

Law, campus policy, social movements, and sexual violence: Where do we stand in the #MeToo movement?

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Abstract

In the last 8 years, activist pressure has increased attention to sexual violence at universities. Most recently, the #MeToo movement has widened the conversation about sexual violence. This increased public attention has coincided with changes in federal guidelines, state laws, and campus policies on sexual violence as well as social movement activity by survivor-activists and emerging counter-movements. I argue that sociologists—specifically researchers who study gender and/or law and society—are uniquely situated to contribute to the study of sexual violence on campus. I synthesize a growing sociological and interdisciplinary literature on sexual violence—legal changes, policy effects, and social movement struggles—in order to advocate that sociologists study laws, campus policies, and social movements simultaneously.

1 | INTRODUCTION

In 2006, Tarana Burke created “me too” to center survivors, create and share resources, and inspire activists to find solutions to sexual violence (Garcia, 2017; me too, 2018).¹ Eleven years later, actor Alyssa Milano (2017) tweeted with #MeToo, encouraging people to share their stories of sexual violence.² The hashtag soon erupted on multiple social media platforms (CBS/AP, 2017; Codrea-Rado, 2017). Since 2017, many prominent men have faced consequences for alleged sexual misconduct. #MeToo is now a movement that calls for supporting survivors in their healing process and activism, cutting across the entertainment industry and Christian faith denominations, among other institutions (Burke, 2019). #MeToo has inspired other movements against sexual violence on university campuses (Edmondson & Tracy, 2018; Swink, 2018).

Yet this pressure on universities is nothing new. Activists have sought to change how colleges address sexual violence since at least 2011, when students and alumni filed a Title IX complaint against Yale University

(Pérez-Peña, 2013). Four states have since passed affirmative consent laws, some directly in response to survivor-activist mobilization (Serad, 2014). The Obama administration created Title IX guidance and prevention initiatives, such as “It’s on Us” and the White House Task Force to Protect Students from Sexual Assault (Somanader, 2014). The Trump administration started revising Title IX guidance in 2017 and proposed new Title IX regulations in 2018 (Green, 2018; Press Office, Department of Education, 2018).³ Indeed, the #MeToo movement and counter-movements continue to interact with changing laws and policies at all levels.

For the past 20 years, few sociologists have studied sexual violence (Martin, 2016); moreover, the field has marginalized its study altogether (Armstrong, Gleckman-Krut, & Johnson, 2018). With the #MeToo movement and campus sexual violence, sociologists have the opportunity to study a critical social problem and contribute to public debate. I join the call for sociologists to return to the study of sexual violence (Armstrong, Gleckman-Krut, & Johnson, 2018; Martin, 2016).

While prior research has focused on law, campus policy, and social movements as distinct elements, sociologists, especially gender and law and society scholars, possess theoretical and methodological tools to conduct studies that integrate law, policy, and social movements regarding campus sexual violence. Law and society scholars argue that little has been done “to theorize the relationship” between law, organizations, and social movements (Edelman, Leachman, & McAdam, 2010, p. 654). Similarly, gender scholars’ work on social movements encourages researchers to analyze the connections between forms of mobilizing and institutions, arguing that attention to gender reveals whether and how social movement activity permeates institutions (Ferree & Mueller, 2006; Katzenstein, 1990; Martin, 2005). As such, scholars from both fields de-center formal institutions to analyze complex social change.

In this paper, I focus on sociologists’ potential to contribute to the study of campus sexual violence by studying these elements simultaneously. First, I summarize the relevant laws, campus policies, and social movement activity prior to 2011. Second, I review how these have changed from 2011 through 2018, in light of gender and law and society scholarship. I argue that sociologists of gender, as well as law and society, can contribute to such integrated study, and I conclude by proposing directions for such research.

2 | CONTEXTUALIZING CAMPUS SEXUAL VIOLENCE BEFORE 2011

Sexual violence has troubled universities for at least 60 years (Cantor et al., 2015; Kirkpatrick & Kanin, 1957; Mellins et al., 2017). Here, I summarize the web of federal laws and guidelines, school policies, and activism regarding campus sexual violence. While Title IX⁴ currently requires that educational institutions address gender-based inequality concerning sexual harassment (including sexual assault), academics, and athletics (Reynolds, 2018), it did not originally address sexual harassment. In 1977, a group sued Yale to address the problematic environment there (Suran, 2014). Although dismissed, *Alexander v. Yale* was the first case to link sexual harassment to Title IX (Heldman, Ackerman, & Breckenridge-Jackson, 2018). To explain federal interpretation of Title IX regarding sexual harassment, since 1981, the Department of Education’s (ED’s) Office for Civil Rights (OCR) has periodically issued guidance, typically in the form of a “Dear Colleague Letter” (DCL), question-and-answer documents, or manuals (Miller, 2017; Reynolds, 2018). In 1992, the United States Supreme Court “recognized that sexual harassment could be considered gender discrimination prohibited under Title IX”⁵ (Kuznick & Ryan, 2008, p. 373).

In addition to Title IX, the Clery Act requires that universities release annual security reports (including campus policy) and protect the rights of those involved in campus sexual assault adjudications (meaning the formal process of investigating and resolving a sexual misconduct report) (Kiss, 2013). Originally passed in 1990 as the Student Right to Know and Campus Security Act, Congress later renamed the law after college student Jeanne Clery, whom Joseph Henry raped and murdered in 1986 (Kiss, 2013).⁶ Closely related, the Campus Sexual Assault Victim’s Bill of Rights⁷ has required since 1992 that parties in these adjudications have the same rights (Kiss, 2013). Laws have addressed campus sexual violence for decades, but compliance and enforcement were limited before more recent activism (Heldman et al., 2018).

Student organizing also spurred campus policy on sexual violence (Bevacqua, 2000). Universities started teaching students about date rape and teaching men what “no” looks like (Bevacqua, 2000; Ferree & Hess, 2002). Efforts began in the late 1980s to engage college men directly through grassroots activism, and they soon gained popularity as educational programs, eventually becoming a profession in the anti-violence field (Messner, Greenberg, & Peretz, 2015). In the 1990s, universities began to develop sexual consent policies; Antioch College's policy, for example, generated national discussion and was mocked on *Saturday Night Live* (Muehlenhard, Humphreys, Jozkowski, & Peterson, 2016). There, students mobilized against Antioch's handling of a date rape case, demanding policy changes regarding sexual violence (Sanday, 2007). Students, faculty, and administrators then wrote the Antioch Sexual Offense Prevention Policy, which emphasized gender equality, affirmative consent (“yes means yes”), consent at each step of sexual activity, and safe sex practices (Sanday, 2007). Additionally, since the 1970s, specific mobilizations became institutionalized on college campuses (Bevacqua, 2000; Bridges, 2010; Ferree & Hess, 2002; Heldman et al., 2018; Kamis, 2016; Kretschmer & Barber, 2016; Messner et al., 2015; Reger, 2012, 2014).⁸

Not all activism took the form of protests, however. For example, *Alexander v. Yale*, although dismissed, led Yale to change its sexual harassment policies and appears to have further inspired sexual harassment guidelines at hundreds of other institutions (Simon, 2004). Moreover, sexual harassment complaints under Title IX began to increase in 2006, suggesting the start of a legal mobilization strategy, which continues today (Reynolds, 2018).

3 | LAW

Since 2011, the web of federal law, guidance, and state law on campus sexual violence has expanded—so much so that I cannot offer detailed explanations of changes in guidance and statutes, let alone case law.⁹ Instead, Table 1 provides a relevant chronology. In this section, I summarize federal and state trends, with reference to Table 1. I then suggest potential research areas to explore laws on campus sexual violence.

Federal law and guidance changed significantly during the Obama administration; most notably, Title IX has become central to federal oversight of universities' practices regarding sexual violence. The Obama administration released four guidance documents, which focus on survivors' rights and the operation of Title IX offices (OCR, 2011; 2013; 2014, 2015). In 2013, Congress renewed the Violence Against Women Act, which included the Campus Sexual Violence Elimination Act (Campus SaVE Act)¹⁰ and revised and expanded the Clery Act (Dunn, 2014; Heldman et al., 2018) (see Table 1).¹¹ The Campus SaVE Act details not only obligations for crime logs, policy dissemination, and adjudications but also educational programs to prevent gender-based violence. Between 2014 and 2016, four states passed affirmative consent laws,¹² laws that require schools to have a “yes means yes” policy and use the preponderance of evidence standard¹³ in adjudications (see Tables 1 and 2). It is unclear whether more states will follow suit.

In 2017, the Trump administration reversed course and implemented interim Title IX guidance, which constrained protections for survivors (OCR, 2017a, 2017b). In November 2018, the ED proposed new Title IX regulations and initiated a public comment period (ED, 2018; Press Office, Department of Education, 2018) (see Table 1). The full text of the proposed regulations spans 144 pages; they increase protections for the accused, increase requirements for adjudications, restrict survivors' options for resolution, and narrow schools' latitude to act.

I argue that sociologists could understand these legal changes by using the concepts of legal consciousness, legal pluralism, and legal endogeneity. Legal consciousness allows scholars to study law as a cultural resource. Legal consciousness, which is broader than individual psychology, is “the forms of participation and interpretation through which actors construct, sustain, reproduce, or amend the circulating ... structures of meanings concerning law” (Ewick & Silbey, 1998, p. 13; Silbey, 2005). Sociologists can use legal consciousness to analyze people's choices by investigating how survivor-activists and counter-movements pursue legal mobilization (i.e. pursue legal action). For example, Marshall (2003) shows how women use frames, legal and otherwise, to label certain workplace experiences as sexual harassment, highlighting how various factors impact the processes by which people construct legal meanings.

TABLE 1 Federal and state law timeline, 2011–2018^a

Level	2011	2013	2014	2015	2016	2017	2018
Federal	ED released DCL, which explicitly lists sexual violence as actionable under Title IX	ED released DCL on retaliation	ED released “Questions and Answers on Title IX and Sexual Violence” guidance document	ED released DCL on Title IX coordinators		ED rescinded 2011 DCL and 2014 “Questions and Answers on Title IX and Sexual Violence” guidance document	ED released proposed Title IX regulations; comment period lasted from November 29, 2018, to January 28, 2019; February 15, 2019 was one final day to submit comments after technical issues during the initial comment period
		Violence Against Women Act renewed, includes the Campus Sexual Violence Elimination Act, which updates Clery Act					
State			California passed affirmative consent law	New York passed affirmative consent law Virginia passed SB 712 ^b	Conn. and Illinois pass affirmative consent laws		ED released interim guidance: a new DCL and “Q&A on Sexual Misconduct”

^aSee “References for Tables 1–4” for additional sources.

^bNow codified as Va. Code Ann. §§ 23.1–806 through 808 (2017). The statute made all campus employees mandatory reporters, as well as requiring that schools coordinate with a local rape crisis center and police and establish committees to determine whether to report sexual assault allegations to local law enforcement (Brubaker & Mancini, 2017).

TABLE 2 Sources for campus policies and practices, 2011–2017^a

Policy	Federal law	Federal guidance	Federal recommendation	State law
Accommodations for survivors	Campus SaVE Act, 2013 ¹⁸	DCL, 2011 Questions and Answers on Title IX and Sexual Violence, 2014 Q&A on Sexual Misconduct, 2017	Not Alone Report, 2014	
Bystander intervention	Campus SaVE Act, 2013			California, 2014 Connecticut, 2016 Illinois, 2016
Consent definition	Campus SaVE Act, 2013	The Handbook for Campus Safety and Security Reporting, 2016 ^b	Not Alone Report, 2014	California, 2014 New York, 2015 Connecticut, 2016 Illinois, 2016
Law enforcement and Title IX concurrent investigation		DCL, 2011 Questions and Answers on Title IX and Sexual Violence, 2014	Not Alone Report, 2014	
Mandatory reporters	Campus SaVE Act, 2013	Questions and Answers on Title IX and Sexual Violence, 2014 ^a Safety and Security Reporting, 2016 ^b	Not Alone Report, 2014	Virginia, 2015
Mediation and Restorative justice		Q&A on Sexual Misconduct, 2017		
Standard of Evidence: Clear and Convincing optional		Q&A on Sexual Misconduct, 2017		
Standard of Evidence: Preponderance of the Evidence required		DCL, 2011 Answers on Title IX and Sexual Violence, 2014		California, 2014 New York, 2015 Connecticut, 2016 Illinois, 2016

See "References for Tables 1–4" for additional sources.

^aI have not included the proposed Title IX regulations since they have not been finalized as of this writing.

^bIndicates Clery Act and Campus SaVE Act guidance.

^cIndicates the guidance document references Revised Sexual Harassment Guidance, 2001, regarding the policy.

Sociologists can also use legal consciousness to explore cultural understandings of the law. For instance, #MeToo exploded after years of legal changes and survivor-activists' demands for accountability for both perpetrators of sexual violence and universities. These legal changes and activism set the stage for redefining sexual misconduct, fomenting cultural change.

Legal pluralism allows scholars to study power and inequality within coexisting legal systems. At its most basic, it means multiple legal systems exist independently from one another (Kleinmans & Macdonald, 1997; Merry, 1988; Tamanaha, 2001). As I explain in the Campus Policies section, universities may address sexual violence via their

disciplinary system. This system, which coexists with the civil and criminal justice systems, has been critiqued by some law professors and state legislators (see Table 4). By using legal pluralism to study the relationship between adjudication systems and law, sociologists could address questions such as the following: How have universities' adjudication systems shifted over time? When have these systems been responsive to legal changes? How do these systems define concepts like truth and justice? How have privileged and marginalized groups shaped or used these systems (Merry, 1988)?

Edelman's (2016) legal endogeneity theory offers sociologists a framework to analyze the interplay between universities and law. Legal endogeneity is how organizations (e.g. universities) shape "the meaning of law" (e.g. Title IX or Clery) (Edelman, 2016, p. 22). Edelman (2016) argues that legal endogeneity is a multi-step process, which begins with ambiguous law. Title IX guidance and Clery guidance vary widely in specificity; under the Trump administration, Title IX guidance has become more ambiguous as we presently await the outcome of the proposed Title IX regulations comment period. Scholars could use legal endogeneity to study the dynamic between university disciplinary policies and federal law and guidance on sexual violence. In the Campus Policies section, I showcase trends in school policy and explore policy in action.

4 | CAMPUS POLICIES

The previous sections introduced laws and guidance on campus sexual violence. Here, I explain trends in campus policies regarding sexual violence. First, I explain the patterns in policies; Table 2 illustrates the connection between specific policies and the web of law, guidance, and recommendations. Next, I address how sociological study illuminates how policies actually operate, highlighting some areas of debate.

Sexual violence policies at American universities vary significantly (Sabina & Ho, 2014; Sabina, Verdiglione, & Zadnik, 2017). To address this variation and activist pressure on the ED, the Obama administration issued the Not Alone Report, which recommended best practices for school policy regarding sexual violence (White House, 2014) (see Table 2). Schools may choose to follow the Not Alone recommendations, but they are legally obligated to follow federal guidance. Table 2 lists what laws, guidance, and recommendations shape school policy. How these policies are implemented, however, depends on the institution; evidence suggests that resources for survivors vary depending on the type of university (e.g. a 2-year college, a small liberal arts college, and a Big Ten school) (Sabina & Ho, 2014). Preliminary findings of schools' 2016 sexual misconduct policies show stratified isomorphism, meaning similar school types adopt similar policies (Armstrong, Johnson, & Bedera, 2018). Schools employ compliance professionals to implement the law and oversee compliance; these include Title IX coordinators and Clery professionals (Edelman, 2016; OCR, 2015; U.S. Department of Education, 2016).

Schools have widely adopted mandatory reporting policies. Both Title IX and Clery guidance have led to what we now call mandatory reporters, university employees who must report sexual violence to the Title IX office or campus police (Holland & Cortina, 2017b; Kiss, 2013; U.S. Department of Education, 2016) (see Table 2). Schools have interpreted Title IX and Clery guidance broadly however, often defining all staff and faculty as mandatory reporters, with the exception of victim advocates, counselors, and health service staff (Eigenberg & Belknap, 2017; Savino, 2015).

Generally, campuses have two pathways for reporting sexual assault: formal and confidential.¹⁴ The formal pathway usually begins when a survivor reports to campus police, the Title IX office, or the dean of students' office. Schools then adopt a criminal justice-like approach, where the accuser is the "complainant" and the accused is the "respondent" (Cantalupo, 2013; Holland & Cortina, 2017a). Social movement groups have hotly debated the appropriate standard of evidence in these adjudications; Table 2 shows how the Obama administration mandated the preponderance of evidence standard, while the Trump administration allowed for the use of the higher standard of clear and convincing evidence.

The confidential pathway consists of resources for survivors through campus health centers and women's centers; these resources resulted from feminist anti-rape mobilization (Bevacqua, 2000; Greenberg & Messner, 2014). Many campuses have confidential resources, but they vary in whether they are health- or survivor-specific services. Some campuses have sexual assault centers, which "place survivors' needs and interests at the very center of their mission" (Holland & Cortina, 2017a, p. 51). Campus victim advocates work for such centers and do work similar to rape crisis advocates in the community; they can provide therapy services and attend all steps of the formal reporting pathway. As of 2015, research found that 55 percent of a nationally representative sample of colleges employed on-campus victim advocates (Richards, 2016). The same study found that 2-year colleges were less likely to report having victim advocates and counseling services than were 4-year institutions (Richards, 2016).

Title IX guidance, the Campus SaVE Act, and the Not Alone Report recommend that schools provide accommodations to students who report confidentially or non-confidentially (U.S. Department of Education, 2016; White House, 2014) (see Table 2). Interim measures are the steps schools take during adjudication, such as changing dorms or extending course deadlines. Some accommodations may become permanent. Law professors have criticized such interim measures as unfair to the accused, unjustly impacting their education before allegations are properly adjudicated (Bartholet, Gertner, Halley, & Gersen, 2017; Halley, 2014).

Bystander invention training has become a popular program for colleges' new student orientations (Cares et al., 2015; Coker et al., 2011; Coker et al., 2016). Such programs teach students how to interrupt situations that could escalate into sexual assault and to confront rape-supportive beliefs. As mentioned earlier, school orientations have long included information on sexual violence, though the specific information and the programs also vary between schools (Lonsway, 1996; NASPA, n.d.).

While schools had sexual consent policies before 2011, their requirements varied as well. Today, schools increasingly adopt affirmative consent policies, partially due to the expansion of affirmative consent laws (Halley, 2016; McMahon, Wood, Cusano, & Macri, 2018). These policies emphasize that consent should be verbal, sober, and free from coercion (Johnson & Hoover, 2015). Table 2 shows the array of sources that mandate schools to provide consent definitions.

Since the 2017 Q&A allows for mediation, some colleges, such as Skidmore, are trying restorative justice as an approach to campus sexual violence (OCR, 2017b; Smith, 2017). Experts on sexual violence differentiate between mediation and restorative justice, though federal guidance does not (Koss, Wilgus, & Williamsen, 2014). Restorative justice is generally used to reintegrate offenders in their community and meet the needs of those wronged; it requires specific steps (Zehr, 2015).¹⁵ Unlike a formal hearing, both parties must agree to participate in a restorative justice process and the accused must accept their wrongdoing (Koss et al., 2014).

Now I discuss the results of these policies, as revealed by sociological research. While campus policies appear neutral, sociologists recognize that organizations rely on and construct gendered and racialized logics (Acker, 1990; Collins & Bilge, 2016). Such logics are built into university structure and shape how policies divergently impact students. For example, Halley (2014) argues that Title IX policy at Harvard disproportionately criminalizes men of color. Shankar (2017) contends that campus sexual violence policies best serve "middle-class women who have the social and cultural capital" to navigate the puzzle of campus services. Likewise, research on rape crisis centers shows that historically they have best served white women (Campbell, Wasco, Ahrens, Self, & Barnes, 2001; Matthews, 2005; Scott, 2000).

Campus sexual violence policies shape whether and how survivors report sexual assault. Few students use the formal pathway, citing such reasons as "thinking it is not serious enough to report, fearing negative consequences," feeling ashamed, or lacking the resources to pursue a case against a wealthier student (Cantor et al., 2015; Holland & Cortina, 2017a, p. 62; Khan, Hirsch, Wambold, & Mellins, 2018). Students also report multiple difficulties navigating the adjudication process, including intensified mental health challenges (Khan et al., 2018). Moreover, schools' broad definition of mandatory reporters, which often includes student Resident Assistants, serves to manage their own legal risk (Edelman, 2016; Holland & Cortina, 2017b; Savino, 2015). Critics argue that this policy "discourages many survivors from reporting" (Cantalupo, 2016) and negates a survivor's choice to maintain confidentiality (Eigenberg &

Belknap, 2017). Indeed, students have sometimes unknowingly disclosed accounts of sexual violence to mandatory reporters, prompting investigations against their wishes (Khan et al., 2018). Faculty criticize mandatory reporting because it constrains honest and unguarded interaction with students (Weiss & Lasky, 2017). Consequently, instructors often preempt sexual violence disclosures by warning students that they are mandatory reporters (Savino, 2015).

Stakeholders debate whether and how local law enforcement should handle cases of campus sexual assault.¹⁶ Currently, a survivor may simultaneously pursue a criminal investigation and campus adjudication (White House, 2014). Some critics have claimed that the criminal justice system should handle campus sexual assault cases, not Title IX offices (Bauer-Wolf, 2017; Eigenberg, Belknap, & Bonnes, 2017; Volokh, 2015) (see Table 4). Survivor-activists argue that the criminal justice system has a negative history in dealing with survivors and is not set up to investigate policy violations (Bauer-Wolf, 2017; Eigenberg et al., 2017; Heldman et al., 2018). Universities are obligated to follow Title IX guidance and case law, the Clery Act and its guidance, and the Campus SaVE Act and its guidance (Cantalupo, 2016). Law enforcement is not held to those standards (Cantalupo, 2016). The university's formal and confidential processes allow survivors to access accommodations, such as tuition refunds or moving dorms, which would not be possible if survivors reported to law enforcement (Cantalupo, 2016).

While universities institutionalize a wide array of sexual violence trainings, their effectiveness varies (NASPA, n.d.). The form and content of some trainings may reinforce sexist beliefs (Tinkler, 2013, 2018; Tinkler, Li, & Mollborn, 2007). Thus, when universities use such trainings to demonstrate symbolic compliance, they may also inadvertently stall gender equality on campus (Edelman, 2016; McCaughey & Cermele, 2017; Tinkler, 2018). The effectiveness of bystander intervention training at preventing sexual assault varies; students' intervention strategies often reinforce campus hierarchies and create risk for new forms of violence (McCaughey & Cermele, 2017; Wamboldt, Khan, Mellins, & Hirsch, 2018).

In sum, university policies vary by institution, and some may actually cause harm. In the following section, I will summarize social movements that address campus sexual violence and review gender and law and society scholarship on social movements and institutions.

5 | SOCIAL MOVEMENTS

First, I summarize national and highly publicized trends in the strategies of the survivor-activist movement and its counter-movements, detailed in Tables 3 and 4, respectively. I then explore how sociology informs our understanding of social movements on campus sexual violence.

Survivor-activists have driven the movement against campus sexual violence by filing federal complaints, founding social movement organizations (SMOs), and public storytelling. Members of the survivor-activist movement include students, alumni, faculty, and allies; from 2013 through 2017, survivor-activists filed hundreds of Title IX and Clery complaints (Heldman et al., 2018). As of this writing, 305 Title IX cases remain open (The Chronicle of Higher Education, n.d.) (see Table 3).¹⁷ This legal mobilization tactic brought national attention to campus sexual violence through the strategy of "stand outside and allocate blame" (Martin, 2005, p. 102). Additionally, many activists have only turned to federal complaints after their attempts at unobtrusive mobilization failed to pressure unresponsive universities into change (Heldman et al., 2018; Katzenstein, 1990, 1997). These activists' ED complaints exemplify what Felstiner, Abel and Sarat (1980, p. 636) call the dispute transformation process of "naming, blaming, and claiming": that is, recognizing an experience as harmful and a rights violation under Title IX/Clery, telling schools about the harm and seeking solutions, and turning to the ED when schools are unresponsive.

Similar to earlier feminist movements, activists founded SMOs to further their goals (Goss, 2013). Know Your IX (n.d.), which supports students as they organize against sexual violence, and End Rape on Campus (n.d.) (EROC), which works with survivors and advocates seeking policy reform, were founded in 2013. The following year, Laura Dunn founded SurvJustice, a legal organization that provides legal advocacy to survivors (Kingkade, 2017). These SMOs have templates for filing complaints and have helped survivors file both Title IX and Clery complaints (Heldman et al., 2018). They have also furthered other forms of mobilization, such as ED Act Now (see Table 3).

TABLE 3 National survivor-activist social movement timeline, 2011–2018^a

2011	2012	2013	2014	2015	2016	2017	2018
Yale Title IX complaint	Amherst Student op-ed: Angie Epifano	Title IX, Clery complaints increase	Title IX, Clery complaints continue	Title IX, Clery complaints continue	Title IX, Clery complaints continue	Title IX, Clery complaints continue	Title IX, Clery complaints continue ^b
	Know Your IX, EROC founded	SurvJustice founded	Carry that Weight Together SMO joins Know Your IX	Carry that Weight Together SMO joins Know Your IX	Lady Gaga, Joe Biden, survivors appear at Oscars	Nassar case continues	Nassar case continues
	ED Act Now hashtag, petition, and protest	Sulkowicz's "Carry that Weight"	New York: Lobby for affirmative consent law	We Believe You, survivors' accounts, published	Larry Nassar arrested; cases begin	#DearBetsy Campaign	Lawsuit against DeVos, Jackson, ED
	Carry that Weight National Day of Action	Carry that Weight Together SMO founded	California: Lobby for affirmative consent law	Connecticut: Lobby for affirmative consent law	Recall Persky Campaign begins	Teen Vogue op-ed: 114 survivors support Title IX guidance	Know Your IX, EROC promote state legislation
					Recall Persky	Survivor-activists meet with DeVos and ED	ESPys: 141 survivors receive Arthur Ashe Courage Award
					Recall Persky Campaign begins	National Vigil for Survivors of Sexual Assault	Recall Persky Campaign ends
							Survivor-activist groups launch websites with information about proposed Title IX regulations and making comments

^aSee "References for Tables 1–4" for additional sources.^bThe rate of filings may have decreased in 2018.

TABLE 4 Counter-movements timeline, 2013–2018

Group	2013	2014	2015	2017	2018
Accused students' parents	FACE founded			FACE and similar groups sent letters to ED	FACE released guide about proposed Title IX regulations and making comments
Accused students' parents, law faculty, other counter-mobilizers				Meeting with DeVos and ED	Foundation for Individual Rights in Education released statement on proposed Title IX regulations
Law faculty		Harvard Law professors criticize school policy	Penn Law professors criticize Title IX guidance, policy trends	Feminist Harvard Law faculty recommend Title IX guidance revisions	
State legislators					GA: mandatory reporting bill proposed
Other counter-mobilizers					Laura Kipnis' book, <i>Unwanted Advances</i>

See "References for Tables 1–4" for additional sources.

Survivor-activists also employ public storytelling, or narratives, as a strategy (Polletta, 1998). Many have shared their stories online and created outlets for other survivors to post their experiences, with the option of anonymity (Epifano, 2012; Heldman et al., 2018; It Happens Here, 2012; Reed, 2013; Surviving in Numbers, n.d.). For instance, in response to the ED's July 2017 meeting with stakeholders, 114 Survivors of Sexual Assault (2017) wrote an editorial in *Teen Vogue* urging the Trump administration to uphold then-current Title IX enforcement (see Table 3).

On the other side, parental advocacy groups and law professors form the main counter-movements. In 2013, several mothers founded a SMO, Families Advocating for Campus Equality (FACE), which has since grown to hundreds of families (FACE, 2018; Hartocollis & Capecchi, 2017). FACE (2018) identifies as a group of mothers advocating on behalf of their sons, whom they claim were "falsely accused of sexual misconduct" in college. They describe their goal as "Ensuring justice and equitable procedures for both complainants and respondents" and to "balance and protect the interests of all parties involved in a Title IX dispute" (FACE, 2018). Similar to survivor-activists, FACE and its members have engaged in a range of counter-mobilizations: lawsuits, public statements in the media, and lobbying for or testifying on state and federal legislation (Hartocollis & Capecchi, 2017).

While FACE has focused on false accusations and lack of due process, law professors have focused more on the fairness of Title IX guidance and campus policy (see Table 4). In 2017, feminist Harvard Law professors argued to the ED that federal pressure has generated processes that disadvantage the accused; they promoted mediation and restorative justice (Bartholet et al., 2017).

Since 2017, movements have expressed drastically different feelings in response to changes in Title IX guidance. FACE expressed faith in Secretary of Education DeVos' actions, one mother saying, "What she is doing with this issue is spot on" (Hartocollis & Capecchi, 2017). At the National Vigil for Survivors of Campus Sexual Assault, prominent survivor-activist Annie Clark said, "this current administration is rolling back protections for survivors of sexual violence" (Getz, 2017). These disparate responses illustrate how legal mobilization can reinforce existing power relations

or provide opportunities for movements to fuel social change (McCann, 2006). Indeed, results of these movements' efforts remain to be seen.

Now, I analyze the survivor-activist and counter-movements, drawing on social movement literature, gender, and law and society scholarship to analyze unobtrusive mobilization, cause lawyering, and legal education. Much of the attention on the survivor-activist movement has focused on its "stand outside and allocate blame" approach, neglecting its use of the "occupy-and-indoctrinate strategy" (Martin, 2005, p. 102), also known as unobtrusive mobilization (Katzenstein, 1990). In fact, gender scholars have long identified universities as places that sustain the feminist movement at periods of decreased mobilization and visibility (Crossley, 2017; Katzenstein, 1990; Reger, 2012). As such, these behind-the-scenes mobilizers operate within both the social movement and university fields (Edelman et al., 2010), as evidenced by universities changing their sexual violence policies before more recent legal mobilization.

The consequences of trying to foment change from within institutions are debated. Taylor's (2005) work on Title IX coordinators in a pre-college school district suggests that gender equity compliance professionals become committed to feminist ideals through their work. Scholars of the anti-rape movement disagree about whether the movement has declined, de-radicalized, or remained active as it has professionalized (Baker & Bevacqua, 2018; Corrigan, 2013; Messner et al., 2015). While we know much about the national trends in sexual violence policies, we know little about how sexual violence professionals have shaped policies on their campuses, before or after 2011.

Sociologists may also contribute to the study of lawyering by researching to what extent Title IX and Clery professionals, employed as lawyers, engage in cause lawyering, that is, to what extent they behave as activists promoting social movement goals (Edelman, 2016; Marshall & Hale, 2014; McCann & Silverstein, 1998). Sociologists could study how such cause lawyers enact substantive change through the establishment of clear and enforceable policy standards (Edelman, 2016). We could also study the trajectories of various survivor-activists (e.g. Laura Dunn) who attended law school and proceeded to work as cause lawyers for the movement. Another case to study is the Recall Persky Campaign, led by Dr. Michele Dauber, law professor and sociologist, which successfully recalled Judge Aaron Persky, the judge who sentenced Brock Turner to 6 six months in county jail for his high-profile sexual assault of Emily Doe at Stanford University (Deruy, 2018; Read, 2018). Such research may provide further insight into legal consciousness, social movements, and cause lawyering in relation to sexual violence, campus policy, and legal practice.

Both the survivor-activist and counter-movements have drawn on legal education, a form of legal mobilization in which cause lawyers and lay people teach others about the law (Katuna & Holzer, 2016). It remains to be seen how and when university lawyers engage in activist-based legal education or interpret the law for symbolic compliance (Edelman, 2016; Katuna & Holzer, 2016). During the comment period on the proposed Title IX regulations (November 2018–January 2019), both survivor-activist and counter-movement groups were engaged in overt legal education campaigns regarding the proposed Title IX regulations (see Tables 3 and 4).

Feminist professionals on campus represent an engaging area for research on unobtrusive mobilization and legal education (Katuna & Holzer, 2016; Katzenstein, 1990). For example, universities with women's centers and gender studies programs are more compliant with the Clery Act (Boyle, Barr, & Clay-Warner, 2017). Women's centers and victim advocates are the legacy of feminist anti-rape organizing and rape crisis centers (Bevacqua, 2000; Martin, 2005). Because of their professional status, these feminist insiders can advocate for substantive changes regarding campus sexual violence policy, engage in activism, and educate others on the law, all from within the university (Edelman, 2016; Katuna & Holzer, 2016; Martin, 2005).

6 | CONCLUSION

I have argued that sociologists—specifically researchers who study gender and/or law and society—can contribute to the study of sexual violence on campus through studying laws, policies, and social movements simultaneously. Past research isolated these three areas, limiting sociologists' capacity to study complex social change. I summarized

relevant laws, policies, and activism prior to 2011. I then focused on developments in laws, campus policies, and social movements from 2011 through 2018, drawing on sociological analysis of those changes.

Integrated studies could draw on insights from both sociology of gender and law and society. First, sociologists could use the case of campus sexual violence to extend Edelman et al.'s (2010) framework for types of institutional change, which allows scholars to explore the relationships between the law, social movements, and organizations. They argue that three pathways of institutional change exist: exogenous shock (a sudden, inciting event), endogenous shift (a gradual spread of ideas between laws, social movements, and organizations), and hybrid change (a combination of exogenous shock and endogenous shift) (Edelman et al., 2010). Studying campus sexual violence from 2011 through 2018 could reveal hybrid change; if #MeToo is an exogenous shock, future research could illustrate the legal changes, policy changes, and social movement actions that made it possible. Gendering Edelman et al.'s (2010) framework would allow scholars to further explore feminist mobilization within institutions.

Second, historical and longitudinal research would complement current research on contemporary law, campus policy, and social movements, giving sociologists insight into long-term social change. Researchers could utilize university archives and interviews with community members to analyze the relationship between local laws, campus policies, and social movement activity at one university over time. Such research could uncover how actors within universities have unobtrusively mobilized to promote policy changes (Katzenstein, 1990, 1997). Such a study could also evaluate compliance professionals' attempts at substantive change.

Third, although schools' obligations to address sexual violence are housed under Title IX and the Clery and Campus SaVE Acts, sociologists know relatively little about activists' legal mobilization through Clery and Campus SaVE complaints. Some activists, such as those at Occidental College, have successfully filed Clery complaints, which resulted in OCR investigations and university policy changes (Heldman et al., 2018). Scholars could explore the process of how activists choose to file certain types of federal complaints, focusing on the dispute transformation process and the role of peers, professors, and cause lawyers (Albiston, 2005; Blackstone, Uggen, & McLaughlin, 2009; Felstiner et al., 1980).

In closing, I have encouraged sociologists, especially those who study gender and/or law and society, to study the interplay between laws, university policies, and social movements regarding campus sexual violence. Over a year later, #MeToo continues to fuel debates over gender politics, justice, and institutional power. My synthesis of a rapidly growing research area shows the myriad possibilities for sociologists to contribute to the study of campus sexual violence and complex social change.

ENDNOTES

¹Feminist scholars debate whether to use the term victim or survivor (Martin, 2005; Projansky, 2001). I will use survivor to refer to someone who has experienced sexual violence.

²By sexual violence, I mean sexual assault and sexual harassment. I include sexual harassment since Title IX frames sexual assault as a legal issue of sexual harassment. I acknowledge that calling sexual harassment violence has political drawbacks (Saguy, 2000).

³As of this writing, the proposed Title IX regulations have not been finalized.

⁴20 U.S.C. §§ 1681–1868 (rev. 2015).

⁵*Franklin v. Gwinnett County Public School*, 503 U.S. 60, 75 (1992).

⁶Its full name is the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

⁷Public Law 102–325 § 486(c).

⁸These include: Take Back the Night, The Clothesline Project, Sexual Assault Awareness Month, the Vagina Monologues, Walk a Mile in Her Shoes, and SlutWalk.

⁹For case law, see NACUA (n.d.). For federal guidance and law, see Jessup-Anger, Lopez, and Koss (2018) and Heldman et al. (2018).

¹⁰20 U.S.C. § 1092(f) (rev. 2013).

¹¹Schools often talk about Clery and Campus SaVE obligations interchangeably. These compliance professionals are often called Clery compliance coordinators or serve as part of a Clery oversight board.

- ¹²Cal. Ed. Code §§ 67380–67386 (2014); N.Y. Educ. Law §§ 6439–6449 (2015); Conn. Gen. Stat. §§ 10a-55n-10a-55q (2016); Preventing Sexual Violence in Higher Education Act. 110 Ill. Comp. Stat. 155/1-99 (2018).
- ¹³This standard requires that the allegations more likely than not occurred.
- ¹⁴Reporting sexual harassment is a much murkier area, so I focus on sexual assault here.
- ¹⁵See Zehr (2015), Koss et al. (2014), and Karp et al. (2016) for more on specific practices.
- ¹⁶The proposed Title IX regulations would allow schools to pause their investigations if a survivor also reported to the police, launching a police investigation (Press Office, Department of Education, 2018).
- ¹⁷For a database of Title IX complaints, see <https://projects.chronicle.com/titleix/>
- ¹⁸The Campus SaVE Act went into effect in 2015 (Bishop, 2015).

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