources] as somebody who didn’t get 40 hours of training as a peer counselor.” Few students actually pay attention to the annual sexual assault training modules, which take place at the beginning of each semester as isolated information sharing sessions.

However, as a Women’s Center intern poignantly points out: “There's a difference between feeling informed and being confident in that information.” Interviewees express a lack of trust in institutional support measures and processes. According to a survivor who has navigated the Title IX investigative process,

“I think the Title IX process is really awful. I think it's really traumatic for survivors. I think it doesn't provide anything that survivors are looking for, and this is me speaking from my experience…. Survivors don't trust Harvard. That is a broad claim, but [as] an advocate, who has been part of anti-sexual violence work for four years now, who has a terrifying amount of friends… who have experienced harm and who've had this kind of experience, it is truly horrifying.”

A clear example of institutional betrayal, horror stories that rapidly spread through word-of-mouth caution survivors against reporting harm, in fear of re-traumatization and indifference. For students who hold marginalized identities in particular, Title IX appears unapproachable, a resource that exists, just not for *them*. Evidently isolated trainings and information transparency are not enough; trust and confidence in resources must be built.

Interviewees laud SHARE, the confidential sexual assault counseling service, for its trauma-informed, advocacy-based approach. However, students remark that because of distrust in the efficacy of existing Harvard institutions, such as HUHS (Harvard University Health Services) and CAMHS (Counseling and Mental Health Services), peers often conflate SHARE with those institutions: “It’s not formalized knowledge but passed down on campus. We all have a very clear and keen understanding that CAMHS [is] not the place to go… There’s sometimes a projection of negative experiences onto [SHARE], which is unfortunate.” It appears as though perceptions of Title IX resources are intertwined with perceptions of Harvard resources at large: horror stories proliferate and linger in the student body.

Often in a state of shock, survivors may choose to only share their experiences with close friends. However, conversations with peers who have not received proper training can be unintentionally invalidating, can downplay and gaslight harm, and can cause survivors to internalize guilt and shame further. As a peer counselor notes, these initial conversations may lead students to think, “I don't know what happened, but maybe it's not as terrible as it seems. Maybe I don't even think that I need to report.” The thought of reaching back out again, of reporting a sexual assault, of seeking support becomes even more overwhelming.

*Activism Born Out of Necessity*

In the summer of 2020, a then newly created Twitter account, “How H\* Failed Me,” anonymously posted a series of stories documenting and naming sexual abuse on Harvard’s campus, meant to create a safe space for survivors and hold assaulters accountable. Name after name, story after story was publicized. Unprompted, all interviewees mentioned the “How H\* Failed Me,” Twitter threads.

Students express mixed reactions, and they commonly cite that the Twitter threads often exacerbated and circulated harm by merely naming and not providing follow-up resources for restorative justice. That being said, interviewees remark that this form of activism was born out of necessity, anger, and frustration: a symptom of how Harvard had failed its students through its formalized institutional resources, forcing survivors to take alternative measures. As an “Our Harvard Can Do Better” activist recounts:

“In a lot of ways, telling stories, sharing names, sharing what happened can be empowering for survivors. I think it is a form of accountability, especially in an institution, a place that often cannot provide [that] accountability… [But] we ultimately saw that it was causing more harm on [survivors] than intended to. [Our Harvard Can Do Better] advised the Twitter account to take those names down. [But] we support survivors, and… we weren't going to condemn anyone for sharing [their] stories.”

A peer counselor echoes those sentiments:

“What this boils down is to the question of calling out versus calling in. I think the Twitter post was a call out… I don't think it's the most effective way, but I think in a world with very few effective solutions, I understand why people [chose] to do that… Because I think sometimes trying to advocate for yourself can feel like shouting into the void, and the Internet is the one platform where you do have the opportunity to go viral and to get people talking.”

**Conclusion**

These interview findings elucidate that Harvard actually has limited agency in modifying its Title IX policies and practices, bound by prescriptive federal guidelines. However, Harvard fails to provide sufficient preventative resources and training to reduce the risk of harm and to incite systemic, multi-level cultural change. Resources that do exist are primarily reactive, but students often face several barriers to access, including unclear information, distrust and lack of confidence in institutional structures, and gaslighting from peers. In response to frustration at the pervasiveness of sexual assault on campus and Harvard’s seemingly little effective action, survivors took to Twitter to name abusers and disclose harm. Although a controversial form of activism, it highlights Harvard Title IX’s policies’ failure to eliminate a hostile campus environment, prevent sexual assault, and provide adequate healing for survivors. With these findings in mind, I provide two main categories of recommendations for the Office of Gender Equity:

1. EnhanceTitle IX training and education for students, with a focus on prevention and engagement.

The OGE should increase the cadence of required Title IX trainings for students, including an in-person component. Trainings should focus more heavily on extensive bystander intervention education, teaching students how to recognize and prevent harm. These should be designed with student input, using realistic scenarios rooted in student life. A component on responding to peer disclosures of sexual assault should be added, instructing students on how to react in a trauma-informed manner through validation and empathy. In order to address the lack of transparency on mandatory reports and confidential employees, a detailed infographic should be covered and distributed to students at trainings. The OGE should place QR codes and stickers in frequently visited locations on campus with instructions on what students should do if they witness harm and where survivors should turn to *first* for support. Locations can include house bathrooms, hallway bulletins, and dining hall newsletters.

1. Interrogate the entire Title IX investigative process to ensure that practices are trauma-informed and survivor-centric.

Administrators should avoid promising confidentiality in the investigative process when it cannot be maintained. There should be full transparency on who will read and have access to survivor statements and disclosures, made clearly available to students before they choose to move forward with filing a report. The OGE should consider offering a restorative justice alternative to formal Title IX reporting mechanisms, an alternative that would focus on healing and community repair rather than retribution. Currently, no other accountability mechanisms exist besides legal action, which can further alienate abusers and re-traumatize survivors. In investigating cases, Harvard should adopt an “affirmative consent” standard, as opposed to an “unwelcome conduct” standard, clearly defining consent within its policies and within trainings to be voluntary, affirmative, and ongoing.

Continuing to examine issues of campus sexual harassment and assault requires collaboration between students and administration on multiple levels. For survivors whose lives have already been flooded, rectifying harm and healing should not be a battle. Dear Harvard: Do Better.

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**Appendix**

**Expert Interviews:**

1. How much agency does Harvard have in creating their policies? How much federal regulation and oversight is there in practice?
2. Can you walk me through the main components of Harvard’s Title IX policies and how they have changed in the past 5 years?
3. What are the typical procedures and processes that lead to an institutional policy change? What stakeholders are consulted, and how do their opinions factor into decisions?
4. In what aspects (if at all) are Harvard’s policies and procedures more advanced than the minimum guidelines set by Title IX and the OCR?
5. Through your experiences working with students, how effective do you believe Title IX practices are? What do you think the current best practices are, and what would you change?
6. What are your perceptions of campus culture surrounding sexual harassment and assault?
7. Do Harvard College’s Title IX policies and procedures differ at all from the University’s?
8. How affected is your work by Title IX policy changes and procedures?

These interview questions do not include follow up questions that may have come up during interviews.

**Student Interviews (Harvard College students):**

1. Through your conversations with peers and your own experiences, what are your perceptions of campus culture and climate surrounding sexual harassment and assault?
2. What do you believe is being done to eliminate, prevent, and mitigate issues of sexual violence on campus?
	1. How do you think about the different levels of intervention necessary (e.g. individual, interpersonal, community, institutional)?
3. How do you see your own role in helping to change campus climate?
4. How informed do you feel about the current resources available to survivors, including confidential counselors, grievance procedures, and reporting mechanisms? What are your perceptions of those resources?
5. From your conversations and experiences, what do you believe are some of the main barriers holding students back from seeking these resources?
6. How effective do you believe Title IX practices are? What do you think the current best practices are, and what would you change?

These interview questions do not include follow up questions that may have come up during interviews.