Leaders & Laggards: Explaining Variation in University Responses to Sexual Violence in a Changing Legal Environment

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**CONTEXT**

Title IX prohibits sex discrimination in education, including sexual violence. The Obama Administration increased enforcement, including providing guidance to schools. The Trump Administration recently rescinded Obama-era guidance, reducing federal pressure on schools to mitigate campus sexual misconduct.

**THEORETICAL BACKGROUND**

Scholars expect organizations to: (1) comply with the law in the least disruptive way possible; (2) imitate similar organizations; and (3) protect organizational reputation and solvency.

Research to date has focused on solutions devised after the legal environment has stabilized.

**RESEARCH QUESTION**

How do organizations respond to ongoing legal uncertainty? In an uncertain legal environment, how does organizational status shape organizational responses?

**THE PROJECT**

Longitudinal, mixed methods project analyzing organizational responses to campus sexual misconduct.

**PROGRESS TO DATE**

75% of time 1 quantitative data collection complete

- **Validating Policies**
  - Found and confirmed by graduate students

- **Developed Instrument**
  - Iterative process with research team

- **Coding**
  - 3 coders per school
  - Training, coding guide, tracking log, & supervised lab

**INITIAL ANALYSIS**

- Conducted cross tabs to compare university status and compliance with Obama-era recommendations on sexual consent.
- University status was operationalized by dummy variable for inclusion in “elite status group” composed of Ivy League, New England Small College Athletic Conference, and top women’s colleges.

**ELEMENTS OF SEXUAL consent**

- Federal Recommendations
  - "Dear Colleague" Letter (DCL)
    - Intellectual or other disability precludes consent
  - 2014 White House Task Force
    - Consent should be voluntary
  - Beyond Fed. Recommendations
    - Initiator is responsible for obtaining consent
- Incapacitation precludes consent
- Silence is not consent
- Consent on one occasion does extend to future occasions
- Consent should not imply consent
- Consent to one form of sexual activity does not mean consent to another form of sexual activity

**INITIAL FINDINGS**

In 2016, most schools were in compliance with Obama-era recommendations for defining sexual consent.

In weighted sample, elite schools were significantly more likely than non-elite schools to include DCL components; 93 percent vs. 77 percent of schools not in this group (significant at p<.05 level)

**ADDITIONAL FUNDING**

M-Cubed funding enabled us to successfully compete for NSF funding for qualitative case studies, time 2 data collection, and data analysis.

**RESEARCH TEAM**

M-Cubed Graduate Student RAs: Jared Eno and Miriam Gleckman-Krut

M-Cubed Undergraduate RAs: Ben Bugajski, Kalei Glozier, Kiki Martin, and Laraine Pesheck

Graduate Student RAs: Nicole Bedera, Jessica R. Garrick, Lanora Johnson, Katelyn Kennon, Karina McDonald Lopez, Angela Perone, Kamaria Porter, Jesse Yeh