

# **Impacts of Intersectionality Under Title IX as a Response to Sexual Assault**

## **I. Research Objectives**

The objective of my proposed study is to examine, assess, and compare the outcomes produced by the current Title IX procedures in response to student sexual trauma based on gender and national origin. This study aims to discover if racial identity serves as an influential factor that determines the quality and consistency of protection as a response to sexual misconduct under Title IX by comparing the treatment between survivors on campus who identify as women of color and those who are Caucasian.

## **II. Contextual Background**

Title IX is the commonly-used term referred to a federal law that requires all institutions to extend protection towards students and staff from sex-based discrimination. Shortly following its enactment on June 1972, Title IX broadened its scope to additionally prohibit sexual misconduct. In September 2017, the U.S. Department of Education revoked Obama-era navigation on sexual harassment and reinstated it with interim instructions that allowed for educational institutions to set their own demonstrative standards for investigations of sexual and racial harassment, thus, constructing a legal conflict for intersectional survivors, particularly women students of color.

Marginalized students who present as women within higher-educational institutions (HEIs) are already subject to more vulnerability as a target of sexual misconduct due to continuous, deeply-rooted racial biases. Additionally, there is an indirect correlation between the disproportionate rate of sexual violence committed against women students of color and the number of reports filed from this specific population that starkly contrasts the numbers coming from white women survivors. Allowing for HEIs to construct their own definitions and protections under the umbrella of Title IX has revealed to produce higher, harder barriers to overcome when proving sexual assault allegations for women student survivors of color. According to a 2019 study conducted by Wayne State Law professor Nancy Chi Cantalupo, "up to 45% of student survivors who reported sexual assault were women of color, even though they represent just 20% of students enrolled in college and university programs, and only 42 campus sexual assault cases found" (Cantalupo, 2018).

There is already a pre-existing issue of criminalizing administrative Title IX proceedings as certain aspects tend to re-traumatize survivors of sexual violence and have been criticized for forcing a confined, subjective visual of what constitutes a "true" victim. By implementing stricter conditions for student reports and proceedings, women student survivors of color in particular are placed at directly disproportionate standings due to their diversity that makes it difficult to fall into the university standards deemed fit to receive equal quality treatment. Members within this specific population have personally reported a pattern in their observations of how "the perfect victim is meek and mild-mannered, kind, blonde, skinny, frail, and white" and how the more you stray from

that image, the less [the administration] think you need protection and the less people will fight to protect you." (Han, 2022).

There have been many progressive movements and legal contributions throughout numerous eras in history in the fight combatting gender-based sexual violence, yet there is still a lack of sufficient evidential support to showcase how and why the disproportionate rates in effective response to women student survivors differ on the basis of race and national origin. For example, the widely-recognized *#MeToo* movement and the advocacy against workplace sexual harassment has made a monumental impact within feminism culture to ignite the discussion and significance in power-based violence; however, "specifically, some women, particularly white women, within the feminist movement, still barely acknowledge or understand the unique, racialized and gendered harassment experiences that women of color face" (Onuwuachi-Willig, 2018). Though gender inequity persists, institutionalized practices such as university sexual harassment policies as supported by established literature arguments that women of color suffer gendered and racialized violence because of policies that do not take into account their intersectional identities" (Calafell, 2014).

### **III. Research Question**

How do forms of treatment and administrative response towards student survivors of sexual assault differ in collegiate institutions under Title IX proceedings based on gender, race and national origin?

#### **IV. Research Methods**

The study will include anonymous, informal interviews with OEOD and OAISC administrators, officers from the UCI Police Department, and UCI CARE advocates along with the personal account of women of color and white student survivors within University of California, Irvine. The interviews will be transcribed and will be used to identify recurring themes from participant responses. Interviews will also be conducted virtually via Zoom, where audio transcripts will also be downloaded for analysis. The total number of participants will be pending upon the availability to participate in the study. Data collection from the female student survivors will be accomplished by distributing an online Google form for interested participants that can be accessed through the UCI CARE newsletter, the Social Science Academic Resource Center at UCI, physical flyers that will be posted throughout the UCI campus, and social media (i.e. Twitter and Instagram) via QR code and hyperlink.

Interview questions that will be asked to student survivors may include but are not limited to:

- A. If you are comfortable, can you explain what your Title IX complaint process looked like?
- B. Do you feel like the treatment you received from OEOD/CARE/PD/OAISC was biased/unfair?
- C. Did you feel like your expectations surrounding your administrative proceedings were fulfilled?

- D. Were there any occurrences during the Title IX process that you felt uncomfortable or uneasy? If so, please name those instances.
- E. Now that you've gone through the Title IX process, would you rethink reporting if you had to do it again?
- F. Would you ever tell a friend not to report because of how difficult/unsatisfying the process is?

University OEOB administrators, OAISC staff, UCI PD officers, and CARE advocates will also be asked to participate in an informal interview in order to assess the effectiveness of Title IX and each office's projected goals and approaches to enforce its procedures. The interview will also require administrators to provide their point of view concerning the success of Title IX in assisting college students to receive support, healing, and fairness.

The study will also include field observations that will be collected within the UCI CARE office through data in the form of hand-written notes by the researcher. The purpose of field observation within the CARE office is to gather insight into how individuals who receive services and teams who provide the services perform their work in their natural work environment.

## V. **Itemized Budget**

<b>Item</b>	<b>Budgeted Amount</b>	<b>Explanation and Justification for Expense(s)</b>
Participant Compensation	\$450.00	Based on the power analysis, the study anticipates needing a minimum of $N = 25$ participants, with hopes to recruit up to $N = 45$ to account for noisy or missing data. Compensation for participants will be distributed through a \$10 gift card per person.
Poster Printing	\$150.00	Printing poster for Spring UROP Symposium.
Canvas White Presentation Board	\$25.00	Poster material for Spring UROP Symposium.
Display Stand	\$50.00	Display stand used to prop up poster for Spring UROP Symposium.
<b>Total Budget</b>	<b>\$675.00</b>	

**VI. Timeline**

*A. Fall Quarter:*

1. Finalize/narrow research question with mentor
2. Turn in proposal into UROP for review and approval
3. Gather statistics and data on Title IX and its legislative reform
  - a) Literature review
4. Apply for IRB approval

5. Upon IRB approval begin to prepare materials needed for the interview process in the winter quarter
6. Formulate interview questions, gather recording devices, and reach out to interviewees

B. *Winter Quarter:*

1. Conduct interviews with UCI administrators and female student survivors
2. Conduct field observations within UCI CARE office
3. Check in with honors thesis peers and advisor for review and feedback
4. Transcribe recorded interviews
5. Analyze data for any recurring themes
6. Finalize literature review

C. *Spring Quarter:*

1. Finish analyzing data and write possible future research recommendations
2. Finalize/polish thesis with advisor and peer reviewers
3. Present findings at research symposium
4. Submit research findings into the UCI Undergraduate Research Journal for possible publishing

## References

- Bernadette Marie Calafell. (2014). "Did It Happen Because of Your Race or Sex?": University Sexual Harassment Policies and the Move against Intersectionality. *Frontiers: A Journal of Women Studies*, 35(3), 75–95. <https://doi.org/10.5250/fronjwomestud.35.3.0075>
- Cantalupo, Nancy Chi, And Even More of Us Are Brave: Intersectionality & Sexual Harassment of Women Students of Color (May 1, 2018). 42 *Harvard Journal of Law and Gender* 1, 2019, Available at SSRN: <https://ssrn.com/abstract=3168909>
- Han, Yoonji. "50 Years since Title IX Was Enacted, Survivors of Sexual Assault Say the Law Failed to Protect Them." *Insider*, 23 June 2022, <https://www.insider.com/title-ix-discrimination-sexual-assault-diversity-gender-bias-2022-6>.
- Onwuachi-Willig, Angela. "What about #UsToo?: The Invisibility of Race in the #MeToo Movement." *The Yale Law Journal - Home*, 18 June 2018, <https://www.yalelawjournal.org/forum/what-about-ustoo>.