THE PHENOMENOLOGY OF INVESTIGATING CAMPUS SEXUAL VIOLENCE

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BY

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DEDICATION

This dissertation is dedicated to all of those people in my life who have inspired and supported me.

To my mother, Paula. You have taught me how to work hard and be a champion for others. You are an endless inspiration for me in all my endeavors.

To my father, Art. While you are no longer with us, I know this would make you proud.

To my husband, Travis. Your support, love, and care have been the underpinning of my success and have made this whole process not only possible, but also enjoyable. You have taken care of me and for that, I consider this our accomplishment.

To my brother, Chris. For the levity and perspective you offer, I am grateful.

To my grandparents, Dr. Paul and Bernice Nesper. For your support and love throughout my entire educational career, I offer a sincere thank you.
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Finally, I must acknowledge the survivors of sexual violence. I embarked on this research so that we may better understand the people that investigate sexual violence on college campuses. My sincere hope is that this in a small way betters our response and efforts to serve survivors of sexual violence.
Federal law has required colleges and universities to respond to sexual violence on their campuses (Office of Civil Rights [OCR], 2011, 2014; Title IX, 1972). Despite federal mandates on institutional response to sexual violence, there is a lack of empirical inquiry into the experiences of those who investigate campus sexual violence. To address the gap in literature regarding the experiences and perspectives of people who engage in the administrative investigation of complaints of campus sexual violence, I explored the experiences of seven full-time student affairs and academic affairs professional who serve as Title IX investigators of student complaints of sexual violence. This study was conducted at a four-year public, state-assisted residential midsize university. As an insider researcher, I conducted an Interpretive Phenomenological Analysis (Smith, Flowers, & Larkin, 2009) to better understand the lived experiences of investigators. This study revealed the complex, emotional, and conflicted lived experience of Title IX investigators as categorized by five central themes, a) emotional response, b) investigator identity and perceptions, c) investigative process, policy, and practice, d) understanding and perceiving others, and e) the intersection of law and education. These central themes suggested that these particular investigators similarly experience the phenomenon of investigating campus sexual violence. These findings prove applicable to the selection, training,
and management of investigators. Further, findings support avenues for future research into the areas of investigator demographics, investigator identity, exploring experiences of other professionals, policy research, exploration of student experiences and perceptions, and investigator role in institutional betrayal.
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CHAPTER ONE: INTRODUCTION

One in five women during the course of their collegiate experience will be sexually victimized (Cantor et al., 2015; Fisher, Cullen, & Turner, 2000; Krebs, Lindquist, Warner, Fisher, & Martin, 2007, 2009). A familiar phenomenon in higher education, campus sexual violence been studied rigorously since the 1980s (Cantor et al., 2015; Fisher et al., 2000; Kerbs et al., 2007, 2009; Rozee & Koss, 2001). However, recent shifts in legislative climate have intensified campus efforts to respond to sexual violence (Baker, 2014). This shift began in 2011 when the U.S. Department of Education, Office of Civil Rights (OCR, 2011) issued their definitive stance on sexual harassment and sexual violence. The 2011 Dear Colleague letter sparked intensified federal and legislative attention on campus response to sexual violence as seen through the Campus SaVE Act (2013), OCR (2011, 2014, 2015a, 2015b, 2015c, 2015d, 2015e, 2015f) guidance, the Violence Against Women Act [VAWA], 2014; White House Task Force to Protect Students from Sexual Assault [White House], 2014).

OCR has stated through Title IX of the 1972 Education Amendments that campus sexual violence is a form of sexual harassment and sexual discrimination. As such, institutions are obligated by federal law to investigate such complaints from a civil rights perspective. Subsequently, colleges and universities have developed, hired, or outsourced the investigation of student complaints of sexual violence. I serve as one of those investigators. As a Title IX investigator and a doctoral student of higher education, I occupy space in this study as an insider researcher. To articulate why this area of inquiry is so important I will share insight into my experiences as a Title IX investigator. I have met with many students who have been the victim of rape, sexual assault, stalking, interpersonal violence, or harassment. I vividly recall one interview I conducted wherein a young woman shared with me her story. She was so vulnerable
as she recalled the multiple times she had been raped, her visit to the hospital, her nightmares, and her fear that she may never share her life with someone else or have kids because of what had happened to her. I remember thinking as I sat at my desk listening to her story that this woman had suffered irreparable harm. I felt distinctly helpless and in that moment knew there was nothing I could do to help or comfort her and no justice that I could provide that would undo what had happened. I think of that student and many others often as I continue to investigate complaints of sexual violence. My experiences in the investigative process are something I rarely speak of, however, each time I conduct an investigation I collect another experience and the weight of carrying those has been tremendous.

Campus sexual violence, labeled by many as an epidemic (Cantalupo, 2012; Carey et al., 2015; Rosenfeld, 2015), requires intense institutional response. For those professionals on colleges campuses that investigate campus violence their experiences remain largely unaddressed through empirical research. As campus sexual violence is framed as an epidemic, then investigators are at the center of the response mechanism.

**Background**

The start of the fall semester is a risky time for students; the period of the first few weeks of a college woman’s first year on campus is commonly referred to as the red zone. The red zone is a period of time in which women are at a particularly high risk for unwanted sexual experiences (Kimble, Neacsiu, Flack, & Horner, 2008). As college women face increased risk during these first few weeks, research has demonstrated that one in five women will at some point over the course of their collegiate experience be sexually victimized (Cantor et al., 2015; Carey, et al., 2015; Fisher et al., 2000, Gross, Winslett, Roberts, & Gohm, 2006; Krebs et a., 2007, 2009). This number may appear on the surface to be abstract, the statistic of one in five or
approximately 20%, can be further articulated this way, on a campus of 20,000 students, of which 50% of the population are women, 2,000 of those students have been the victims of a sexual victimization. In a classroom of 100 students, 50 whom are women, statistically 10 of those women will have been the victim of an unwanted sexual experience. This means that no faculty member, professional, or campus employee will engage within the context of the university setting without being in the presence of a college woman who has been sexually victimized.

These statistics speak nothing of the sexual victimization of college men. Approximately one in 16 or six percent of men will be the victims of non-consensual sexual contact through physical force, incapacitation, or coercion (Cantor et al., 2015; Krebs et al, 2007). More alarming is the knowledge that most perpetrators of sexual violence against women are men (Black et al., 2011; Brieding et al., 2014; Greefeld, 1997). Black et al. (2011) found that 98.1% of perpetrators of rape against women are men, 92.5% of perpetrators of other sexual violence against women are men, and that 93% of perpetrators of rape against men were men. Greenfeld (1997) offered a more startling finding that 99% of all perpetrators of sexual violence are men.

Sexual violence is not a new phenomenon in higher education, studies into the prevalence of campus rape and sexual assault rates emerged in the 1980s and have remained constant through present day (Cantor et al., 2015; Fisher et al., 2000; Krebs et al., 201, 2007; Rozee & Koss, 2001). While studies into sexual violence prevalence have remained consistent, a shift in federal policy began in 2011 when the U.S. Department of Justice, Office of Civil Rights (OCR, 2011) issued their firm and clear stance on sexual harassment and sexual violence.

College campuses could no longer resign to the ambiguity of federal guidance on sexual discrimination as the OCR (2011) categorically defined sexual violence as a form of sexual
harassment and gender discrimination, which is prohibited through the Title IX of the Educational Amendment Act of 1972. The 2011 Dear Colleague letter sparked intensified federal attention as demonstrated by OCR (2014, 2015a, 2015c, 2015e, 2015g) guidance, amendments to the Clery Act (1990, 2008), and VAWA (1994, 2014), and the White House (2014) report. Since 2011, the OCR has investigated 243 complaints of institutional handling of sexual assault (Mangan, 2016), demonstrating the level of federal accountability institutions are being held to in their response to campus sexual violence. The media has been equally critical of higher education through incendiary documentaries like The Hunting Ground (Ziering & Dick, 2015) and exposés such as Missoula: Rape and the Justice System in a College Town (Krakauer, 2015).

Federal law and guidance has required colleges and universities to address and respond to sexual violence on their campuses. Campus response to sexual violence comes in the form of both prevention and response (Amar, Strout, Simpson, Cardiello, & Beckford, 2014). The response mechanism lies in an institution’s obligation to investigate and adjudicate complaints to above all “end the sexual violence, prevent its recurrence, and address its effects” (OCR, 2014, p. 2). Failure to effectively respond through appropriate investigation and adjudication of complaints of sexual violence has perilous consequences for colleges and universities, including potential investigations by the OCR and the loss of federal funding (Hearing on sexual assault on campus, 2014). Investigators of campus sexual violence must remain compliant with OCR (2011, 2014) guidance as they serve as fact–finders throughout the course of investigations.

**Positionality**

A native or insider researcher “chooses not only a project in which she is deeply situated, whether by geography, tradition, or simply “inside” experience, but also one in which she is
invested in those factors and others as they inform the ‘act’ of research” (Kanuha, 2000, p. 441). As an insider researcher I am searching for “something more” in the way of understanding those who have had similar experiences to my own. I have made the intentional methodological decision to conduct this study at the institution in which I work, and interview participants whom I work with as Title IX investigators. Brannick and Coghlan (2007) surmised that, “Insider researchers are native to the setting and so have insights from the lived experience” (p. 60). It is then a methodological imperative then that I embrace my insider status as it informs every component of this study.

To embark on insider research, a sound qualitative researcher must be transparent (Altheide & Johnson, 2011). This is accomplished through the positioning of the researcher in their writing through reflexivity (Creswell, 2014). Reflexivity being twofold, the researcher must write transparently about her experiences and connect with the phenomenon, and most importantly offer transparency as to how those experiences shape the researcher’s interpretation of the phenomenon. In this vein, I offer my postionality in layers to fully describe my position to the phenomenon of investigating campus sexual violence. I present both my background and experiences as lenses through which I explore the phenomenon on investigations of campus sexual violence.

**My Background**

The first lens is my background, which represents my experience situated by my race, gender, socioeconomic status, and education. The postmodernist approach requires the researcher to consider their “situation,” via gender, class, and ethnicity (Angrosino, 2005); by doing so, the researcher makes transparent their membership identity amongst their community of study (Dwyer & Buckle, 2009). I am a Caucasian woman in my thirties who has held a
privileged life within the middle–upper class socioeconomic status. I come from an educated family in which all immediate family members have master’s degrees. I grew up with the certainty that I would go to college and earn, at the very least, a master’s degree. I have a strong, persistent connection to higher education and the setting of this study. I have earned my bachelors, master’s, and now doctoral degree at the same institution. My career as an administrator in higher education for seven years has been at the same school, which is the setting of my study. I began my career in the field of student athlete academic support, spent a year in the academic support setting, and now find myself serving in a dean of students office.

My current role as Assistant Dean of Students has been the most impactful of my career and bears significance in my emergence as an administrator and a researcher. Through this position I am at the front lines of student and family crisis, illness, upset, and dissatisfaction. I would be remiss without saying there is great sadness and suffering for students and their families. A suffering I had not been exposed to or understood in my other administrative roles.

My Experiences

I submit a second lens that looks upon my experience as a Title IX investigator, which stands as one of my duties as an administrator. I have served as a Title IX investigator for approximately two years. It has made an indelible impression on my identity as a professional and more importantly as a person. In an effort to be transparent, I disclose that I have not been a victim of sexual violence. I do not know that trauma or suffering personally. However, I have been profoundly changed through my engagement with this work. I am immersed in the stories of students who have been raped, sexually assaulted, beaten, stalked, abused, and harassed. I have sat across from the students who have been accused of this behavior. I have spoken with their mothers and fathers. I have read the reports of their rape examinations and interviewed
police officers. I investigate complaints of sexual harassment and sexual violence and must do so with an objectivity and eye toward policy that requires me to disengage from my support role as Assistant Dean of Students and engage with my role as impartial fact-finder.

I am changed by this work and continue to evolve in my relationship to it. It has sometimes left me shattered, raw, and filled with great sadness. However, above all I have become intensely aware of the sexual violence inflicted on college students. I have experienced this phenomenon in a way few others on a college campus could. I have become highly attuned to how I engage with victims, perpetrators, and witnesses of sexual violence because, through my role, become a part of their experience. The manner in which I handle myself and shape that institutional experience for them, I believe matters a great deal. Doing my job to the best of my ability is the only comfort I have to offer to these students and I find that to be a significant responsibility. This is my experience and I acknowledge that it may not be representative of others. This combined with my role as a researcher generates a space between my participants and myself.

The Space Between

Dwyer and Buckle (2009) elegantly wrote,

The intimacy of qualitative research no longer allows us to remain true outsiders to the experience under study and, because of our role as researchers; it does not qualify us as complete insiders. We now occupy the space between, with the costs and benefits this status affords. (p. 61)

My perspective as a researcher, informed by my immersion in the literature, leaves me neither inside nor outside of the research, but rather operating within the tension of the space between. Those tensions include both benefits and challenges. The insider status affords acceptance
within the group, provided by an already present commonality with participants, coupled with access and entry to the group (Dwyer & Buckle, 2009; Kanuha, 2000). Challenges lie in 1) the danger of making assumptions of similarity to the extent that researchers do not fully seek the explanation of experiences, 2) a researcher’s difficulty in separating her own experiences from that of the group, and 3) the influence these perceptions have on analysis. Kanuha (2000) experienced a need to separate her own experiences as a native researcher from that of her participants as a profound part of methodological process. She offered that to create a distance between her personal-self and researcher-self endangered the process of the research and the ability to thickly describe the phenomena. Possessing this knowledge, I can reflect on my experiences in this process and bracket these experiences without moving to far away from the phenomenon to further explore the phenomena of investigating of sexual violence.

**Totality of My Positionality**

My background and experience are the lenses in which I view the world and this study. The combination of my race, gender, educational, and professional background paired with my position as a Title IX investigator offers an interpretation through the eyes of a researcher who has intimate knowledge of the phenomenon. My insider status helps to immerse the reader in the phenomenon of investigating campus sexual violence. I argue that I operate within the unique intersection of Title IX investigator and researcher, allowing me to explore this experience in a distinctive way.

**Statement of the Problem**

Through my positionality it is understood that I have a professional and personal interest in the investigation of campus sexual violence. Having and continuing to experience this phenomenon has left me with more questions than answers about the experience of Title IX
investigators. I dove into the literature to find out how this phenomenon has been studied. What I found were loosely adjacent empirical articles that touched on facets of working with sexual violence and trauma including a quantitative study on campus administrator perceptions of response protocols (Amar, Strout, Simpson, & Cardiello, 2014), a qualitative exploration into sexual violence researcher responses (Coles, Astbury, Dartnall, & Limjerawala, 2014), a study on burnout and secondary trauma in forensic interviewers of abused children (Perron & Hiltz, 2006), a study of secondary trauma of SANEs (Wies & Coy, 2013), and multiple pieces on experiences and perceptions mental health professionals who work with victims of sexual violence (Salston & Figley, 2003; Schauben & Frazier, 1995).

While these studies offer valuable insight into perceptions and experiences of those who respond to sexual violence across various fields they do little to explain the experiences of Title IX investigators of sexual violence on college campuses. The lack of inquiry on the experiences of Title IX investigators demonstrates a gap in the literature regarding the experiences and perspectives of people who engage in the administrative investigation of complaints of campus sexual violence. The implications for filling such a gap through heuristic and phenomenological inquiry are significant in the research of campus sexual violence and university responses.

The intense federal and legislative attention being paid to campus response to sexual violence (Campus SaVE Act, 2013; OCR, 2011, 2014, 2015a, 2015b, 2015c, 2015d, 2015e, 2015f; VAWA, 2014; White House, 2014) combined with the moral imperative (Silbaugh, 2015) institutions have in creating safe equitable learning environments places the execution of investigations as a top priority. The emerging field of Title IX investigations within higher education would benefit tremendously from a better understanding of how professionals experience this phenomenon. A better understanding of this phenomenon would inform
investigator training, a required and central component of Title IX response (OCR, 2011, 2014, 2015b, 2015f). The findings of this research could enlighten university presidents and leaders in the formation of Title IX infrastructures. It has the potential to assist institutions in identifying the relative needs of investigators as they engage in the process. Finally, given the significant role of an investigator in both responding to sexual violence and mitigating institutional risk the findings of research focused on investigator experiences would enhance an institutions ability to serve students who have been the victims of sexual violence. A better understanding of how investigators engage in their work supports a more holistic approach to investigations and generates benefits for complainants and respondents.

**Statement of Purpose and Research Question**

This study aims to address the gap in the literature to bring the understanding of the Title IX investigative process from anecdotal to empirical. The purpose of this study is to understand the experiences of Title IX investigators on one campus as they conduct investigations into complaints of sexual violence on the campus of a midsized public university. To explore and interpret the experience of Title IX investigators I will apply a heuristic phenomenological approach. In this spirit, my study is driven by a singular question: how do Title IX investigators experience the investigation of campus sexual violence?

**Theoretical Framework**

I find comfort in the empirical, objective, and absolute certainty that positivist epistemology offers (Crotty, 1998). This comfort is upset by my deeply entrenched understanding of knowledge as constructed and meaning as interpreted. Where the positivist approach strives for generalizability and universal application, the interpretive approach searchers for individual meaning (Hathaway, 1995). Thus, epistemologically I stand on the
belief that meaning is subjective and vulnerable to change. My interpretivist framework reaches for understanding in the *what* and *why* behind a phenomenon (Smith 1983). It is through this framework that I search for understanding of the lived experience of Title IX investigators. Grounded in an interpretivist framework I acknowledge that each investigator will engage and relate to the phenomenon differently, their meaning-making shaped in part by their own cultural, personal, and social contexts (Crotty, 1998). I aim to reach the essence of the “thing” or phenomenon within the space of an interpretive, constructivist framework. This framework informs each decision I make herein. Propelled epistemologically by an interpretivist framework I embarked on a design grounded in phenomenology, specifically that of interpretive phenomenological analysis (IPA), to understand and explore the experiences of Title IX investigators.

**Definitions**

Terminology is central to understanding campus sexual violence (Fleck-Henderson, 2012; Hagedorn, 2000; Karjane et al., 2002, 2005; Koss et al., 2014). Conflicting and overlapping definitions of sexual violence often result in confusion (Bagwell-Gray, Messing, Baldwin-White, 2015). Definitions of sexual violence have evolved over time; however, consistent definitions are lacking (Center for Disease Control and Prevention [CDC], 2014). Consistent definitions are necessary to best monitor prevalence and trends, determine the magnitude of sexual violence, measure risk factors for victimization, and inform prevention and intervention efforts.

For the purpose of this study the following definitions provide context and meaning for key terms. Terms are grouped organically from broad terms to concepts that are more specific. As definitions vary by setting, whether that is criminal, public health, or higher education the
definitions stand to provide an operational understanding of salient concepts as best offered through various publications, federal guidance, and agencies.

**Sexual Abuse Continuum:** presented sexual harassment, as gender abuse, along a continuum from lesser offenses such as ogling to more violent offenses including sexual assault and rape (Hagedorn, 1999).

**Sexual Harassment:** The OCR (2011) defined sexual harassment as

Conduct that: 1) is sexual in nature; 2) is unwelcome, and 3) denies or limits a student’s ability to participate in or benefit from a school’s education program” (OCR, 2008, p.3).

Sexual harassment includes “unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal or physical conduct of a sexual nature. (p.3)

It is important to note that acts of sexual violence fall under the category of sexual harassment (OCR, 2011).

**Hostile Environment:** Harassment in the form of a hostile environment,

Occurs when unwelcome conduct of a sexual nature is sufficiently serious that it affects a student’s ability to participate in or benefit form an education program or activity, or creates an intimidating, threatening or abusive education environment. A hostile environment can be created by a school employee, another student, or even someone visiting the school, such as a student or employee from another school. (OCR, 2015b, para. 3)

The OCR (2011) Dear Colleague Letter further clarified that a “single or isolated incident of sexual harassment may create a hostile environment if the incident is sufficiently severe, for instance, a single instance of rape is sufficiently severe to create a hostile environment” (p. 3).

**Sexual Violence:** An overarching term,
Refers to physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent due to the victim’s use of drugs or alcohol. An individual also may be unable to give consent due to an intellectual or other disability. (OCR, 2011, p.1)

Rape, sexual assault, sexual battery, and sexual coercion fall under the category of sexual harassment. The OCR (2011) considers all acts of sexual violence to be forms of sexual harassment. Basile, Smith, Breiding, Black, and Mahendra, (2014) in their study for the CDC defined sexual violence as,

A sexual act that is committed or attempted by another person without freely given consent of the victim or against someone who is unable to consent or refuse. It includes: forced or alcohol/drug facilitated penetration of a victim; forced or alcohol/drug facilitated incident in which the victim was mad to penetrate a perpetrator or someone else; nonphysically pressured or unwanted penetration; intentional sexual touching; or non–contact acts of sexual nature. (p.11)

They offered that sexual violence includes the following types:

- Completed or attempted forced penetration of a victim;
- Completed or attempted alcohol/drug–facilitated penetration of a victim;
- Completed or attempted forced acts in which a victim is made to penetrate a perpetrator or someone else;
- Completed or attempted alcohol–drug–facilitated acts in which a victim is made to penetrate a perpetrator or someone else;
- Non–physically forced penetration which occurs after a person is pressured verbally or through intimidation or misuse of authority to consent or acquiesce;
• Unwanted sexual contact;
• Non-contact unwanted sexual experiences. (p. 11)

**Sexual Misconduct**: describes sexual violence and sexual harassment referenced by the OCR (2011) Dear Colleague Letter in the context of higher education (Koss, Wilgus, & Williamson, 2014).

**Sexual Victimization**: describes varying types of sexual acts inflicted on an individual. Fisher, Cullen, and Turner (2000) listed the following as 12 types of sexual victimization:

• Completed/attempted rape
• Completed/attempted sexual coercion
• Completed/attempted sexual contact with force or threat of force
• Completed/attempted sexual contact without force
• Threat of rape
• Threat of contact with force or threat of force
• Threat of penetration without force
• Threat of contact without force (p. 9).

**Rape**: “the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without consent of the victim” (U. S. Department of Justice [DOJ], 2012, para 4).

**Sexual Assault**: “as any type of sexual contact or behavior that occurs without the explicit consent of the recipient. Falling under the definition of sexual assault are sexual activities as forced sexual intercourse, forcible sodomy, child molestation, incest, fondling, and attempted rape (DOJ, 2015, para. 1).” More generally, Bohmer and Parrot (1993) offered the following definition,
Sexual assault is a general term that describes all forms of unwanted sexual activity. It includes, but is not limited to, rape. Other forced sexual experiences, such as forced oral or anal intercourse or sexual experiences not involving intercourse, are all included in the definition. (p. 40)

**Victim:** “a person on whom sexual violence is inflicted. Survivor is often used as a synonym for a victim who is not deceased” (CDC, 2014, p. 13).

**Perpetrator:** a person who inflicts sexual violence (CDC, 2014).

**Complainant:** a student who experienced alleged sexual harassment or sexual violence. This term is used by OCR (2011, 2014).

**Respondent:** a student who perpetrated alleged sexual harassment or sexual violence.

**Title IX Investigation:** a school’s process to resolve complaints of sexual violence (OCR, 2014). Specifically,

This includes the fact–finding investigating and any hearing and decision–making process the school uses to determine: 1) whether or not the conduct occurred; and 2) if the conduct occurred, what actions the school will take to end the sexual violence, eliminate the hostile environment, and prevent is recurrence, which may include imposing sanctions on the perpetrator or providing remedies for the complainant and broader student population. (pp. 24–25)

**Summary**

This chapter set the stage for my phenomenological study on the experiences of Title IX investigators as they investigate complaints of sexual violence. I offered an exploration of my position as an insider researcher, combined with a transparent reflection of my background and professional experience. This chapter summarized my aim to address the gap in literature on the
experiences of Title IX investigators and is driven by a singular research question, how do Title IX investigators experience the investigation of campus sexual violence? I will engage in the study of this phenomena through a constructivist, interpretive framework. Finally, salient operational definitions were offered to generate a consistent understanding of key terminology.
CHAPTER TWO: LITERATURE REVIEW

This study is designed to explore and better understand the experiences of Title IX investigators as they investigate complaints of sexual violence. The study is phenomenological in nature and seeks to gain a better understanding of a particular, unique experience. As literature on this particular phenomenon remains unexplored, I have conducted a review of literature that addressed relevant aspects of campus sexual violence.

To conduct this review of literature I examined multiple sources including electronic databases (ERIC, Academic Search Premiere, LexisNexis Academic, Web of Science, and Psych Info), government documents, and major public search engines. This traditional and selective comprehensive review of literature draws upon referred journal articles, books, federal reports and government documents, white papers, training materials, law and case law, and conference publications.

The following review incorporates literature salient to my study, specifically sexual violence in higher education. Chapter Two is organized into five sections, a) prevalence of campus sexual violence, b) federal law on campus sexual violence, c) university response, d) investigation and adjudication, and e) trauma and trauma exposure.

Sexual Violence on College Campuses

There are several seminal studies on the prevalence of campus sexual violence, including Koss’ (1985) ground breaking work on hidden rape, the extensive study of Fisher et al. (2000) on sexual victimization, and the often cited Krebs et al. (2007, 2009) study on campus sexual assault. As attention remains concentrated on campus sexual violence, research continues to emerge on campus sexual victimization as reflected in the recently released report on the AAU Campus Climate Survey on Sexual Assault and Misconduct (Cantor, et al., 2015) that presented
new estimates on nonconsensual sexual contact across institutions through consistent methodology.

**Sexual Experiences Study (SES)**

In a landmark study that shaped sexual victimization measurement (Fisher & Cullen, 2000), Koss (1985) administered the Sexual Experiences Study (SES) to randomly selected classes at a Midwestern state university of 20,000 students. The SES was originally developed to capture numbers of hidden rape (Koss & Oros, 1982), and was revised later to refine terminology (Koss & Gidycz, 1985). Koss (1985) described hidden rape as rape that had never been reported to law enforcement or a rape crisis center. The SES is a self-report questionnaire that utilized behaviorally specific questions. The instrument was administered to 2,016 women, and supplemented by 248 student interviews. Of those surveyed 38% of women reported sexual victimization that met the legal definition of rape or attempted rape.

Furthering the original study Koss et al. (1987) administered the revised SES to 6,159 men and women enrolled in 32 institutions of higher education to expand on previous national research around prevalence of sexual victimization. This administration of the SES assessed the experience of female victims and male perpetrators of rape, attempted rape, sexual coercion, and sexual contact. The instrument was designed to examine prevalence since the age of 14 and during the previous year. The authors found that prevalence of rape in higher education to be 27.5%, with 66 per 1,000 women sexually victimized per year. Mary Koss is acknowledged as a pivotal scholar in the development of empirical evidence around the victimization of women through the SES, which is now a widely accepted, influential instrument that has guided inquiry (Fisher & Cullen, 2000; Fisher et al., 2010; Testa, VanZile-Tamsen, & Livingston, 2004). Her work was polarizing at the time and highly criticized for having biased feminist perspectives.
(Gilbert, 1991; Gilbert, 1992). Despite criticism, the SES has been revised and reviewed for reliability and validity over time and found to be an effective measure of sexual victimization (Koss et al., 2007; Testa et al., 2004).

**The National College Women Sexual Victimization (NCWSV) Study**

The National College Women Sexual Victimization (NCWSV) study, funded by the National Institute of Justice, surveyed a nationally representative sample of 4,446 college women from schools of at least 1,000 enrolled students (Fisher et al., 2000). At the time of the study, the authors asserted that it was the most systematic analysis of sexual victimization produced in the last ten years. The study assessed sexual victimization along the continuum through the use of a two-stage design that utilized behaviorally specific questions followed by incident reports. Results indicated that the rate of rape was 27.7 per 1,000 female students; however, some respondents reported being victimized multiple times resulting for an overall rate of 35.3 per 1,000 students had been victimized.

Further, data suggested that during any given calendar year 5% of women are sexually victimized, and that over the course of a five-year college career one–fifth to one–quarter women will be the victims of completed or attempted rape. The authors used a comparison study to further evaluate methods used in the measurement of sexual victimization. Cook et al. (2011) were particularly critical of the two-stage design of this study because questions assumed that the respondent was appropriately cued to recall and categorize incidents; the complexity of questions may have also proved problematic for respondents.

**Campus Sexual Assault (CSA) Study**

The findings of the Campus Sexual Assault (CSA) study are often cited regarding the prevalence of campus sexual assault (Baskin, 2015; Kessler, 2014; White House, 2014b). The
CSA assessed the prevalence of sexual assault among college women alongside the context, consequences, and reporting of distinct types of sexual assault (Krebs et al., 2007, 2009). The instrument employed a two-stage design through gate questions proceeded by detailed follow-up questions. Data was collected from 6,800 undergraduate students at two large universities. Of the 5,446 women surveyed 19% of women reported being the victim of a completed or attempted sexual assault since entering college, meaning that one in five women experience an attempted or completed sexual assault during college. Black et al. (2011) substantiated this to some extent through the National Intimate Partner and Sexual Violence (NIPSV) survey in which they found that one in five women had been raped at some point in their lives. The instrument used in the CSA was developed in part after review of the SES and NCWSV.

AAU Campus Climate Survey on Sexual Assault and Misconduct

Cantor et al.(2015) claimed that the AAU Campus Climate Survey on Sexual Assault and Misconduct to be the one of the largest studies of its kind, with a sample size of 779,170 of whom 150,072 students participated across 27 institutions of higher education (IHEs) in the Spring of 2015. This is markedly lower response rate (19%) than the studies noted above. The survey was designed to provide empirical evidence around the prevalence of sexual violence in IHEs. The instrument, composed of behaviorally specific questions, examined sexual victimization in the form of sexual penetration and sexual touching through an exploration of four tactics, physical force, drugs and alcohol, coercion, and absence of affirmative consent.

Results indicated that approximately 11.7% of students reported experiences of nonconsensual contact by physical force, threats of force, or incapacitation, however, the study estimated that the prevalence of nonconsensual sexual contact ranges across various institutions from 17% to 39% for those students currently attending IHEs. The authors found that prevalence
rates for sexual assault and sexual misconduct by physical force, threats of force, or incapacitation for undergraduate college women to be 23%.

**Synthesis on Prevalence of Sexual Violence**

As the understanding of the sexual victimization of women, including those on college campuses has gradually developed over time (Fisher et al., 2010), statistics on prevalence have remained somewhat consistent (Rozee & Koss, 2001). In their synthesis of rape prevalence rates Rozee and Koss (2001) found that the period from 1982 to 2001 rape prevalence rates rested between 13% to 20%. Those findings remain consistent as Fisher et al. (2000) and Krebs et al. (2007, 2009) found the now commonly accepted prevalence rate of sexual victimization among college women to be approximately 20%. Cantor et al. (2015) substantiated this work in their findings of a one in four (23%) prevalence rate of sexual assault and sexual misconduct in undergraduate women. However, the authors cautioned that one in five and one in four estimates are misleading given the variability across institutions of higher education, and estimated the range prevalence rates on nonconsensual sexual contact of college students across gender to be 17% – 39%. Studies have also consistently demonstrated first-year college women are at an increased risk of sexual victimization (Cantor et al., 2015; Carey, Durney, Shepardson, & Carey, 2015; Gross, Winslett, Roberts, & Gohm, 2006; Krebs et al., 2007; United Educators, 2015). These rates are further viable as prevalence rates of false reporting are estimated to be between 2% and 10% (Lisak, Gardinier, Nicksa, & Cote, 2010). Methodological inconsistencies and varying operational definitions of sexual victimization that contribute to the controversy surrounding the prevalence of sexual violence on college campuses, as a result IHEs must be conscientious when generalizing empirical data and constructing campus climate surveys to assess the prevalence of sexual victimization.
Federal Law on Campus Sexual Violence

Current policy climate around gender equity in higher education has been indelibly shaped by the birth of Title IX of the 1972 Education Amendments. Title IX (1972) stands as a revolutionary moment for gender equity in higher education and represents one of the most significant policies against discrimination in United States higher education policy history (Rose, 2015). Grounded in a civil rights approach to gender discrimination Title IX (1972) shifted the way in which lawmakers and educators framed gender equity in higher education.

Systematic discrimination against women became apparent in the 1950s and 1960s as limited access to financial aid programs, gender quotas, and discriminatory admissions policies pervaded the higher education landscape (Rose, 2015; Hanson, Guilfoy, & Pillai, 2009). Title IX was introduced into congress in 1972 by small group of lawmakers, who themselves had been profoundly impact by gender discrimination in higher education (Rose, 2015). In the 1980s, Title IX (1972) faced a challenge through Grove City College v. Bell (1984) in a case that argued Grove City College was not a recipient of federal financial aid in turn not bound by Title IX (1972). The U.S. Supreme Court held, in a pivotal decision, that the college was clearly a recipient of federal financial aid and as such the U. S. Department of Education (DOE) was justified in terminating student aid to assure compliance with Title IX. The decision solidified the authority the DOE as a regulatory enforcement agency. While Title IX (1972) remains the cornerstone of higher education gender equity policy, the evolution of gender equity policy continued in the 1990s through legislation designed to combat campus sexual violence.

Evolution of Federal Policy and Legislation: Clery Act, VAWA, and Title IX

The 1990’s were a decade of increased attention to violence against women, sexual assault, sexual harassment, and campus safety as demonstrated by the Clery (1990), VAWA
(1994), and the U.S. Department of Education’s Office of Civil Rights (OCR, 1997) guidance on Sexual Harassment. These policy movements laid the foundation for the current policy climate.

**Clery Act.** Clery (1990, 2008) mandates IHEs collect and provide basic campus crime statistics and safety policies to students and staff. In reaction to the 1986 rape and murder of Lehigh University student, Jeanne Clery by a fellow student in her dorm room; her parents Connie and Howard founded the Clery Center and fought for campuses to provide increased information on violent and non-violence campuses incidences (Clery Center, 2015b). Clery (1990) was amended in 1998 to expand reporting requirements, and required schools maintain daily crime logs (Clery Center, 2015a).

The Higher Education Opportunity Act of 2008 added emergency response and notifications, expanded hate crime statistics, and established safeguards for whistleblowers, and required the DOE to present Congress with Clery Act compliance and implementation (Clery Center, 2015a). Clery (2008) has recently seen amendments in the form of the VAWA Amendments to the Clery Act of 2013 (see VAWA) and the Campus Sexual Violence Elimination Act (Campus SaVE Act) of 2013.


**VAWA Amendments to Clery and Campus SaVE Act.** With the reauthorization of VAWA in 2013 came several amendments to Clery (2008). Most notably those amendments
required institutions to now compile and report statistics of dating violence, domestic violence, sexual assault and stalking (VAWA, 2014). The VAWA Reauthorization Act (2013) amendment to Clery (2008) known as the Campus SaVE Act (2013) required institutions define key terms around sexual violence prevention and awareness, describe disciplinary procedures, sanctions; and remedies and protective measures available following a complaints of dating violence, domestic, violence, sexual assault, or stalking. Further, it stipulated anyone reporting incidents has the right to assistance in reporting a crime to law enforcement, change in class, living transportation or work, no contact or restraining orders, clear description of institutional disciplinary process and sanctions, and receive information about resources such as counseling, health, mental health, and legal assistance both on and off campus. The act required institutions to conduct prompt, fair, and impartial investigations; allows parties to have other present during disciplinary meetings, and receive written outcomes of all proceedings. Strengths of the act include the broadening of crimes to which institutions must respond, emphasizing education and prevention, and mandating formal adjudicative procedures, however, it failed to mandate training for university personnel, did not provide for real and effective institutional penalties for failure to comply, and did not meaningfully address the relationship between IHEs and local law enforcement agencies (Schroeder, 2014). The Campus SaVE Act also failed address Clery’s (2008) flawed reporting method, which only captures crimes reported to specific campus officials (Marshall, 2014).

**Title IX.** Title IX continued to progress in the 1990s (Hanson, Guilfoy, & Pillai, 2009). In the case of *Franklin v. Gwinnet County Schools* (1992) the Supreme Court ruled that Title IX covers and prohibits sexual harassment; comparatively in *Doe v. Petaluma City School District* (1993) federal courts declared that student-on-student sexual harassment was also prohibited.
In response to such cases the OCR (1997) published a Sexual Harassment Guidance policy for K-12 schools and IHEs. OCR (2001) replaced that publication with the Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, that affirmed schools had an obligation to remedy and prevent sexual harassment at their institutions. The 2001 guidance would inform the DOE’s next significant policy issuance on sexual violence, which has come to shape current practice in higher education.

The OCR (2011) distributed the historic Dear Colleague Letter (DCL) that stated, “The sexual harassment of students, including sexual violence, interferes with students’ rights to receive an education free from discrimination and, in the case of sexual violence, is a crime” (p. 1). The OCR (2011) DCL clarified the responsibility schools have to address student-on-student sexual harassment and outlined the following:

- Once a school knows or reasonably should know of possible sexual violence, it must take immediate and appropriate action to investigate or otherwise determine what occurred.
- If sexual violence has occurred, a school must take prompt and effective steps to end the sexual violence, prevent its recurrence, and address its effects, whether or not the sexual violence is the subject of a criminal investigation. (p.2)

Following this guidance, OCR (2014) issued a Question and Answer (Q and A) document that further described legal requirements set forth by previous OCR (2011) guidance. The Q and A document provided detailed recommendations as to how colleges and universities should respond to sexual violence, procedural requirements, reporting, investigations and hearings, interim measures, remedies, and notice of outcomes. OCR (2014) presented the clearest, detailed recommendations to date for institutions to guide their efforts in compliance. Most
recently, OCR (2015f) touted the University of Virginia’s policy to be the first university policy fully compliant with Title IX since the Frequently Asked Question of 2014. OCR (2015c) released their findings of University of Virginia investigation that illustrated the OCR’s thorough and critical strategy in review of institutional response to sexual misconduct.

It should be noted that the key pieces of legislation outlined above offer duplicated and, on occasion, contrary mandates on crime statistics and reporting, accommodations for victims, descriptions of sanctions and disciplinary processes, investigations and remedies of sexual violence, and awareness and prevention. Additionally, proposed federal legislation, such as the Campus Accountability and Safety Act (CASA, 2015), or state legislation, like New York’s Enough is Enough (S. S5965, 2015) law, threaten to further convolute IHEs efforts to comply with the law. As IHEs navigate these intersecting requirements and combat sexual violence on college campuses they must also reconcile challenges in response, due process, and reporting.

**Title IX and intercollegiate athletics.** No discussion of Title IX within the higher education would be complete without an exploration into its most recognizable application to that of intercollegiate athletics. The Title IX of the 1972 Education Amendments has become synonymous with intercollegiate athletics (Anderson, 2012; Hanson, Guilfoy, & Pillai, 2009). In the 43 years since Title IX (1972) changed the landscape for women in higher education, unprecedented numbers of women have participated in intercollegiate athletics as demonstrated in the 205,201 collegiate women student–athletes who competed in 2013- 2014 a stark contrast to the 29,977 the number of women participants in 1972 (National Collegiate Athletics Association [NCAA], 2014). Despite remarkable gains for collegiate women student–athletes, Title IX (1972) has been fraught with controversy and university athletic departments face many challenges in their compliance efforts.
Controversy around Title IX (1972) in intercollegiate athletics has focused on two opposing arguments; critics argue that the law forces institutions to sacrifice men’s programs for the sake of compliance while supporters counter that neither the law or spirit of Title IX (1972) asks schools to eliminate men’s programs to reach equity (Kane, 2012; Johnson, 1994; Mahoney, 1995; McAndrews, 2012; Messner & Solomon, 2007; Shook, 1994). This debate unfolds in the context of the proportionality component of the U.S. Department of Education, Office of Civil Rights’ (OCR, 1979; 1996; 2003; 2010) three–part compliance test and the greater backdrop of financial instability of many intercollegiate athletic departments. While not specific to campus sexual violence, higher education’s relationship with Title IX (1972) compliance in athletics remains controversial, suggesting that decades from now campuses may still struggle to be compliant with Title IX (1972) as it relates to sexual harassment and sexual violence.

**Institutional Response to Campus Sexual Violence**

Colleges and universities have long failed to effectively respond to campus sexual violence (Jordan, 2014; Karjane et al., 2002, 2005). With developing federal legislation, colleges and universities can no longer sit idle in their efforts to end sexual violence. Compliance with federal law does not come without cost, the significance of OCR (2011, 2014) guidance will only be understood through its effect on IHEs (Baumgardner, 2014). The impact of federal law manifests in the difficult realities IHEs face in responding to sexual violence, ensuring due process, increasing reporting, and assessing climate.

**Institutional Response**

To chart an institutional response to sexual violence IHEs must first navigate the inherent and intersecting complexities set forth by federal law. The OCR (2011) DCL stands alone in its clear directives regarding expectations surrounding institutional response to campus violence,
they, for example, have outlined 42 types of sexual behavior institutions of higher education are responsible for addressing (Koss, Wilgus, & Williamsen, 2014). The authors’ analysis of the OCR (2011) DCL found that sexual harassment is a larger “umbrella” term that describes sexual violence and sexual harassment; they argued for the use of a more appropriate term, sexual misconduct, in the higher education context. Definitions of sexual violence are a foundational piece to institutional response efforts (Fleck-Hendersoon, 2012; Hoagedorn, 2000; Karjane et al., 2002, 2005; Koss et al., 2014).

Institutional response to campus sexual violence is grounded in three areas, campus response mechanisms for sexual violence, adjudication of campus sexual violence, and prevention and education efforts (Amar, Strout, Simpson, Cardiello, & Beckford, 2014). Meaningful institutional response should combine legal and administrative perspectives with service and advocate perspectives (Fleck-Henderson, 2012). Institutional response relies on multiple stakeholders, including, but not limited to advocates, prevention educators, Title IX Coordinator, university counsel, public safety, residential life, athletic department, women’s and men’s centers, IT departments, health and counseling services, alcohol and drug programs, and community services.

Despite recent and intense federal attention IHEs are still slow to enact appropriate response measures. Streng and Kamimura (2015) analyzed 10 flagship institutions sexual assault policies for compliance and found that only seven of 10 had policies specific to sexual misconduct. These findings are indicative of greater failure of institutions to adequately respond to sexual violence, demonstrated by U.S. Senate (2014) survey of 440 four–year public and private IHEs that found institutions a) failed to assess sexual assault prevalence on campuses, b) lacked accessible and confidential resources for reporting, c) failed to appropriately investigate
sexual violence, and d) failed to comply with federal compliance and best practices. The findings of U.S. Senate (2014) are particularly relevant as they shape policy and inform policy makers.

The difficulty IHEs have in responding to sexual violence is highlighted in the over 144 current OCR investigations into IHEs handling of sexual violence (Wilson, 2015). The culmination of an OCR investigation is a public resolution letter of findings and prescribed action, such as the exhaustive OCR (2015c) Michigan State University and OCR (2015g) University of Virginia letters. OCR (2015c, 2015g) determined that Michigan State University failed to comply with Title IX (1972) requirements, specifically the school failed to provide a prompt and equitable response to sexual harassment, sexual assault, and sexual violence; and failed to address a sexually hostile environment. As established by OCR investigations and the U.S. Senate (2014) report, there are many of areas institutions must continue to address in response efforts, however, challenges in due process and reporting are among the most complex.

**Due Process**

There are two laws at play in campus response and adjudication of sexual violence, Title IX (1972) and constitutional due–process rights (Triplett, 2012). Due process has long shaped the legal environment in higher education and is defined as “A provision of the federal constitution or a state constitution that prohibits the government from depriving an individual of life, liberty, or property without providing that individual certain protections (especially procedural protections such as notice and a hearing)” (Kaplin & Lee, 2014, p.849). Conflict arises as both laws intersect in application and is further compounded by limited guidance by OCR regarding due process (Cantalupo, 2012; Triplett, 2012).

Both complainants and respondents are owed due process through the disciplinary process on college campuses; however, Title IX (1972) is inherently focused on victims’ rights
Due process has three implications in the university disciplinary process, 1) private interests of the accused, 2) institutional interests in the maintenance of discipline, order, and compliance, and 3) erroneous deprivation of a student’s rights and the efficiency of administrative disciplinary efforts.

The crux of due process rests in whether IHEs are best positioned to respond to complaints of sexual violence. The argument has been made that the rights of accused students are threatened by highly incentivized IHEs, who feel pressure to hold students accountable for sexual violence; and as a result some maintain adjudication of sexual violence is best left to the criminal justice system (Carle, 2015; Henrick, 2013; Ricketts, 2015). This is countered by the assertion that criminal law has failed to adequately prosecute rape, as non-consensual sex, given the high burden of proof of beyond a reasonable doubt (Baker, in press). The OCRs view of sexual violence as discrimination allows IHEs to address and punish non-consensual sex a way that criminal law cannot. Due process is also viewed as a safeguard for colleges and universities to ensure fairness in procedures, rather than a threat to rights of the accused (Hogan, 2009).

Moreover, courts do not require nor hold IHEs to the same due process standards as those found in the criminal process, meaning that the alignment of university processes with those of criminal systems is damaging to institutional efforts to end sexual violence (Cantalupo, 2012).

**Reporting**

The high non-reporting rates of campus sexual violence perpetuates a cycle in which perpetrators commit sexual violence without penalty and institutions remain ignorant of persistent sexual violence (Cantalupo, 2011). To end the cycle of campus sexual violence reporting rates must increase to reflect a more accurate account of prevalence. In order to increase reporting colleges and universities must treat victims better and foster an environment
that encourages reporting. Three information problems contribute to incidence of sexual violence and lack of awareness of sexual violence; a) massive underreporting feeds silence and lack of awareness, b) victims fear hostile treatment if they report, and c) poor institutional responses further discourage reporting. Moreover, mandatory reporting as guided by Clery (2008) furthers traditional and erroneous assumptions about sexual violence and crime that ultimately discourages reporting of sexual violence. As sexual violence remains complex and dissimilar to other crime in terms of reporting, alternative avenues for reporting in the form of confidential resources and surveys would go far to decriminalize institutional response and increase reporting.

While the reporting of sexual violence to the university is problematic, Yung (2015) in his comparison of data on sexual assault, aggravated assault, robbery, and burglary with Clery (2008) audit data from the Department of Education found that universities dramatically undercounted sexual assaults. He demonstrated a 44% spike in reports during an active OCR investigation compared from reported rates prior to the start of an investigation. He suggested that cultural bias, professional incentives for underreporting, negative public perception of parent, students, and potential students of high number; and administrative incentives to manage university image were among the reasons university may underreport numbers to the federal government. A point substantiated by Cantalupo’s (2012) observation that institutional response to campus sexual violence is complicated by the adverse effect increased reporting has on institutional image. Cantalupo (2014) expertly surmised, “The high rate of violence and the low rate of victim reporting combine, so that the schools that ignore sexual violence have few reports and look safer, whereas the schools that encourage victim reporting have more reports and look
less safe” (p. 228). This catch-22 leaves IHEs to grapple with how to effectively respond to sexual violence and maintain a public image reflective of their actual campus climate.

**Campus Climate Surveys**

While many colleges and universities employ campus climate surveys to better understand issues of diversity in their spaces, literature on the nature and definitions of campus climate surveys is limited (Hart & Fellabaum, 2008; Hurtado, 1992). Campus climate surveys are often conducted by institutional investigators, utilize quantitative methodology, and focus on race, ethnicity, or gender with the large majority of research on campus climate studies dedicated to racial and diversity climates (Hart & Fellabaum, 2008).

Several researchers have analyzed research on campus climate surveys (Harper & Hurtado, 2007; Hart & Fellabaum, 2008; Hurtado, Carter, & Kardia, 1998; Hurtado, Milem, Clayton-Pederson, & Allen, 2008). Analysis of these reviews revealed Sylvia Hurtado as a dominant researcher on campus racial climates. Hurtado (1992), in her influential piece, found that racial tension is a result of multiple facets of an institutional environment, historical influences, structural characteristics, and institutional culture serve to shape the racial climate of any given institution. Further, Hurtado et al. (1998) noted that colleges and universities must not ignore the realities of their past and suggested that in order to improve campus climate IHEs must acknowledge their history and assess their structural level of diversity.

Climate studies have also concentrated on women, sexual harassment, sexual orientation, and students with disabilities (Hurtado et al., 1998). Campus climate for women first received attention after Hall and Sandler (1982) wrote on the negative effects of chilling classroom environments and the damaging effect that has on the education of women. Hall and Sandler (1985) extended their exploration to the chilly climate women may face outside the classroom
and through their interactions with male classmates, they argued that despite the passage of Title IX of the Education Amendments of 1972 women have not yet attained equality on campuses. Kelly and Torres (2006) found that twenty years after Hall and Sandler (1985) women still reported a chilly campus as demonstrated by their concern and fear for personal safety. These fears are not unfounded given Kelley and Parsons (2000) determined, through their campus climate study, that one in five (19%) women students had experienced sexual harassment. This is of no surprise given that 20% to 25% of women in college will be the victims of sexual violence (Cantor et al., 2015; Fisher et al., 2000; Koss et al., 1987; Krebs et al., 2007; Krebs et al., 2009). Estimates that have prompted unparalleled attention from the federal government (Campus Accountability and Safe Act, 2015; OCR, 2011, 2014; U.S. Senate, 2014; White House, 2014b).

**Federal guidance on sexual violence climate studies.** The OCR (2015) directed that institutions, through their Title IX Coordinator, should assess campus climate and develop methods to survey, collect, and analyze data on campus sexual violence. This guidance has been reinforced by the White House (2014a, 2014b, 2015) recommendation that colleges and universities conduct campus climate surveys to assess campus sexual violence. The 2014 Not Alone Toolkit offered a model for conducting campus climate surveys on sexual assault and directed the following be assessed, prevalence and context of sexual assault, student perceptions on leader trustworthiness and campus safety, student awareness and education on campus policies, resources, and prevention; and reporting and disclosure behavior (White House, 2014a). The Campus Climate Survey Validation Study (CCSVS), conducted by the U.S. Department of Justice’s Bureau of Statistics (BJS, 2015) developed and tested an instrument derived from the 2014 Not Alone Toolkit. The survey was completed by 23,000 undergraduate students across nine colleges and universities; data from this pilot test are forthcoming.
To support this guidance, McMahon, Stapleton, O’Connor, & Cusano (2015) of Rutgers University were invited to pilot a sexual violence campus climate survey by the White House and the U.S. Department of Justice, Office of Violence Against Women (OVW). They found campus climate surveys to be most effective when grounded in a larger assessment process, linked to an overarching plan of institutional action, tailored to the unique nature of each institution, and inclusive of all students. Cantor et al. (2015) also examined campus climate around sexual assault and sexual misconduct and determined that 63% of student respondents felt that a report of sexual assault or sexual misconduct would be taken seriously by their university, however, less than 28% of serious incidents were reported to Title IX offices or law enforcement. Of concern were the findings that only 25% of students believed they were knowledgeable about the resources related to sexual assault and misconduct. The federal government has made clear its guidance on campus climate surveys, as IHEs consider how to best assess the climate of sexual violence on campus they must balance the value of well executed surveys with the challenges of developing sound instruments.

**Benefits and challenges of campus climate surveys.** Cantalupo (2014) projected the value of mandated campus climate surveys in her examination of 15 schools that had conducted sexual violence surveys. She ascertained that many of these schools had surveys designed to measure prevalence of sexual violence; assess needs, measure program efficacy, and evaluate university response. She aptly reflected that mandated campus climate surveys allow institutions to deliver incidence numbers to the public while normalizing institutional prevalence rates.

**Investigation and Adjudication of Campus Sexual Violence**

The U.S. Department of Education, Office of Civil Rights (OCR, 2014) outlined the nature and expectations of investigations into campus complaints of sexual violence. Title IX
(1972) provides the legal framework for institutional investigations of sexual violence. A Title IX investigation is defined as the resolution mechanism; this includes the fact–finding investigation, hearing, and decision–making process.

Administratively, institutions must “end the sexual violence, eliminate the hostile environment, and prevent its recurrence” (OCR, 2011, p. 4). OCR (2014) instructed schools of the following,

The investigation may include, but is not limited to, conducting interviews of the complainant, the alleged perpetrator, and any witnesses; reviewing law enforcement investigation documents, if applicable; reviewing student personnel files; and gathering and examining other relevant documents or evidence. (p. 26)

OCR (2014) acknowledged that each institution will vary in the investigative process and has not mandated an investigative model; however, all investigations must be balanced and fair for all parties.

**Investigative Models**

The formal grievance process for complaints of sexual violence includes the Title IX (1972) investigative process, institutional adjudication process, and in some instances criminal process (Fleck-Henderson, 2012). The Association for Student Conduct Administration (ASCA, 2014) noted that investigations could be done through Human Resources, a single investigator, an outside company, the student conduct office, or the division of student affairs; further, investigations have been categorized into three models, the investigative model, traditional hearing model, and a hybrid model (ASCA, 2014; National Center for Student Life [NCSL], 2015). The investigative model must meet the needs of the institution, taking into account mission, resources, existing policies, and campus culture (ASCA, 2014).
Prior to the OCR (2011) Dear Colleague Letter (DCL), Karjane, Fisher, and Cullen (2002, 2005) examined campus response to sexual assault. They found that half of four year public institutions surveyed used an investigative stage (Karjane et al., 2002), however, found several years later that formal investigative processes were only utilized by one–fourth of schools, due process was present in only 40% of schools, while 80% of schools utilized hearing boards (Karjane et al., 2005). Amar, Strout, Simpson, Cardiello, and Beckford (2014) found that most campuses used a closed hearing process and approximately one third used a fact–finder model. The U.S. Senate (2014), using Karjane et al. (2005) as a benchmark, found that 41% of schools in the national sample have not conducted a single investigation into sexual violence in the previous five years; furthermore 6% of the largest public institutions had not conducted investigation in the last five years. While the U. S. Senate (2014) findings are not refereed, they are of particular note given their role in informing and guiding federal policy and policy makers (Campus Accountability and Safety Act, 2015).

**Single investigator model.** Variance in the definitions of the single investigator model emerged in the literature. A single investigator model describes a single investigator who conducts investigations and refers them to adjudication; also referred to as the single fact–finder model (Amar et al., 2014; ASCA, 2014). Conversely, the single investigator model is also framed as a single investigator who conducts an investigation, reaches a finding, and issues a sanction (NCSL, 2015). Harper and Rifkind (1992) raised concerns that a single model investigator model places too much pressure on the investigator to act as “judge, jury, and executioner” (p. 50). A single investigator model allowed for a small, trained staff of decision makers; a simplified and expedited process that is victim centered, and mirrored that of human resource models (Amar et al., 2014; NCSL, 2015). Furthermore, single investigator models are
the most efficient, have high potential for consistency, and offer the highest level of privacy (ASCA, 2014). Arguably, this model allows for a limited number of well–trained investigators to ensure impartiality and quality.

**Traditional hearing model.** The traditional hearing model utilizes administrative or panel hearings to review a case with investigations conducted as a function of the hearing (NCSL, 2015; Shipper, 2012). A hearing model is the traditional model used in student conduct adjudication; hearings allow members of the campus community to review cases and arrive at policy violation determinations (ASCA, 2014). The hearing model may utilize administrative hearings wherein one adjudicator trained in conduct serves as an administrative hearing officer.


**Hybrid model.** Hybrid investigative models combine single investigator and hearing board models (ASCA, 2014; NCSL, 2015). Hybrid models may involve an investigation, possibly housed in an equity office, where in a preliminary determination is reached and referred to the student conduct office. Alternatively, one conduct officer may complete an investigation while another facilitates the adjudication of the complaint. Hybrid models also come in the form of an investigation, finding, and then referral to a hearing panel if a respondent does not accept responsibility. Hybrid models vary by institution and offer the most customizable model (ASCA,
As hybrid models combine components of a single investigator and hearing model there is flexibility for institutions to generate a model that best serves their needs and aligns with current practices. Comparisons among hybrid models are challenging given model variability, however, an investigation separate of the hearing is advisable, specifically so that a trained investigator may conduct private interviews that limit the stressful atmosphere of hearings (Shipper, 2012). Most recently, OCR (2015f) publically lauded the University of Virginia for their policy which employs a hybrid model. After review of University of Virginia’s (UVA, 2015) student policy, a hybrid model with a heavy reliance on a single investigator is employed by which the investigator conducts a fact–finding and reaches a determination. Once a determination is made, if the student is found responsible the matter is sent to a hearing panel to determine sanctions.

**Investigator Selection**

Investigators require a unique skill set (Remick et al., 1996) and selection of investigators must take into account such skills. Investigators must be prepared to listen and respond to accounts of sexual violence, including sexual assault and rape; present and defend aspects of investigations, and face criticism and scrutiny on findings and reports. Furthermore, investigations are subject to outside enforcement agencies (Remick et al., 1996) and investigators may be asked to serve as witnesses in litigation (Cole et al., 2006). A good investigator will be cognizant of institutional structure, hierarchy, and culture. Investigators must also then be relatable and possess exemplary communication skills across varying populations (Cole et al., 2006; Remick et al., 1996). Equally, investigators need to maintain objectivity and professional distance from all parties to make impartial judgments throughout the investigation. Investigator gender may serve as a consideration for victims who more comfortable with either male or
female investigators; mixed gender investigative teams have been recommended to meet this need.

Training

OCR (2011) mandated that all persons involved in the Title IX (1972) process, including Title IX coordinators, investigators, and adjudicators, be trained to respond to sexual harassment and sexual violence complaints and institutional policy. Investigators should be trained in the dynamics of sexual assault, victim behaviors, intimate partner violence, the aggravating effects of drugs and alcohol, and consent (Smith & Gomez, 2013). Recognizing the unique nature of sexual violence, sexual victimization, and impact of trauma on memory the White House Task Force to Protect Student from Sexual Assault (White House, 2014b) guided institutions to implement trauma–informed training for administrators. Moreover, OCR (2014) specifically outlined training requirements for responsible employees, including training on the use of non–judgmental language and the impact of trauma on victims. Trauma–informed sexual assault investigations are an emerging form of institutional response to campus sexual violence. The National Center for Campus Public Safety (NCCPS, 2015) is currently developing a trauma–informed training program following White House (2014b) directives.

Trauma–informed interview strategies are a component of a trauma-informed response to campus sexual violence. As interview techniques continue to develop in the campus space, it is necessary to draw upon trauma–informed investigation research in military and criminal justice settings. The U. S. Department of Defense (DOD 2013a, 2013b) has utilized Forensic Experiential Trauma Informed Interview (FETI) training, developed by Russell Strand of the United States Army Military Police School (Cronk, 2013). FETI is an interview technique that utilizes leading strategies on child forensic interviews, critical incident stress management, and
motivational interview techniques to understand the traumatic experiences of victims (DOD, 2013b), and has been effective in investigations of domestic violence and child abuse (DOD, 2013a). In the law enforcement setting Archambault and Lonsway (2013) offered a comprehensive guide for interviewing victims of sexual violence. In the context of a criminal sexual assault investigation the victim interview is the most significant piece of evidence. To maximize victim interviews questions are to be framed in an open–ended non–judgmental fashion. For example, questions such as “Did you fight or scream?” or “Why didn’t you try to run away or fight back?” should be avoided, and instead replaced with open ended prompts such as, “What did you do next?” or “Tell me what you were thinking at that point” (pp. 12-13).

**Trauma**

Trauma has been documented since at least as far back as Ancient Greece (Bloom, 2013). Awareness grew in the late nineteenth century in the study of hysteria and again after the first and second world wars in what was known as shell shock, combat fatigue or combat neurosis. Understanding evolved further in the 1980’s with the diagnosis of “post–traumatic stress disorder” in the Diagnostic and Statistical Manual of Mental Disorders (DSM). Simply stated, “Trauma shatters assumptions; it destroys the wall of safety and invulnerability that we use to shield ourselves from harsh realities, from recognizing our essential vulnerability” (Bloom, 2013, p.xviii). The most common source of trauma for women is sexual assault or child sexual abuse (U.S. Department of Veterans Affairs [USDVA], 2016).

Sexual violence has negative outcomes including psychopathology, risk behaviors, and interpersonal and intrapersonal problems (Walsh, Galea, & Koenen, 2012). The sequelae, conditions that are the consequence of a previous disease or injury, most examined with sexual violence are posttraumatic stress disorder (PTSD), major depressive disorder (MDD), and
substance use disorders (SUDs). The American Psychological Association (APA, 2015) defined PTSD as, “an anxiety problem that develops in some people after extremely traumatic events, such as combat, crime, an accident or natural disaster. People with PTSD may relive the event via intrusive memories, flashback and nightmares; avoid anything that reminds them of the trauma; and have anxious feelings they didn’t have before that are so intense their lives are disrupted” (para. 1). In a national sample of college women approximately 34% of rape victims met the criteria for PTSD (Kilpatrick, Resnick, Ruggiero, Conoscenti, & McCauley, 2007). The number increases to 40% of college women who have been revictimized (Walsh et al., 2012).

**Trauma Exposure**

Bloom (2013) boldly expressed that exposure to trauma is toxic for caregivers and staff. She noted, “The participant–observer is completely unprepared for what is coming and inevitably experiences some kind of secondary or ‘vicarious’ traumatization at witnessing the horror and trauma of a past time intruding into the present” (p. xviii). Those who respond to trauma experience trauma exposure response, compassion fatigue, secondary traumatic stress disorder, vicarious traumatization, and secondary trauma (Lipskey & Burk, 2009). Trauma exposure response, a term defined by Lipskey and Burk (2009) is, “the traumatization that takes place within us as a result of exposure to the suffering of other living beings or the planet” (p. 41). Figley (2002) identified compassion fatigue as one form of caregiver burnout. He eloquently wrote,

> The very act of being compassionate and empathic extracts a cost under most circumstances. In our effort to view the world from the perspective of the suffering we suffer. The meaning of compassion is to bear suffering. Compassion fatigue, like any other fatigue, reduces our capacity and interest in bearing the suffering of others. p. 1435
Compassion fatigue is also referred to as secondary traumatic stress (Jenkins & Baird, 2002).

Vicarious trauma has been defined as, “the response of those persons who have witnessed, been subject to explicit knowledge of or, had the responsibility to intervene in a seriously distressing or tragic event” (Lerias & Byrne, 2003). Vicarious trauma is commonly referred to as secondary trauma (Perron & Hiltz, 2006). Another construct of trauma is that of burnout, which is “conceptualized as a defensive response to prolonged occupational exposure to demanding and interpersonal situations that produce psychological strain and provide inadequate support” (Jenkins & Baird, 2002, p. 424).

**Contexts for trauma exposure.** As the impact of trauma exposure in the context of Title IX investigators is nonexistent, it is imperative to understand trauma exposure in varying contexts. Those contexts can be explored through fields that respond to sexual violence including mental health professionals, forensic interviewers, nurses, and researchers. Finally, the concept of trauma stewardship offers an identification of and response to trauma exposure across all fields.

Schauben and Frazier (1995) presented an understanding of the effects counselors incur as a result of working with sexual violence survivors. They focused specifically on female counselors, most of whom were Caucasian, who worked with survivors of sexual violence. They found that counselor’s symptoms of vicarious trauma related directly to the percentage of sexual violence survivors in their case load. Prior victimization of counselors did not significantly relate to symptoms. They further established that counselors used a variety of coping strategies, including active coping, seeking emotional support, planning, seeking instrumental social support, and humor. Least common coping strategies included alcohol or drug use, denial, and behavioral disengagement. Additionally, female mental health professionals who worked with
sexual assault survivors reported positive outcomes that included client resilience, personal growth, collegial support, and a sense of the value of their work.

Salston and Figley (2003) focused their work on those who work with traumatized survivors of criminal victimization. They provided a valuable review of literature in secondary traumatic stress, burnout, compassion fatigue, vicarious trauma, and countertransference. The authors found that professionals who work with people traumatized by criminal victimization are at risk of being traumatized. For those professionals to effectively care for themselves identifying the effects of this trauma is important. The authors noted that it is vital that professionals who work with trauma receive increased training and asserted that there is a duty to inform those who with traumatized people about the hazards of this work combined with an obligation to prepare them for these hazards.

Perron and Hiltz (2006) examined burnout and secondary trauma among forensic interviewers of abused children. Their sample consisted of Caucasian females who served as forensic interviewers at child abuse evaluation centers. They hypothesized that higher number of interviews is associated with burnout and secondary trauma, burnout and secondary trauma evolve over time, higher self–efficacy is associated with lower burnout and secondary trauma, and that satisfaction with the organization moderate’s burnout and trauma. They found strong connections between the interviewers’ satisfaction with their organization and burnout, specifically disengagement and exhaustion. They were unable to determine if personal characteristics or duties specific to forensic interviewing had a significant relationship with burnout or secondary trauma.

Wies and Coy (2013) offered rates on vicarious trauma among sexual assault nurse examiners (SANEs). Results indicated that almost 60% of SANEs report symptoms of vicarious
trauma. They voiced that SANEs who experience vicarious trauma are not yet considered victims of gender–based or sexual violence. They argued that the definition of victimhood be revisited to include those working at the forefront of gender–based violence intervention systems.

Coles, Astbury, Dartnall, & Limjerwala (2014) explored the trauma experiences of researchers who investigate sexual violence. They reported that physical and emotional distress were experience by researchers, the most common emotional responses being: anger, guilt and shame, fear, crying, feeling sad, and depression. They felt that some symptoms described by researchers aligned with secondary traumatic stress and vicarious trauma. Those symptoms included nightmares, fear, anger, irritability, intrusive thoughts, and difficulty concentrating. The authors found that some researchers felt ill equipped to engage in their work, had difficulty managing the emotional impact, and described their worldview as being forever changed with the awareness of harm and suffering that comes with sexual violence. They suggested that to conduct sexual violence research safely strategies must be considered at the level of the individual researcher, their supervisors, and their organization.

Lipskey and Burk (2009) wrote about those who respond to trauma and trauma exposure response. They coined the term trauma stewardship and noted “Trauma stewardship refers to the entire conversation about how we come to do this work, how we are affected by it, and how we make sense and learn from our experiences” (p. 6). The audience of their work is broad and meant to apply anywhere in which trauma is experienced, whether that be in schools, animal shelters, military policy, social workers, or many other areas. The authors suggested trauma stewardship is a practice that individuals, organizations, and societies can utilize. Trauma stewardship has three levels: personal dynamics, organizational tendencies, and societal forces.
Personal dynamics addressed individuals’ history of trauma, resources, and personality.

Organizational tendencies described the way in which an organization handles trauma exposure for their staff. Societal forces approached how society interacts with trauma exposure from a meta level. They proposed the following 16 warning signs of trauma exposure response:

- Feeling helpless and hopeless,
- A sense that one can never do enough,
- Hypervigilance,
- Diminished creativity,
- Inability to embrace complexity,
- Minimizing,
- Chronic exhaustion and physical ailments,
- Inability to listen and deliberate avoidance,
- Dissociative moments,
- Sense of persecution,
- Guilt,
- Fear,
- Anger and cynicism,
- Inability to empathize/numbing,
- Addictions, and
- Grandiosity: An inflated sense of importance related to one’s work.

The authors offered suggestions on the practice of self-care and recommended patience to negotiate the cycle of trauma exposure response.
Summary

This review of literature examined multiple sources including electronic databases (ERIC, Academic Search Premiere, LexisNexis Academic, Web of Science, and Psych Info), government documents, and major public search engines. Referred journal articles, books, federal reports and government documents, white papers, training materials, law and case law, and conference publications were examined to generate a comprehensive review of relevant literature on campus sexual violence. Chapter Two reviewed the following areas, a) prevalence of campus sexual violence, b) federal law on campus sexual violence, c) university response, d) investigation and adjudication, and e) trauma and trauma exposure.
CHAPTER THREE: METHODS

To explore the experiences of Title IX investigators I conducted phenomenological research design, epistemologically informed by a constructivist paradigm. To substantiate my design, I explored both historical and current amalgamations of phenomenology. I described my specific approach of Interpretive Phenomenological Analysis (IPA) through the selection of that design, the research question, data collection, and data analysis. Through the formation of my research design, I discussed the impact and value of a pilot study conducted in the spring of 2015. Finally, I offered an in-depth demonstration of the quality of the research design.

Research Design

The selection of a research paradigm is contingent on how the researcher sees and understands the world (Hathaway, 1995). Researchers confront questions about what areas will be investigated, who is best positioned to undertake those investigations, and what skillsets are required to conduct investigations (Wainer, 2010). The relationship of the researcher to the phenomena, the researcher’s epistemological framework, and the goals of the research are factors in research paradigm selection (Smith, 1983), while methodological decision making is driven by research questions (Howe & Eisenhart, 1990).

The theory of knowledge, known as epistemology, informs philosophical viewpoints or theoretical perspectives, from which methodology and methods are derived (Crotty, 1998). Epistemology frames the basic nature of knowledge and how knowledge is understood. Objectivist epistemology posits that meaning and reality exist unto themselves, that the meaning of an object is inherent to the object. In contrast, constructionism assumes that there is no meaning until people engage with an object and construct meaning.
Constructivist epistemology accepts meaning as constructed, rather than absolute and inherent to the object (Crotty, 1998). The construction of meaning develops as people engage and interpret the world around them. There is relativity within constructivism given the diverse nature of human beings. Qualitative research then is grounded in constructivist epistemology. The constructivist approach, often combined with interpretivism, finds that people want to understand their world, which is full of subjective meanings (Creswell, 2014). The interpretivist perspective considers the cultural and historical interpretations and contexts of social reality (Crotty, 1998). Further, interpretivism seeks to understand and make meaning of experiential constructions (Flick, 2009; Merriam, 2002).

Informed directly by epistemological underpinnings, methodology is defined as the strategy or action plan that informs specific methods utilized in research (Crotty, 1998). Qualitative research methodology should be employed when a problem needs to be explored to better understand the complex and nuanced nature of the issue through shared experiences (Creswell, 2013). As such, qualitative methods fundamentally differ from quantitative methods, as demonstrated by the five approaches to qualitative research, narrative, phenomenology, grounded theory, ethnography, and case study (Creswell, 2013). Narrative research relies on the collection of stories from individuals with the objective to obtain data about lived and shared experiences, whereas the phenomenological approach focuses on the shared and common experiences of several individuals. The discovery of a unique theory for a process or phenomena is done through grounded theory research. Qualitative researchers employ ethnographic research to understand a group that shares the same culture, with a particular focus on the culture itself, whereas case study methods are used to explore an issue or problem within the context of a bounded singular system or case. Data is often collected through observation, interviews,
document analysis, and audio–visual materials (Creswell, 2013, 2014; Flick, 2009; Gay et al., 2012). Data analysis procedures for qualitative research include coding data into meaningful segments from which themes are derived and described (Creswell, 2013, 2014). Thick, rich description of qualitative findings is a categorical characteristic of qualitative research and critical validity metric (Creswell, 2013, 2014; Geertz, 1973; Guba & Lincoln, 1982). Ultimately, superior qualitative research is grounded in theory, rich with description, and focus on nuanced individual meaning (Creswell, 2014; Hathaway, 1995).

**Phenomenology**

To answer my research question of how Title IX investigators experience investigations into sexual violence, a phenomenological approach becomes a methodological imperative as phenomenological studies focus on the shared lived experiences of several participants to better understand a phenomenon (Creswell, 2013). This approach is fitting in the study of “affective, emotional, and often intense human experiences” (Merriam, 2014, p. 26). Phenomenology has a rich historical and philosophical foundation, influenced heavily by Husserl, Heidegger, Gadamer, Merleau-Ponty, and Sartre (Creswell, 2013; Smith, Flowers, & Larkin, 2009) and shaped by contemporaries such as Moustakas and van Manen (Creswell, 2013).

**Husserl’s Phenomenology**

Husserl stood at the crossroads of philosophy and science (Moustakas, 1994) as he argued for system of philosophy by which the human experience is examined (Smith et al., 2009). Husserl (1983) reflected that “pure or transcendental phenomenology” stands as a “science of essences” (p.xx). Spiegelberg (1960) offered five foundational tenets of Husserl’s phenomenology: 1) phenomenology stands as a rigorous science, 2) the “phenomena of consciousness” is the central subject matter, 3) phenomenology is characterized by exploration
and description of the phenomena through lived experiences, 4) a method of phenomenological reduction must be applied to suspend beliefs, and finally, 5) phenomenology aims to examine and justify beliefs, through perception. Elegantly stated, phenomenology requires attention to the taken-for-granted experience of a phenomenon (Smith et al., 2009). A signature component of Husserl’s phenomenology is that of intentionality, which described consciousness and the experiences of and attentiveness to the conscious process (Moustakas, 1994; Smith et al., 2009). Husserl (1983) called for phenomenological reduction to reach the pure essence of a phenomena. He argued that preconceptions must be set aside, or “bracketed” through a series of reductions to reach the pure essence of the experienced phenomenon (Smith et al., 2009).

**Heidegger’s Phenomenology**

Heidegger, a protégé of Husserl’s, moved phenomenology from the abstract to the tangible (Smith et al., 2009), and so evolved Husserl’s transcendental phenomenology to existential phenomenology (Spinelli, 1989). Heidegger’s existential phenomenology is also referred to as interpretive phenomenology and hermeneutic phenomenology (Sloan & Bowe, 2014). Heidegger’s work focused on being in the world and the authentic (recognition of individuality) versus inauthentic (rule–bound and conventional) nature of existence. In contrast to Husserl, Heidegger ontologically questioned existence (Dowling, 2007; Smith et al., 2009). He found interpretation as critical to understanding, that being human is by nature interpretative (Laverty, 2003), and further argued that a person is always in context and cannot separate from the ever present relationship to that context (Larken, Watts, & Clifton, 2006). Hermenutics, defined as the theory of interpretation, is what Heidegger ultimately strove for in his interpretative phenomenology (Smith et al., 2009).
Gadamer’s Phenomenology

Gadamer built on the work of Heidegger’s hermeneutic phenomenology by demonstrating that interpretation is the foundational component of experience (Moustakas, 1994). Gadamer emphasized the hermeneutic circle, representative of the art understanding, which focused on prejudice, linguists of understanding, history, the fusion of horizons, and the lived experience (Annals, 1996). His work on hermeneutics specifically focused historical and literary textual analysis and stressed the significance of history and tradition on the interpretive process (Smith et al., 2009). Weighing into the depths of verbal and written tradition Gadamer (1994) asserted that hermeneutics above all else is the “understanding of texts” (p. 393) of which the historical dimension cannot be overlooked. As Regan (2012) reflected, “Gadamer’s suggests hermeneutics is not a method but a fluid set of guiding principles aiding the human search for truth in the concealed forgetfulness of language” (p. 291).

Merleau-Ponty’s Phenomenology

Merleau-Ponty developed further Husserl’s line of existential phenomenology (Sadala & Adorno, 2002; Smith, Flowers, & Larkin, 2009). Merleau-Ponty offered that humans see themselves differently from everything else because they are constantly looking out at the world as opposed to being one within it (Smith, Flowers, & Larkin, 2009). He aligned with Hurssel’s phenomenological reduction, and held that the body itself grants access to the world and is therein the means for experience (Racher & Robinson, 2002). Merleau-Ponty’s phenomenology sought the “original awareness” through what he labeled the “primacy of perception,” and posited that both researcher and participant must bracket assumptions and common sense (p. 474).
**Sartre’s Phenomenology**

Sartre’s approach to phenomenology, while complimentary of Husserl, argued ardently against attempts to bracket (Spinelli, 1989). Sartre noted that no matter the extent of bracketing to ultimate reality will never be fully known. Central to Sartre’s interpretation of phenomenology are three states of being, a) being-in-itself (unconscious object), being-for-itself (a being conscious of itself and others), and being-for-others (the manner in which a being interprets its world). Sartre’s concept of nothingness suggested that the absence of something is as important as its presence in meaning making (Smith et al., 2009). At the crux of Sartre’s phenomenology is concern for “becoming rather than being” as situated in personal choice, individual context, history, and current social climate.

**Moustakas’ Transcendental Phenomenology**

Contemporary phenomenology arrived in two approaches, Moustakas’ (1994) transcendental phenomenology and van Manen’s (1990) hermeneutic phenomenology (Creswell, Hanson, & Clark, 2007). Moustakas’ (1994) transcendental phenomenology dwelled on the description of experiences rather than the researcher’s interpretation (Creswell et al., 2007). Moustakas (1994) wrote of transcendental phenomenology, “The phenomenon is perceived and described in its totality, in a fresh and open way” (p. 34). He offered three core processes in the methodology of transcendental phenomenology, 1) Epoche, 2) transcendental–phenomenological reduction, and 3) imaginative variance. To revisit phenomena in a “fresh” way the investigator must set aside assumptions, understanding, and knowing, referred to as Epoche. Once Epoche is accomplished the investigator must consider each experience through a complete description of the very basic components, known as transcendental–phenomenological reduction. Finally, the imaginative variation stage allows the investigator to come upon the essences of experience,
connecting what is known and begets the experience. Drawing heavily from Husserl, Moustakas (1994) offered a methodology that involved bracketing, data collection from multiple persons, data analysis through reduction, and categorization of themes (Creswell et al., 2007).

**van Manen’s Hermeneutic Phenomenology**

As Moustakas (1994) focused on method, van Manen (1990) emphasized an interpretive, descriptive approach (Creswell et al., 2007; Giorgi, 2006). van Manen (2014) articulated that phenomenology is about the method of questioning in search for prereflective experiences (van Manen, 2014). More specifically, van Manen’s (2007, 2014) phenomenology of practice addresses questions of practices for professional practitioners. He argued phenomenology is particularly valuable for professional practitioners in that it offers insight into competency and professional capabilities, including, but not limited to ethical sensitivities, interpretive talents, thoughtfulness, and tact. Further, phenomenological interviews avoid cultural narrative, perspectives and interpretations, and instead aspire to obtain accounts of participants true to the nature of the experience free from reflection (van Manen, 2014). He rejected traditional views on validity and argued that validity in phenomenological research emerges through the epoche, or suspension of researcher bias.

**Interpretive Phenomenological Analysis**

Drawing upon the rich traditional history of phenomenology and acknowledging phenomenological contemporaries such as Moutakas and van Manen, my research question demands a methodology that seeks to understand a unique phenomenon within a specific setting. Influenced by Husserl, Heidegger, Gadamer, Merleau-Ponty, Sartre, Moustakas, and van Manen Interpretive Phenomenological Analysis (IPA) submits that “attempts to understand other people’s relationship to the world are necessarily interpretive, and will focus upon their attempts
to make meanings out of their activities and to the things happening to them” (Smith et al., 2009, p. 21). IPA, as an interpretive approach, finds Heidegger’s hermeneutic underpinnings particularly informative. The hermeneutic circle offers levels of “the part” and “the whole,” which encourages a fluid back and forth approach to data analysis. By way of example, my own experiences and background symbolize the “whole” and my interaction with a participant stand as a “part.” In combination with the philosophical underpinnings of phenomenology and hermeneutic approaches, idiography has equally influenced IPA. Idiography refers to the particular, both in the sense of detail and “how particular experiential phenomena (an event, process, or relationship) are understood from the perspective of particular people, in a particular context” (p. 29). Ultimately, a detailed examination of the human lived experience that allows for a unique expression free from preconceived categorization unequivocally grounds IPA in both phenomenological and idiographical frameworks.

**Choosing IPA**

In the formation of my study I considered heavily the work of van Manen (2014) as it related to the phenomenology of practice. A study, where in the focus is an actual function of a professional position made van Manen (2014) an attractive starting point. However, on further exploration of van Manen (2014) the offerings were nebulous and emphasized to strongly the complete bracketing of the researcher from the subject, a task even van Manen argues as highly unlikely (Crewsell et al., 2014). Given my “insider” relationship to the setting and participants this would prove insurmountable and also detract from my ability to effectively interpret participant experiences.

Further van Manen (2014) emphasized the search for the “prerefexive” through the interview process to get at “the thing” or essence of the phenomenon. As I explored various
methods, I realized quickly that I am searching for that reflexive understanding of participants, specifically how they experience the phenomenon of investigating campus sexual violence. They way in which they reflect on that experience is meaningful. Finding van Manen’s work of value, but not the most suitable avenue to answer my research question I begin to explore IPA. As a method, IPA aims to understand the reflections of people as they engage in an experience (Larkin & Thomason, 2012; Larkin et al., 2006; Smith et al., 2009). The selection of IPA as my methodological imperative was driven by the very nature of my research question, my particular sample and setting, and my prerogative as an insider.

**Asking an IPA question.** My research question is how do Title IX investigators experience the investigation of campus sexual violence? The objective then is to understand the experience of Title IX investigators as they engage in this particular phenomenon. To best answer this question IPA offers an elegant and epistemologically aligned solution, in its most basic form IPA is the exploration of experiences and understandings (Smith at al., 2009). IPA offers methodology that answers open questions and focuses on meaning making. It demands a question that is not overly ambitious, but stands as the guiding first–tier research question.

**Particular sample and setting.** Harking back to the root of IPA in idiography, my selection of a sample and setting is theoretically grounded in the need to study the “particular.” Even in its infancy, I knew this study had to be conducted at one location with a specific group of participants who work at that location, because the experience of this group at this location would be dissimilar to that of any other group and at any other location. IPA studies are conducted with small sample sizes, because the sample “represents’ a unique perspective, rather than a population” (Smith et al., 2009, p. 49). The sample must be relatively homogenous and may be rare given the subject. IPA offers that anywhere between three and six participants serve
as an appropriate sample size for novice researchers, but ultimately sample size should be based on the research question and the obtainable quality of the data. On the offset understanding that given the unique role of Title IX investigator at the institution, I would have access to no more than seven individuals.

**Researcher as insider.** I have made the methodological decision to pursue a topic, research question, sample, and setting of which I am deeply connected. Smith et al. (2009) presented that while IPA does not mandate “insider” status, it requires a researcher at the very least imagine what insider status may entail to effectively carry out an IPA study. I find that my insider status, not without its challenges, positions me to conduct IPA and gain access to subjects and experiences in an authentic, meaningful way. Regardless of intimacy with the subject at hand, honest reflection and awareness of preconceptions are essential in conducting IPA. A signature of the IPA approach is that the researcher not only stand in the shoes of the participant, but also stand alongside the participant. This speaks to the tension of the space–between that an insider researcher must acknowledge and embrace to understand participant perspectives, while conducting a poignant inquiry to gather meaningful data.

**Research Question**

Questions that necessitate phenomenological methodology are ones that surround a particular experience that generated wonder and reflection (van Manen, 2014). The nature of the experience, the meaning, and how the experience is lived through are central to phenomenological inquiry. Research questions that solicit an IPA approach must explore people’s understanding of their experiences (Larkin, & Thompson, 2012; Smith et al., 2009). Driven by that methodological imperative this qualitative phenomenological study was guided
by the following first-tier research question: How do Title IX investigators experience the investigation of campus sexual violence?

Setting

Data was collected at a four-year public institution with an undergraduate enrollment of 21,000 students. The institution is an accredited state-assisted residential university located in a midsize Midwestern city that has earned the Carnegie Foundation classification of research activity. As a four-year public state-assisted institution, it is the recipient of Title IV funds and subject to Title IX (1972).

The decision to conduct a single-institution design was informed by IPA, which strives to understand the particular experience and argues for smaller number of participants to better understand the individual nature of each experience (Smith et al., 2009). Given that Title IX processes and policies vary by institution, a single-institution design offers an understanding of the unique experience of Title IX investigators within the same institutional context, governed by the same institutional policy.

Sampling

In this IRB-approved study participants were identified through their current employment as student affairs and academic affairs professionals at the institution, further distinguished by their designation as current Title IX investigators (Appendix A). I employed purposeful sampling, a strategy often employed in qualitative studies (Merriam, 2014) and IPA research (Smith et al., 2009). The use of purposeful sampling enabled me, as the researcher, to select participants, which based on my judgment, will contribute rich and meaningful information (Creswell, 2013; Patton, 2015). Furthermore, criterion sampling strategy was used to narrow the sampling range to only those participants that have experienced in the phenomenon
(Creswell, 2013). As this study is based on the phenomenon of the Title IX investigative process the criteria then must be that participants have experience in investigating student complaints of sexual violence. Specifically, participants must be full–time student affairs or academic affairs professionals at the university who are designated and currently serving as Title IX investigators into student complaints of sexual misconduct. Criterion sampling provides quality assurance of the sample (Creswell, 2013; Patton, 2015). As the “particular” population of current Title IX investigators numbers seven, the researcher ambitiously aimed to interview four to seven participants.

**Recruitment**

Participants were identified through their current employment within the student affairs division of the institution, further distinguished by their designation as current Title IX investigators. The researcher wrote to the Title IX Coordinator (Appendix B), whose title and contact information is public on the institutional website, and requested the names and emails of current and former Title IX investigators. Participants only designated as current investigators were sent a recruitment email soliciting participation in the study (Appendix C).

**Data Collection**

The sole avenue for data collection was in–depth interviews approximately 60-90 minutes in length. A total of seven participants interviewed one time, this sample size was determined based on the nature of IPA, which allows for small sample sizes of typically three to six participants (Smith et al., 2009). Further, seven participants met the criteria of Title IX investigator at the institution allowing for this as the maximum number. Interviews were conducted at a location and time convenient to each participant. Participants were sent informed consent forms via email prior to the interview. Upon the start of the interview, I carefully
reviewed the informed consent and address any questions or concerns the participant may present (Appendix D). Once the informed consent was signed, I requested permission to digitally record the interview. The interviews were conducted through a semi–structured interview approach.

Semi–structured interviews were conducted to collect data, the primary research technique in IPA (Smith et al., 2009). I, as the researcher, served as the instrument in interviewing (Kvale & Brinkman, 2009). Interviews were facilitated by an interview protocol conducive to semi–structured interviews will be used, which encourages the interviewer and participants to explore areas of interest in a flexible manner, while still maintaining consistency across participants (Bogdan & Biklen, 2007; Flick, 2009). Through the use of an interview schedule I created a loosely structured interview agenda that shaped interviews, but did not create a forced or rigid interview atmosphere (Smith et al., 2009).

**Semi–Structured Interview Schedule**

Following Smith et al. (2009) guidance on semi–structured interview schedules I considered the flow of the interview, the desire to obtain rich narratives or description, and the need to pose open non–leading questions. They offered that a schedule may consist of six to 10 open questions along with possible prompts. Further, it is common to draft an excess of questions initially and then during revision eliminate questions. They remind researchers that ideas will evolve during the process and then again after a pilot or first interview is conducted. The finalized semi–structured interview schedule was utilized in each interview conducted (Appendix E).
Transcription

All interviews were digitally recorded to ensure the accuracy of the shared experiences. Interviews were transcribed as this serves as a significant component in the collection and analysis of data (Bird, 2005; Hycner, 1985; Kvale & Brinkman, 2009; Smith et al., 2009). I transcribed interviews without the use of software or an outside transcriber. This was done to intentionally familiarize and work closely with the data (Smith et al., 2009). Once transcribed, pseudonyms were assigned so that no personal information (i.e., name, institution, or any other names) were identifiable in the narratives. Data were kept confidential and stored on a password protected flash drive. Paper data were kept in a locked filing cabinet in my home office. All recordings were destroyed once the transcriptions were completed. All raw data was destroyed at the conclusion of this study.

Data Analysis

As IPA calls for the exploration, description, interpretation, and situation of participants meaning making it is important to have an organized and transparent approach to analysis (Larkin & Thompson, 2012; Smith et al., 2009). To achieve this Smith et al.’s (2009) step-by-step IPA data analysis was implemented. Smith et al. (2009) acknowledged there is no “one” way to analyze data, however, they offered a practical and clear heuristic framework for novice and intermediate researchers which I have chosen to employ in this study.

Reading and Re–Reading

Per Smith et al. (2009) I first thoughtfully read and re–read interview transcripts to fully appreciate the experiences of participants. The process of reading and re–reading included the recording of my own initial reflections and observations in a researcher’s notebook. This allowed for the bracketing of these initial reflections during the initial phase of data analysis.
Initial Noting

After I have engaged in a careful reading and re-reading of interview transcripts I embarked on the most intense and time-consuming portion of data analysis (Smith et al., 2009). I transitioned the second phase of data analysis which required initial noting through descriptive comments, comments on language, and conceptual comments regarding my early interpretations of the data. To generate detailed and comprehensive notes and comments I utilized a purely descriptive, phenomenological approach and a heuristic, interpretive approach that aided me in understanding the participant’s experiences.

Descriptive comments described what the participant has shared within the transcript and will be noted in normal text. Linguistic comments highlighted the specific language used by the participant and will be noted in italic text. The final level of annotation was that of conceptual comments. Conceptual comments were of an interrogative nature, meaning I raised questions about the meanings of the text. These comments were designated through underlined text. The act of exploratory noting was as critical to the engagement with the data as the act of transcription itself.

I constructed a table to facilitate initial noting (Appendix J). After reading each interview segment, I developed exploratory notes. Descriptive comments were noted in normal text, linguistic comments in italics, and conceptual comments were underlined. Linguistic and conceptual comments were the formation of the emergent themes. After noting emergent themes to the left of the original transcript, through excel I listed each theme chronologically with the page number relating to the analysis document. This process was undertaken for each of the seven transcriptions.

Developing Emergent Themes
Through these initial notes I developed emergent themes. This process of analyzing both components of the narrative through noting and then re–organizing the data reflected one aspect of the hermeneutic circle, as I moved back and forth from the “whole” to the “part.” The essential task was to find critical pieces in the text, with the understanding of influential nature of the entire text (Smith et al., 2009). Themes reflected the participants’ words and interpretation. Logistically, to accomplish this I created two excel sheets, one a list that I color coded based on theme relationship and a second one in which I grouped each theme together, an example from one participant is found in Appendix K. Once themes were color coded and grouped, I worked through each group to re–organize and shift themes as needed. This for me was the epitome of working within the whole and part of the data and helped me better understand the real meaning of the hermeneutic circle in practice. Themes were ordered in the way in which they emerged.

**Searching for Connections Across Emergent Themes**

After emergent themes were listed chronologically, I reviewed them and organized related themes into clusters. Smith et al., (2009) offered the following as ways to search for patterns:

1) abstraction, which describes the basic identification of patterns into a super–ordinate theme,

2) subsumption, outlines the process where in emergent theme becomes super–ordinate in that it brings themes together,

3) numeration, which notes frequency of themes and can be helpful to determine the value of themes, and

4) the function of themes within the text. The data collected will ultimately dictate which process may have the greatest use in connecting emergent themes.
The process of sorting and re–organizing the emergent themes was intense and extensive. I worked with the themes to search for connections and clustered them into related groups. I relied heavily on Smith et al.’s (2009) recommendations on abstraction and subsumption. I used abstraction to identify similar or related themes in a basic way. I then applied subsumption, wherein some of the emergent themes became super–ordinate as they brought themes together cohesively.

Moving to the Next Case

Once steps one through four were accomplished for one participant transcript I moved on to the next transcript, taking particular care to bracket emergent ideas from the first textual analysis (Smith et al., 2009). IPA asks of the researcher to hone this skill, which allows new themes to arise with each participant transcript. The authors suggested this could be done through the systematic application of each step to each particular transcript.

Looking for Patterns Across Cases

Once I moved through each participant’s transcript I searched for patterns that spanned cases. Adapting the practical advice that Smith et al. (2009) offered I generated a table in which themes fall under super–ordinate themes. This represented the stage in the data analysis where higher order themes shared amongst participants emerged, the organization of themes is demonstrated in Appendix L.

Pilot Study

I conducted an IRB approved pilot of this study in the spring of 2015 (Appendix M). This study was conducted with one participant, who met the criteria of having experience as a Title IX investigator at Ball State University. It should be noted that the participant in the pilot study was previously designated as a Title IX investigator, but did not currently serve in that
role. I first emailed the administrator who at the time was titled the Title IX Coordinator of Student Affairs for the names and contact information for Title IX participants (Appendix E). The participant was solicited through an email (Appendix G) and I obtained informed consent from the participant (Appendix H). I conducted a semi–structured interview, using a draft of the semi–structured interview schedule (Appendix I). I transcribed the interview and moved through initial stages of data analysis. While I generated meaningful data through this pilot study, the pilot studied revealed the weaknesses of the study design. To illustrate the preliminary attempts at data analysis I have included two themes that emerged, the predominate themes were investigator gender and investigative concerns.

General Lessons Learned

The pilot study was advantageous for several reasons. First, it allowed me the opportunity to work with in the construct of a qualitative research study aimed at understanding the experiences of Title IX investigators. Moving around in the space I created to explore this topic I realized that my research question needed refinement, my interview guide was muddled with superfluous questions, and the study as I framed it in May of 2015 lacked refinement.

My initial research question was phrased as the following: “What are the experiences of student affairs Title IX investigators?” This question is problematic because not all Title IX investigators at the university remain housed in the division of Student Affairs. Moreover, the phrasing alone fails to align with the epistemological assertions laid forth by IPA and as such, a rewrite of the research question was necessary.

The pilot study demonstrated a need to revisit the semi–structured interview schedule. I had generated several biographical, descriptive, and structural questions that, while interesting, did not get to the heart of my research question. Even throughout the course of the interview I
found myself wishing I had more carefully written and selected my questions. In reviewing the initial interview guide I identified only four of my original nine questions as essential to the understanding the phenomenon of investigating campus sexual violence.

Above all, what I learned from the pilot study was that I had the very beginnings of a phenomenological study. What I lacked was clarity, a strong theoretical foundation, and elegance of design. As such, I deconstructed my pilot study to isolate the research problem and reframe the research question. I stripped down my understanding of myself as a qualitative researcher and endeavored to become what Denzin and Lincoln (2011) offered as the qualitative researcher as bricoleur. The analogy of a qualitative researcher as an artist, a bricoleur, crafting and piecing together parts of a more complex whole informed and served as an inspiration in this process.

Participant

The participant in this study, Dave, served previously as a Title IX investigator at the institution before transitioning to a member of the school’s sexual misconduct hearing board. Dave, a seasoned administrator with a kind approach, reflected on his concerns with the investigation and adjudication of complaints of sexual violence. He also shared his discomfort with investigating sexual violence, specifically as a male interviewing females.

Themes

Dave recalled his experiences openly, but often questioned if he was articulating his answers well enough. The interview with Dave generated two predominant themes, investigator gender and informed consent. Dave was very aware of his gender during the course of his time as a Title IX investigator. Similarly, Dave reflected on concerns that weighed heavily for him as
he conducted investigations and sat on conduct boards. The theme of investigator concerns addressed issues that troubled Dave as an investigator of sexual misconduct.

**Investigator gender.** When asked to describe what precipitated his transition from Title IX investigator to sexual conduct board member he shared,

Because most of the situations were women. It’s much easier for me to talk to a young man and say these things. I feel like I can be much more direct. It’s just very awkward for me to talk to a young woman I don’t know about very intimate, for her disturbing—well for anyone—disturbing details. And just awkward. And felt a little creepy for this old guy to be talking to these young women—to be talking about intimate sexual details.

( Dave, personal communication, April 24, 2014, pp. 3-4)

Dave’s experience in Title IX investigations as he shared above was shaped by his gender. In the interpretation of this passage he acknowledged that his comfort level in interviewing women was not as high as with men. He internalizes his gender as being an issue of discomfort for female complainants, but does not indicate any specific moment in time that this would have been the case outside of his own sense of their experience.

Similarly, when asked to describe the first time he investigated an incident of sexual misconduct he relayed,

There was one time I think the first year. It was a very short conversation. She was not wanting to go further with it [Title IX investigation]. It’s not easy—for you [referring to female researcher] talking to a female it can’t be easy. For me I just sensed this gender thing. The young woman I talked to—why would she trust some guy who is old enough to be her dad to talk with her about these things. There had to be awkwardness. (Dave, personal communication, April 24, 2014, p.4)
Again Dave returns to a sense of awkwardness in questioning women about details of an encounter of sexual misconduct. This sheds light on to how a male investigator experiences a Title IX investigation and begs the question if female investigators experience this phenomenon differently.

Conversely, Dave shared his experiences investigating a same sex complaint of sexual assault brought forward by a male complainant,

There was a case where it was a male on male sexual assault. And again, I mean it’s not a comfortable conversation—it’s not a conversation I have in everyday life. Certainly not in this office [referring to office he works in on campus]. But it didn’t feel as difficult since there were males involved even thought it was male on male. (Dave, personal communication, April 24, 2014, p. 4)

While Dave highlighted an interesting point that these interviews are not part of the day to day fabric of his professional life, the word difficult suggests that these investigations are challenging for investigators but that the gender of the investigator in relation to that of the student complainant matters in how an investigator was able to effectively perform their duty.

Similarly, in the experience of investigating sexual misconduct with the explicit intent to gather information, Dave through the following passage articulated that his gender was a barrier in investigating and interviewing female complainants,

Talking to the females it felt difficult asking the follow up questions to get more detail. I didn’t have a problem calling them [males] on it. You know or asking for more information if I didn’t think they were telling me the truth. Ask more leading questions that type of thing.
This finding and theme are particularly salient as most people who come forward with complaint of sexual assault are women. Furthermore, the sole determining factor in the continuum of sexual harassment is gender. To find that the gender of the investigator significantly impacts an investigator’s level of comfort in completing an investigation adds a layer of complexity to the experience of investigations of sexual misconduct.

**Investigator concerns.** Dave candidly shared his experiences as a Title IX investigator and a member of university review and sexual misconduct boards. As the interview progressed Dave shared several concerns that weighed on his mind in his interactions with cases of sexual misconduct. There were areas of concern for Dave, the issue of consent and the involvement of attorneys in cases.

**Consent.** Dave recalled how challenging it was to establish and determine effective consent. The question of consent is not a binary question. The questions of whether the respondent asked for consent and did the complainant give consent is potentially muddled by a complainant’s ability to give consent and whether a respondent can interpret consent. Dave reflected on the challenging and difficult question of consent,

I mean those situations regarding consent. And sitting on a review board, and some of those decision are very life changing decisions, suspending, expelling, or—if you don’t—what is the impact on the person who was assaulted. So I think about those things and they weigh heavily on my mind. What is- alcohol is involved. I can think of three specific review board cases where that was it that…that was—two folks drinking alcohol. Was she intoxicated to the point where she couldn’t give consent? Should he have known that? What do you do? (Dave, personal communication, April 24, 2014, p.5)
This reflection suggests that as investigators experience Title IX investigations they are questioning consent and what exactly consent means. It is the question of consent that concerned Dave, and also what the answer to that question means to all parties involved. This suggested that investigators care and consider the outcome of these cases and their actions in relation to the impact it will have on students’ lives.

*Legal representation.* The high stakes nature for students and institutions in the response and investigation of sexual misconduct put investigators in a tenuous position. As Dave recollected,

That’s another thing, as the investigator, that troubled me. So in the one case we heard I mentioned we found the fellow responsible last year and it was a case where he was—there were all sorts of attorneys. Lots of attorneys involved. Contacting him relative to the investigation. And I think that was part of what they were claiming. Who is she [the investigator] to make these legal judgments? Is this a criminal matter? No. These are separate process set up here. We are not determining whether a student is a criminal or not. We are determining whether someone violated the student code. Then we are determining university sanctions. We are not determining if someone is going to jail. I don’t think it should be criminal people investigating that. It should be separate.

Different standard of evidence. Different stakes. (Dave, personal communication, April 24, 2014, p. 7)

In interpreting this passage, it suggests that Dave has concerns about the way in which investigation are perceived. Similarly, he is recounting a fellow investigator being questioned by attorneys as to her credibility and ability to serve in this position. He has experience through his
role in these processes the manifestation of that tenuous position that investigators find themselves in.

   Overall, these findings suggest that gender plays a significant role in the investigative process, specifically as experience by the investigator. It was also discovered that investigators have higher order concerns as they move through the investigative process. Questions of consent, which gets to the core of many campus sexual assault claims, gave the participant cause for concern. Additionally, the participant was troubled by the role of lawyers in a campus investigative model suggesting that investigators navigate across over between administrative and legal processes.

   I have made the intentional decision to leave the participant transcript, data collection, and analysis separate from the current study. The reasons to leave this participant separate and as a stand-alone pilot are threefold, the participant was not a current Title IX investigator at the time of his interview, a different interview protocol was employed, and data analysis did not follow the IPA protocol. As a result, I did not find the findings of the pilot study to be reliable and consistent with that of the larger study.

   Quality of Research Design

   Through the refinement of my study, I discovered a need to establish quality assurance to both substantiate the validity and reliability of my study. Validity in qualitative research refers to the application of certain procedures to confirm the accuracy of findings (Creswell, 2013, 2014). Establishing validity within the qualitative research paradigm is complex and nuanced (Creswell, 2013; Guba & Lincoln, 1982; Lincoln et al., 2011). Validity metrics in qualitative research are often defined and described by the researcher and participants, enhanced by fieldwork and thick description, characterized by the close relationship of the researcher to the
participant, and are reliant on multiple strategies (Creswell, 2013). Multiple perspectives on validity exist within the qualitative paradigm, including that of trustworthiness, which emerged as an alternative to traditional quantitative validity measures (Guba & Lincoln, 1982).

Key tenets of trustworthiness include credibility of researcher and findings, transferability of findings, dependability studies, and finally the conformability of the data. Member checks, triangulation, reflexivity, thick description, collaboration, peer reviews, prolonged engagement in the field, and external audits are common ways in which qualitative researchers increase validity; these strategies are often used in combination with one another (Creswell & Miller, 2000). Reliability in qualitative research refers to the consistency of procedures across researchers (Creswell, 2014); however, in establishing quality criteria for qualitative research, validity takes precedence over reliability (Flick, 2009). To establish validity and reliability within my study I drew heavily from Creswell and Miller’s (2000) exploration on validity, and Guba and Lincoln’s (1982) offering on trustworthiness. I employed researcher reflexivity, prolonged engagement in the field, audit trail, and thick, rich description to establish quality within my study.

**Researcher Reflexivity**

Researcher reflexivity requires researchers to be open and transparent about their assumptions, preconceived notions, beliefs, and biases (Altheide & Johnson, 2011; Creswell, 2014; Creswell & Miller, 2000; Dwyer & Buckley, 2009; Guba & Lincoln, 1982). To demonstrate reflexivity, I have offered a thorough report and reflection of my background, experiences, and relationship to the phenomenon through the positionality section of Chapter One. This section is offered early within the process to make it clear to readers my position and my intent to bracket my own beliefs throughout the study. Further, I will keep a reflexive
journal in the field throughout data collection and analysis to maintain on-going reflexivity (Guba & Lincoln, 1982).

**Prolonged Engagement in the Field**

Prolonged engagement in the field offers another source of validity (Creswell, 2013; Creswell & Miller, 2000; Guba & Lincoln, 1982). A prolonged engagement in the field, allows the researcher to build trust and rapport with participants on a daily basis (Creswell & Miller, 2000), while allowing the researcher to settle into both the context and the problem over time (Guba & Lincoln, 1982). As an insider researcher working with my participants on a daily basis I, by the very nature of my position, have prolonged engagement in the field and access to gate keepers, sites, and a reciprocity among participants (Creswell & Miller, 2000). Further the trust and understanding of this culture allows me to decipher what misinformation may arise as a researcher is introduced into a study (Creswell, 2013; Creswell & Miller, 2000; Guba & Lincoln, 1982).

**Audit Trail**

To compliment validity measures offered through researcher reflexivity and prolonged engagement in the field I established an audit trail as record of all my researcher decisions and actions (Creswell & Miller, 2000). The audit trail served as a log of my process through journaling along with a chronology of data collection and detailed account of data analysis (Appendix N). Guba and Lincoln (1982) liken an audit trail or dependability audit to that of a fiscal audit, which in research will stand as a record of methodological steps and decision points.

**Thick, Rich Description**

Providing rich details allows readers to gain a sense of credibility from the account (Creswell, 2013, 2014; Creswell & Miller, 2000; Geertz, 1973; Guba & Lincoln, 1982).
Findings are presented using thick, rich description with as much detail as possible to further credibility within the study and demonstrated a dedicated effort to provide information about context and address transferability (Guba & Lincoln, 1982).

**Quality of Phenomenology**

Creswell (2013) summarized a set of five questions that he used to assess the quality of a phenomenological study. To further demonstrate my efforts to design a study of high quality I evaluated the quality of this study through those questions. Creswell (2013) first asked, “Does the author convey an understanding of the philosophical tenets of phenomenology” (p. 260)? I have accomplished this through a discussion on the theoretical underpinnings of phenomenology, charting the roots of phenomenology in Husserl’s work to the more contemporary approaches of Moustakas and van Manen.

Next, he wondered, “Does the author have a clear ‘phenomenon’ to study that is articulated in a concise way” (p. 260)? The phenomenon central to this study, as articulated clearly in the research question, is that of the experiences of Title IX investigators as they investigate campus sexual violence. The question is streamlined and meant to get to the core of the specific phenomenon of campus sexual violence.

Creswell (2013) also considered specific approaches in his quality criteria and posed the question, “Does the author use procedures of data analysis in phenomenology, such as the procedures recommended by Moustakas (1994) or van Manen (1990)” (p.260)? The data analysis approach prescribed by Smith et al. (2009) is informed by the work of Moustaks and van Manen, in that it utilizes the hermeneutic cycle and bracketing to get to the interpretive essence of the participant’s experience.
Moving from data analysis to the findings Creswell (2013) questioned, “Does the author convey the overall essence of the experience of the participants? Does this essence include a description of the experience and the context in which it occurred” (p. 260)? This particular criteria has been demonstrated in the writing of my findings, keeping in mind that the thick, rich description I provided lends validity to the research.

Finally, he contemplated, “Is the author reflexive throughout the study” (p. 260)? Through my exploration on my positionality and role as an insider researcher, I have sought to be transparent and open in my relationship to the phenomenon and participants. Additionally, my design called for a reflexive journal and audit trail to demonstrate my intentional efforts to be fully reflexive throughout the duration of the research process.

Summary

This chapter provided the design of this phenomenological study into the experiences of Title IX investigators. My intentional selection of a research design was supported by the historical and contemporary underpinnings of phenomenological research. The construction of my research question, methods for data collection, and data analysis were supported by my methodological approach of IPA. A review of my pilot study offered insight into the refinement of my design, which ultimately allowed for better alignment with epistemological and theoretical frameworks and methodological decisions. Finally, the quality and trustworthiness of this study was established through the application of multiple techniques.
CHAPTER FOUR: FINDINGS

This phenomenological study was driven by the singular question, how do Title IX investigators experience the investigation of campus sexual violence. To understand the lived experiences of Title IX investigators as they engaged in investigations of campus sexual violence, I conducted an interpretive phenomenological analysis (IPA). Smith et al. (2009) argued that the analysis and findings section are the most significant component in writing up IPA. This chapter presents the findings in a manner consistent with IPA through transcription excerpts and my interpretation of the data. Thick, rich transcription excerpts offer transparency in my findings, where my interpretation of the data adds meaning and generates clarity of the findings. This chapter presents an overview of the findings, including a comprehensive review of themes, overview of participants, and a breakdown of individual themes and interpretations.

Overview of Findings

The findings are presented through an overview of the participants and a summary of themes. The findings of this study are then presented through the experiences of investigators. Each participant is described through the context of the interview setting, their personality, and significant reflections of their interview.

Participants

Participants were full time professionals in the student affairs and academic affairs divisions of the university. Each participant served as a Title IX investigator of student complaints of sexual misconduct in addition to their full time roles. To maintain participant confidentiality, limited information regarding the full time role of investigators was provided, as it would render participants easily recognizable. Participants were currently serving as Title IX investigators into student complaints of sexual misconduct during the time of their interviews.
Rosie. I met with Rosie in her office piles of paperwork sat on Rosie’s desk. As I sat down to begin our interview; a reminder of the brief reprieve our interview held for her workday. Rosie offered a transparent, authentic interview that brought to light many of the emotions she has experienced throughout her time as a Title IX investigator. What came through during Rosie’s interview was her compassion for the students involved in this process, and how her experiences as an investigator have remained with her.

Eric. I interviewed Eric in his tidy, organized office. Eric, equally efficient and clear with his words described his experiences in a way that was particularly illuminating. As the interview progressed, I was struck by how he described aspects of the interview and student experiences in a way that captured feelings that I as an investigator have had but never articulated. His interview brought a new found realization to various aspects investigative experience. Eric described his efforts to compartmentalize his role as an investigator from that of his full time position.

Grace. Grace and I met in her office. I found Grace to have a lovely approach that demonstrated care and thought as she described her experience as a Title IX investigator. Throughout the interview Grace returned to the challenges inherent in navigating between her full time professional role and her role as an investigator. The intentionality of each decision she makes as an investigator emerged through her descriptions of her investigative approach. She described the tension that exists for her as professional, investigator, and person.

Anne. Anne and I sat down to talk in her front living room to conduct our interview. Anne constructed her answers with a patience and clarity that is reflective of her personality. Her professionalism and focus on policy characterized the interview. Having served as the investigator with the most experience and oversight of process she was able to reflect back on
her experiences and her integral role shaping and guiding the investigative process at the university.

**Aria.** As we spoke in her office, Aria was very passionate about her experiences and her frustrations with the investigative process emerged throughout the interview. She remarked on her care for parties involved, in particular her evolving understanding of a respondent’s experience in the Title IX process.

**Jethro.** Sitting in Jethro’s office, full of pictures and items from his students, he relayed his years of experience with responding to sexual violence, as either an advocate or an administrator who participated the judicial process at his previous institution. Jethro, a self-described uncle figure, shared that he may sunset his career as an investigator after many years responding to campus sexual violence. He offered his calm approach to interviewing and his evolution as an administrator in this field.

**Harper.** As Harper sat in her office, she offered an open and transparent interview about her experiences. She touched upon the initial level of discomfort she experienced that she has now learned to manage in interviewing students about graphic sexual content. Harper shared one epiphany she had early on in the term as she received various types of cases. She reflected that when she began as a Title IX investigator she assumed the complaints would all be similar, and she was completely surprised by the variability of each complaint.

**Overview of Themes**

After developing emergent and super–ordinate themes for each participant, a total of 971 emergent themes and 117 super–ordinate themes were identified. Super–ordinate themes were compared and collapsed across seven participants to find 16 super–ordinate themes that emerged in at least three of the seven participant interviews. Super–ordinate themes were clustered into
five representative groups. Super–ordinate themes that emerged across three to seven of the participants were considered the most significant. The themes emerged as the following:

- Emotional response,
- Investigator identity and perceptions,
- Investigative process, policy, and practice;
- Understanding and perceiving others, and
- Intersection of education and law.

Themes and super–ordinate themes are illustrated in Figure 1.

*Figure 1.* Central themes and relative super–ordinate themes generated from data analysis.
Themes

The five central themes of 1) emotional response, 2) investigator identity and perceptions, 3) investigative process, policy, and practice; 4) understanding and perceiving others, and 5) intersection of law and education are represented below through transcriptions excerpts. Findings are presented through thick, rich description from which my interpretations as an insider researcher add meaning and context. Further, I offered through each theme a sample of the emergent themes that served as the underpinnings of the super-ordinate themes for further transparency.

Emotional Response

The category of emotional response reflects three super-ordinate themes: emotional reactions, coping, and lack of control. This theme captured the emotional reactions and lived emotional experiences that investigators relayed throughout their interviews. Table 1 illustrates a sample of emergent themes within super-ordinate themes.

Emotional reaction. The super-ordinate theme of emotional reaction included emergent themes such as, general emotional reactions to the investigative process, facing discomfort, experiencing and concealing shock, and lack of control. Grace reflected on the general emotional response she has to conducting an investigation,

Emotionally and mentally exhausted. I feel energized in the sense that’s—ok, we are making progress and if this is a situation that happened, we are going to come to some kind of resolution for somebody whose goal is to find a resolution in that. I’m a complainant, this happened to me, I feel that I want this person to be held accountable. There is some energy with that, in helping the student do it and meet their goal. And if this is really somebody who is going to harm our community, I feel the responsibility that
Table 1

*Emotional Response Emergent Themes*

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<th>Super-Ordinate Themes</th>
<th>Emergent Themes</th>
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<td>Tension of being in the middle</td>
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yes we should be addressing this. So there is some energy when this process works. So I get energized by that. But at the same time, I feel an emotional exhaustion because of where you have to be to be able to engage these students in talking about things that they are not comfortable talking to you about. Whether that is a stalking situation or sexual violence, no matter what it is domestic violence, it is so personal, there is so much guilt, and judgment, and blame and so much emotion going on with this person, that even though you are just an investigator you can’t help but feel that for them and feel that OFF them. So emotionally it is exhausting to see a student go through all of that in front of you. But at the same time you have this administrative business part to take care of. So when I’m doing [an investigation], the way I deal with it, I need to type these notes
immediately. For me that is cathartic for me. When I type the notes then I can put all of their emotion, whatever it is I can make note of it and I feel like now I can move on to my other job or whatever else is on my to do list to do. So for me it is really important that I can type up those notes immediately an hour or two after I do it. If I can’t, then I can’t. Then what I do is go on to the note pad and make notes on the side margins of things to include. That is my way of letting go and moving past it and also making note of those things. That is kind of how, in some of ways therapeutic to type the notes and get it done then I can’t actually see what the student said, and emotional indicated or something in those notes so I can move on to something else. (Grace, personal communication, February 24, 2016, pp. 7-8)

Investigators also revealed their emotional reactions to hearing graphic sexual information.

Several investigators reflected on their reaction to hearing graphic sexual details from students.

Rosie described this experience,

So that I think that is it really, and then just super graphic sexual details that you’re really not used to talking about in everyday life or in any other sort of situation. And not just even hearing it, but typing it out in a final report, and then talking about it to the conduct officer or the Title IX coordinator, or talking about it during a review board. I feel like I am a pretty comfortable person with sexual vocabulary and things like that. I feel like people should use anatomical correct information but I’m not one of those people that really wants to talk about sexual intercourse all the time. I think that those are the kind of things that shock me, make me think god that is an awful thing that you had to deal with. That you were a part of. (Rosie, personal communication, February 19, 2016, p. 10)
Eric remarked similarly that he found the willingness of students to share graphic sexual details shocking,

But yeah, it’s there is an element of me that I have to make sure my jaw is not dropping that they—I mean there is part of me that is like I’m glad they are comfortable telling me this, you know it’s like WOW they are comfortable telling me this. I don’t— is that a university culture thing, is that a generational—are they more comfortable with that then me as a gen X’er, I don’t know. (Eric, personal communication, February 23, 2016, p.9)

Harper contextualized her experiences through her own sense of privacy regarding discussions of sex,

So I feel like I am very private person. And so you know, I don’t know— I don’t talk about my sex life to anyone. So then to hear students come in and say oral sex or say other things, I don’t even want to say it right now. Oral sex is not even the worst one, definitely not the worst. I think I had to step out of my comfort zone. I am very comfortable living, and I think as a woman, typically women don’t talk about their sex lives even amongst their friends. I think to be put in this situation now, where you are hearing about someone’s sexual behavior or sexual activity, can be a little bit shocking. But now I’m a little, I guess I’m more desensitized to hearing it. (Harper, personal communication, March 4, 2016, p.14)

The acknowledgement of the discomfort and shock that investigators felt as they heard sexually graphic details from students offered a glimpse into the lived experience of the investigators on a basic level. Sexually explicit and graphic details are difficult and shocking to hear. However, as Harper noted she has become accustomed to hearing this language over time and it is not as shocking as it once was to her. This suggested that investigators find graphic
sexual details shocking to hear, but learn to manage their reaction to such information. The amount of emotional intelligence and energy expended to manage these reactions must be considerable.

**Coping.** Investigators reflected on ways in which they cope with the emotional aspect of sexual violence investigations. Grace relayed her struggle to find a way to let go and coming to terms with the nature of investigations,

I have to go back to my thought of this is about empowering the student and if their decision is this then I am going to have to respect that in spite of what I personally feel or the options I feel they could take. Then I’m going to have to find a way to let it go. But in all of them I honestly try to find a way to let go of the incident to be able to move on to something else, my job, maybe another investigation. But at the end of it, I honestly just want, I feel like if I was intentional and kept the purpose of this process in mind and the experiences of students in mind then I will be ok with whatever happens with it. If we’ve done that then we’ve done all we can, and now we are dealing with young adults, and they will make decisions that we can’t control. So we are going to have to be ok with that. (Grace, personal communication, February 24, 2016, p. 13)

Aria shared that she often feels sadness for students, but noted this has changed over time. She credited her disengagement with the student experience as to why she is less emotional through the investigative process,

This is my fourth year now, and my process, I’m a lot less emotional with my process now. I don’t engage with their experience. Sometimes I get sad for them. And oftentimes it’s more the respondent I get sad for then the complainant, because some of the stuff we have to investigate is so—sigh. Some of it the students never assumed it
would rise to the level of a sexual assault, so it’s shocking to them. Especially when alcohol is involved. Those ones are very sad, universally. (Aria, personally communication, February 25, 2016, p. 9)

Harper described a similar strategy to coping through the investigative process,

It is emotionally draining to hear very high level, high detail situations. I mean things that I wouldn’t talk to my best friends about and you are hearing these from a student that is re–living this experience now. And, so I think having the ability to disconnect from that has made things I think easier for me, to not make it personal, and to really try to establish looking at things in an unbiased way. (Harper, personal communication, March 4, 2016, p. 5)

Participants relayed their need to cope with the emotional experience of investigating campus sexual violence and identified strategies to aid in their separation from the emotional aspect of the investigation. The lived experience of an investigation must therefore carry an incredible emotional weight as investigators describe how they disconnect with their emotions to carry out their work.

**Lack of control.** In addition to visceral emotional responses to the investigative process, participants conveyed their frustration over a lack of control through the process. Graces offered the following,

So really it is I can’t control what happens judicially, I can’t even control remedies to a certain extent. Because if a student doesn’t take advantage of the resources or if we tried to put something in place, it’s a situation where we want to move a student out of—all the repercussions for that and what that means for the complainant, these are things that we cannot necessarily control. It is such an interesting experience in that you only have
control over the ability to get the students stories out, to try to help them figure out the best way to recover in some way from this. And whether that is through the regular judicial process, whether that is through an informal process, that is what you do. You do not have much control over what happens before or after, you just have the middle. That is all you’ve got. That’s it. That’s it. (Grace, personal communication, February 24, 2016, p.12)

This was significant struggle for Grace as an investigator, she further explained the inherent tension she experiences in relinquishing control,

Yes, so I hone in on that to be the best information gatherer and storyteller possible. And then because that is all that I can do. To give a voice when there is no—that is all I can do. I have to let go of the control on the back end or the control I want to have on the front end. There is nothing. That is the tension you are balancing. When you go back to the challenge of switching roles. I have a lot of control over a lot of things, that is part of what I enjoy about it. But when you are in a role as an investigator you don’t have control over what happens. You have control over how you investigate and how you tell the story and how you do that. Then you have to move it on to somebody else who is going to make a decision, or the control goes back to the complainant and they decide what they are going to do. And you have to live with it. It is, I think it is a tension that you have to figure it out, where—probably where it is just my personality I tend to want to be able to control results, if there is an issue given to me then I’m going to try and find the best way to resolve it – to close that circle. With Title IX investigations sometimes the circle just remains open. (Grace, personal communication, February 24, 2016, p. 12)
While Grace grounded her relationship with control within her process and personality, Eric articulated in a broader sense the feeling of helplessness and lack of control an investigator has in responding to sexual assaults,

If you’ve already been assaulted it just feels so out of your hands. There is a feeling of helpless—you are helping, but you can’t undo something like that that’s been done.

(Eric, personal communication, February 23, 2016, p. 19)

The concept of control captured the multifaceted, conflicted nature of the investigator experience. Relinquishing control while simultaneously experiencing deep emotional reactions and employing coping mechanisms paints the investigative experience as one that is taxing and highly complex.

**Investigator Identity and Perceptions**

The thematic group of Investigator Identity and Perceptions included the following super-ordinate themes general identity and perceptions, navigating roles, objectivity and bias, and suppression. This category encapsulated participant’s reflections on their identity and perceptions of the investigative process. Table 2 presents an example of emergent themes within the greater theme of investigator identity and perceptions.

**General identity and perceptions.** Participants throughout the course of interviews were asked to share how they saw themselves, as well as their sense of how others viewed them as investigators. A strong sense of investigator identity emerged from these reflections. Grace described her identity formation,

I think the first few investigations I did I think it was a lot more administrative to me.

You kind of follow the template and training, to make sure you get this right. I mean you
are just not comfortable yet, you are confident in what information you have, but you are not comfortable in who you are as an investigator yet. The first few investigations I almost think of it as almost robotic. After you get comfortable you realize you can add more of that humanity into it. I think it has kind of changed. I think it is from learning things that I talk to the complainant first, I try to get—because it’s from doing investigations and saying man, I wish I didn’t have to go back. It’s using those things, lessons learned to figure out your best practices for yourself. So definitely I have
changed or tweaked or refined how I do investigations and process to fit for who I am and how I relate to people versus somebody else. (Grace, personal communication, February 24, 2016, p. 9)

Harper also reflected on her personal evolution as an investigator,

You know I worked with a couple of, I was a co–investigator for a couple and then it’s looks different how you perceive other people and the way that they do things. And now I feel like I’m finding what works best for me, now I’ve had the chance to observe how other people do their work best and what I think I’ve learned is that there isn’t really a best way or best practice but have to find out what works best for me. But I think it’s always evolving, because you really—even if the situations might mirror each other the people you are interacting with might be completely different. Their level of detail, their level of acceptance, the level of accommodations they might be looking for will be different each time. (Harper, personal communication, March 4, 2016, p. 8)

As investigators made sense of their own identity, they also made meaning of the entirety of the process. They perceive the experience of an investigation into sexual violence to be difficult and complex. Rosie reflected back on a favorite quote to describe her perception of investigations,

It basically says that Audre Lorde’s daughter told her that she had to continually speak out and think about things because if she didn’t it was going to come up and punch her from the inside. That is how I kind of how I feel not just about the Title IX work, but just the work that we do in general. (Rosie, personal communication, February 19, 2016, p.16)
Grace reflected on the potentially horrible experience students may have as they engage in investigations and the role investigators have in shaping the student experience,

Absolutely, because sometimes the stakes are so high for the students, that it’s difficult—in my ultimate role I want to create a space that all students feel safe and comfortable and be able to engage with the university and maximize. So there is this part of you as an administrator and employee that believes in what we do in higher education so much, then you have this role as an investigator that may jeopardize that for both people. Because a complainant who is not served well may have a horrible experience and leave the university. A respondent who feels like they were not feel like they were treated fairly must also have a horrible experience. So here you are doing this investigation that has the potential to impact negatively or positively students that you are here to serve. So it is what makes being an investigator so complicated and the interesting thing with being an investigator and one of the things you have to reconcile, this is like a counseling session—one of the things you have to reconcile is that really, I have no control about what happens after. (Grace, personal communication, February 24, 2016, p. 11)

Harper perceived this experience through positive things that she can hold on to,

I think for all those instances, hopefully at the end of the day and through this whole process, things are not easy for the students coming in to meet with us. Or to share the information or what happened to them. But I think hopefully they walk away thinking that the university cares about them, and that someone here at the university cares about them. And that they are able to ask me, or to ask—if they get connected with the victims advocate or the counseling center that they can ask those people for help and support and different ways. If that girl had never gotten the email, even though she didn’t want to
move forward, or at this time she didn’t want to move forward, she wouldn’t have been able to get into see someone at the counseling center or understood that level of urgency. It’s really little tiny wins, you kind of have to find those small nuggets. I think I’ve tried to catalog those for when you are hearing the really difficult stuff that you can recall some of the better moments. Not that any of those things are better moments, it’s not really fun to help get someone to the counseling center, it’s not really fun to help someone withdraw from their classes, it’s not really fun to have to hear that someone might not graduate on time. But I think I guess the positive outlook with all of those is that at least they are getting the information or some kind of a resource. (Harper, personal communication, March 4, pp. 10-11)

Collected as general reflections on identity and perceptions, participants worked through their understanding of themselves and their experience as an investigator. The reconciliation of varying conflicting facets of the experience illustrated the intensity of participants’ relationships to their identity as investigators.

**Navigating roles.** Participants reflected on the dissonance they encounter as they navigate their role as investigator compared to their full time designated role on campus. The intersection of these roles generated rich reflections. Among the seven participants, Grace felt this role dissonance profoundly. She described the practical steps she must take to delineate her roles and prepare to step into the role of investigator,

But it does—I think the interesting thing is I have to switch—like in my role that is NOT at all what I do. So I almost have to switch when I have days that I schedule investigation interviews, I almost have to switch my—ok so this afternoon I have this interview. I give myself thirty minutes—ok you have to come out of your director,
creative initiative, all these things that we are doing mode to a very objective interview kind of mode. I go back to if I’m handling—I go back to my training of this is a crisis for both students in some way. It could be a crisis for both students in some way. So how do I remember to support them through that, but also get the purpose of this is to get this information to be able to make a determination and help a student, so I try to put myself in that frame of mind versus what I do on a regular basis. (Grace, personal communication, February 24, 2016, p. 6)

She expanded on this through her exploration and reflections on what she labeled role switching. Honestly, I have to say that when I start an investigation I try to look at my calendar and block off time for me to—because it is in my regular position it is more about engaging with students on fun, creative things. Like hey what do you want? And sometimes it is challenging conversations, but never to that level. Most of the students I engage with are not in crisis. When I’m trying to navigate this process, usually it’s about creativity, it’s about trying to see how we can advance issues, trying to address issues for individual students. But never to that level. So for me it is a mental switch that I have to turn off. Because in my role, it’s a huge administrative part, when I’m in administrative mode I’m effective and efficient and we are just going down the list. But that is not the approach I can take in an investigation, otherwise I’m going to come off as cold and uncaring. So yeah I do have to switch and remind myself what the ultimate purpose is and do that because it is—it is challenging to switch off my usual role that I may have been doing thirty minutes ago or something pressing that is happening in this area of my work. But I need to get this investigation done, so how do I turn that off and say I can’t think about this at this point. This is for the next two hours, this is what I need to focus on and do. So
that is one of those things, it is challenging to switch from my regular position to my Title IX investigation kind of persona. (Grace, personal communication, February 24, 2016, p.7)

Aria offered a similar experience and strove to make meaning of it through a situated comparison of that of investigator to her full time position,

As a professional in my role all I do is say things to them to make them feel better. They are failing a class, but I can say to them alright we are going to come up with this plan, and we are going to make sure you get your GPA up, we do a lot of goal setting. I can’t do that in a Title IX investigation. It’s like if I were to compare it to my current position and they come in and it’s like here is how I am failing everything. And I say tell me what happened, how are you feeling, what’s the circumstance that led you to where you are at, let’s talk about all of this, and then we don’t do any solutions, and all we do is say thank you for telling me and see you later. (Aria, personal communication, February 25, 2016, p. 11)

Harper made sense of this experience through a comparison of how she views students in her full time role versus those involved in an investigation,

You are kind of listening to this experience which is typically not a good experience for them otherwise they wouldn’t be meeting with us. I think for, they usually don’t know what to do and that’s kind of hard—you know —in my job, in my 9 to 5, what I’m getting paid to do in my job, all my students know what to do. All my students have a goal, they have an objective. Sometimes they run astray from that so it is my goal to direct them or advise them the best that they need to. But when you are doing a Title IX investigation, that’s not your goal. Like you can’t really provide them with that same
kind of guidance or same kind of support. Like yes, we can provide you with some accommodations, but I think you—from my training, I’ve been trained to kind of provide that care and yes you can do that, but it’s not in the same way. So I think that part can be really hard to hear, what they are saying and that uncertainty, wanting to help them through that. (Harper, personal communication, March 4, 2016, pp. 3-4)

Rosie understood this role confusion through what she was not able to do as an investigator,

I’m not a psychologist, I’m not a therapist or a counselor. I’m not the person that can make them aware. Like DO YOU REALIZE the effects of this? I can ask you that question so that you can think about it, but I’m not the person who can help you solve those problems. (Rosie, personal communication, February 19, 2016, p. 15)

This idea of role dissonance and the need to manage one’s professional identity from that of investigator identity takes a great deal of intentionality and effort. As participants’ described this phenomenon, they acknowledged this is not easily achieved.

**Objectivity and bias.** The search for objectivity and reflection of bias emerged for all participants. This was expected as OCR (2011) guidance called for fair and equitable processes, which enforces the concept of objective and unbiased investigations and herein investigators. The lived experiences of investigators, as they recognized their own bias and strove for objectivity, suggested that this is a significant facet of investigator identity. Anne conveyed the need for neutrality as essential,

But this is the thing with this, as the investigator role if I’m going to be the kind of personality and temperament who’s impacted and unable to be a professional and unable to maintain neutrality and follow a process and follow a procedure on case number five as a well and I’m still doing that on case fifty–five, as I don’t have that as my capacity as
a professional, that’s bad. And so not to say that I don’t call all of these people to mind and think of them, and feel bad all the way around. For their friends, for everybody. But all of us in student affairs, I mean those of us who have served enough, it’s just going to be a wrong professional fit if it’s going to mean now that I’ve heard six of these accounts or ten of these I’m so distressed and distraught and sad, that’s probably not- as the Title IX coordinator if an investigator said I’m losing my objectivity when a victim. See first of all I wouldn’t want them to do that. When a complainant comes to me I’m already, I’m just gunning for trying to get this other offender in trouble, well you have to be process, you are individual minded, but you cannot carry this around in your heart.

(Anne, personal communication, February 28, 2016, p. 8)

Eric noted that both federal guidance and the university process are geared toward support for the complainant, but views himself as impartial,

You know I would like to think of myself as pretty impartial. You know I would say that it’s almost—it’s kind of like. I won’t say that. I was going to say it’s like an episode of Judge Judy, but it’s not. I think there is a certain part of me that leans towards the support of the complainant more so than the respondent. She [Judge Judy] goes way over the top on that. But I think the process legally and the university process is set up that that is the way it’s supposed to work. There are some lawsuits that you hear about. I think this is so evolving that you read articles and get court decisions all the time. I think going to far on that has bitten some people in the rear. (Eric, personal communication, February 23, 2016, p. 15)

Maintaining objectivity for some participants proved to be difficult as Rosie described,
It’s challenging to put things on paper and listen to the recording over and over again to try and make sure you get everything right. And to be as fact based as possible, and not as opinionated. I think that is what makes the work difficult and challenging. But also just going through the process and seeing someone deal with something really, really difficult. (Rosie, personal communication, February 19, 2016, p.15)

Investigators identified several areas in which bias may emerge. Grace identified avenues in which bias may emerge,

Because if you think about it, how you write a report can demonstrate if you’ve taken a side, just by how you write it. That is why I just like to stick with the facts and talk directly about this is how a student impacted them. If you go out of that, your bias will start showing up in the report and how you present. As an investigator, although you have your opinions and may look at it and feel one way or the other that is not necessarily your role. (Grace, personal communication, February 24, 2016, p. 13)

Whereas Harper identified that conversation prior to the start of an interview may generate bias or the appearance of bias,

I think part of it is that you don’t want to come off as biased. If you are asking the students some of those more personal questions or just general get to know you questions I think it could come off as you showing a bias to them. I think that for me to, the more, the less I know about a student I think it might be easier for me to process through the information that I am hearing from them and on the flip side that I then hear from the respondent. And after hearing you, after hearing information from a complainant could I then have that same kind of get to know you or personal interaction with someone that was responding, I don’t know. (Harper, March 4, 2016, p. 4)
These reflections suggested that investigators spend cognitive effort in identifying and bracketing bias, considering what may outwardly appear as bias, and developing strategies to maintain objectivity. Objectivity then is not inherent to the investigator, but rather is a quality that is carefully developed, maintained, and evaluated by investigators through subjective and objective viewpoints.

**Suppression.** The product of navigating roles and maintaining objectivity manifested in the super–ordinate them of suppression. Investigators spoke about their experience in suppressing their instincts as individuals and professionals in the student services field. This theme is defined by the emotions and reactions investigators do not allow themselves to have through the course of an investigation. Aria made sense of this through the comparison of investigator to an advocate,

I can’t make them feel better. I think that is why sadness is a pervasive thing because regardless of where they are coming from, if I was an advocate, and I’ve been in a role where I was an advocate before I can say like wow, this let’s be strong and we are going to work hard to get through this, and you are going to get away from him. Or like, you are totally being set up. You can do that when you are somebody’s advocate. But when you are not an advocate you cannot give those reassuring things, I’ve noticed at the end of the interview it’s often really difficult because it’s like and….thanks for giving the information. Thanks for just pouring your heart out to me, and you are emotionally spent, and OK bye. Like I have nothing I can say to them that makes it better. (Aria, personal communication, February 25, 2016, p. 11)

Similarly, Rosie voiced that her response to students is governed by the fact-finder nature of an investigator,
I think in a way sharing whatever kind of resources are for them at that point, is a really a good way to be supportive without saying we need to go after to the respondent. This is really horrific what happened to you. I don’t want to come out and say something like that because we have to go through the fact–finding process and see what’s what. But it’s—I don’t know—it’s harder for me to I always offer the same sort of thing to respondents as well. It’s just—it I don’t know. It’s difficult to be supportive after that, besides that. (Rosie, personal communication, February 19, 2016, p. 10)

Harper expressed this suppression through the approach she would otherwise take with her students,

I always think that I treat people that are here or that I’m talking to with care. I don’t think you can treat them with the same level of kindness if they walked into my office at another time, I would ask them how is life, how are your classes, what does your week look like, what are you doing for spring break. Those personal intricacies you get to know about your students, you don’t have that with the students you are interviewing with. (Harper, p. 4, 151-156)

Eric described this suppression through his inability to make judgments on behavior given the nature of the investigative role, “And again, someone who does conduct cases, this is not my avenue to say where you making the rights decisions here. You have to put that in your pocket to” (Eric, personal communication, February 23, 2016. p. 9).

The suppression of instincts defined the experiences of participants as investigators. Investigators made sense of their role through the reactions and actions they are not allowed to experience. This offered insight into the unique nature of the lived experience of an investigator as one that is not only defined by what one does, but by what they must refrain from doing. The
balance of intentional investigative decisions with calculated investigator responses materialized as the suppression of the participants’ true nature.

**Past experiences.** Investigators called on past experiences both professionally and as Title IX investigators to make sense of their experiences. Often through situated comparisons of previous experiences, they reflected and made sense of their current experiences. This superordinate theme demonstrated that previous experiences shape the investigator and that investigators grow through each investigation. Eric reflected on his experience as an investigator through a situated comparison of his previous professional roles,

> It’s getting details, getting information, asking clarifying questions that—I think in some ways it causes me to put my investigative cap on in some way like a hall director right on site that I haven’t had to in a long time. Details that may or may not be necessary, um I’m thinking back to conversations—I always go back to the idea of time. As to what time do you think this way, how long do you think you were in this location, all of those sorts of things. Trying to piece this together, so you were there for four hours, does that sound about right? Just really trying to piece the night together in my head, whatever the scenario might be. (Eric, personal communication, February 23, 2016, p.8)

Aria similarly offered that she has changed in her approach and that has been shaped by her current professional role and office space as compared to her previous one,

> It’s different now than it was at the beginning. I used to be more—I feel like I came in as more of a – especially coming in from a Green Dot experience —I would have to try really hard not to advocate for the complainant and I would have to try really hard not to have fear of the respondent. Sometimes I have—I’ve even told my secretaries up there [down the hall in the main office], like if it’s one that looks like there is any sort of
violence or anger, I worry sometimes. In my previous jobs, I’ve had buttons under my desk that can automatically call 9-1-1. I don’t have that here, and especially being down at this end of the hall with the door closed. I find it—it’s hard cause I don’t want to make that—and I don’t any more, I don’t think. (Aria, personal communication, February 25, 2016, p. 5)

Jethro also shared how his experiences have shaped his current approach to investigations,

Probably not so much. It…technology has changed it. Because back in the old days, you know the first couple of cases I was a part of, we didn’t have locked buildings so you didn’t have to swipe a card to get into a building. There weren’t cameras anywhere. There weren’t text messages sometimes that people would send to each other that you would have the ability to check on. I think the one that that I learned, that has changed, has to be very careful with complainant’s conversation about alcohol. I think that early in my career was pretty matter of fact, so how much did you have to drink, what were you drinking, over what period of time, how would you have considered yourself from an intoxication standpoint were you—were you not intoxicated at all, were you intoxicated a little bit, were you severely intoxicated, were you passed out. The feedback I’ve gotten on that is that people saw that as blaming. So I’ve had to—one of the changes over the years I’ve been much more careful about how I’ve asked about alcohol use, and how someone’s level of alcohol use would have impacted their consent. I’ve tended to go so it’s seven, seven [Seagram’s Seven Crown Whiskey] and sevens [7-up]. So you think eight cups from the keg of beer, if it’s eight how do you know how many times you’ve filled up your cup. I might have been more matter of fact about that 20 years ago, rather than just tell me in general what you are drinking. And then kind of move on, and once
you get to more of conversations about what is happening between the two people, do you have any sense about—sometimes if you ask about the other persons. Tell me about what you thought their level of drinking had been. How do you think it impacted their behavior? And most of the time they will tell you about their own. I don’t know how much they had, but I had had this much and this is how much I think it was impacting me this much it was probably impacting him. That’s probably the one big change. (Jethro, personal communication, March 1, 2016, p. 11-12)

Anne conveyed how one particular complaint remains clear in her mind after several years,

I’m pretty sure it was the fall semester, the first full fall semester of this work I’d done. I can remember how vivid the account finally was after having everyone’s statement. I can remember it being so—I don’t want to make it sound like now they are all a blur—but to some extent that’s is kind of true when you haven’t heard that many. It was almost like a movie I had seen. It’s very vivid, you are able to visualize this upstairs room these people are in and people had given a great level of detail to their movement in that space and her movement or lack of it in that space, and who else was there. And people coming in and out. It was like you had seen it—you could almost picture it you had heard it so much. So maybe because of the time and now the number I don’t really have that same exact experience again. (Ann, personal communication, February 28, 2016, pp. 8-9)

She also thoughtfully offered that with experience investigators would develop stronger instincts and skill sets,

You just work with I guess more assurance, just because of the fact that you have more experience to draw from. That well was empty—that’s why I said the value of your other colleagues is important. I would really feel for those schools where there is only one,
supposedly one person investigating this. There is a great deal of benefit of having experienced conduct or judicial officers around you who have sorted out and individually scrutinized individual pieces of information. Your training provides that to you as well. You can’t really apply that skill set until you apply that skill set. You just know instinctively to do things now that you didn’t necessarily know to do before. (Ann, personal communication, February 28, 2016, pp. 11-12)

The super ordinate theme illustrated the way investigators make sense of and draw upon previous experiences. These past experiences shape the manner by which an investigator approaches current complaints and understands the experiences of participants. Moreover, these past experiences have shaped investigator approach to interview questions and their perception of students in this process.

**Investigative Process, Policy, and Practice**

Process, policy, and practice served as the foundation of investigator experiences. This classification of themes represented the super–ordinate themes of understanding process, collaboration, investigative strategies, and relationship to outcomes. Participants’ understanding and application of policy categorically defined their experiences.

**Understanding process.** Participants relied on process, found frustration and comfort, and touched upon the significance of process. Anne understood policy as offering assurance to students involved in the process,

Like I said, I like the fact that it’s a process driven, there is a sequencing of steps, checks, benchmarks in it that you have to do. So that is to the extent possible it is a one size fits all, and not a fly by the seat of your pants, or what do I want to do differently. Or I’m really going to somehow react or respond or provide differently, it’s uniformity.
Table 3

*Investigator Process, Policy, and Practice Emergent Themes*

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So I guess that would be a word maybe to use, not uniformity to the point where I am just talking to a potted plant or a stick of furniture here. This person looks at me and nods and affirms and goes back and asks questions and draws this out, but does so in a way that’s—that the person isn’t “what kind of a whacky thing am I involved here?” I hope people I give people a sense of assurance that we’re moving through, you are going to be here at the beginning, you are eventually going to be here at the middle, you are
eventually going to be here at the end. So I guess that’s what kind of investigator I am just intentional. (Anne, personal communication, February 28, 2016, p.12-13)

While Anne found comfort and assurance in the process, Eric found frustration in the ever-changing policies that guide process,

I know that the Title IX coordinator and you have—you know there are Title IX conferences to attend and there are quote unquote experts to bring in to consult on your process and all these different things. And that is another hint of frustration, our policy is what 30 something pages long and you think you have covered every element and then someone could come in and is like no I don’t think so. That is frustrating because I think I go this down. You are doing this wrong and now you have to do this. Well that was not the expert opinion LAST year. That’s challenging overall and I think that maybe part of being a federal regulation that it is going to tweak. Who wants to come out and vote again sexual assault legislation? (Eric, personal communication, February 23, 2016, p. 2)

As Eric noted frustration, Aria conveyed uncertainty in engaging in a difference facet of the investigation for the first time,

With the last case I got I was still uncertain when I was like I need to somehow figure out what happened with this police report. Should I call the police officer? How do I call the police officer? What do I do? Do I just call the main police line? What has changed? They used to send me a report, ok, I just call a main line. I’m like uh—I’m Title IX does that ring a bell for you? Because I’m just calling you asking you for a police report, do you know who I am, not necessarily? It always feels—like there is some cold calling we have to do that feels incredibly awkward. And I don’t know how much the—what’s the word—when you go through something—do you know what I’m saying? I don’t know
how much path clearing I’m going to have to do. Do you understand what Title IX is when I say I’m a Title IX investigator? Do you have a list with my name on it that says I’m allowed to ask these questions of you? Where do I even start with some of this? (Aria, personal communication, February 25, 2016)

In contrast to Arai, Harper described her fear in executing the investigative process incorrectly, Well this is such a high stakes process. When you [Researcher] are asking the questions about what does you process look like, what do you do. It’s kind of like, oh well here is what I do, but oh crap but am I doing this right? That there is not really someone who is walking through step by step—well you [Researcher] have been a great support—but there is not someone walking you through. There is not really a ten–step process that says step one you do this, step two you do this, step three you do this, step four you do this. So earlier when I was talking about everything is evolving and I had to figure out for myself that nothing is going to look different. There is no check box for step one, step two, step three, step four. So when you are asking some of the questions about Harper, what does the process look like. I know that this is so high stakes and so important and so critical in this college and everywhere and I want to make sure I’m doing things right. It’s like oh crap, its a little hesitation like here is what I do—hoping that I’m doing everything that I’m supposed to be doing correctly. (Harper, p.16, 722-734)

Participants’ relationship to and understanding of process runs along a continuum. As a highly process oriented endeavor it makes sense that investigators rely and focus on policy as a foundational piece of their making of meaning relative to an investigation. The intentionality in the execution of policy and process elicits confidence, frustration, uncertainty, and fear.
**Investigative strategies.** As investigators made sense of the general process of an investigation, they described investigative strategies they employed. The intentional approach to an investigation presented itself through participant interviews. Grace explained her process in interviewing students,

Um, it is challenging. What would I say, is usually before I conduct an interview, I have to put myself in a good, objective space. Because I want—I want to be empathetic with both parties. I really feel like as an investigator I need to be objective. Clearly I have my views, opinions, thoughts, about everything I’m hearing. But in the role as an investigator I try to put myself in the zone that I want to be empathetic to both parties and even the witnesses as I interview them. But I also need to get the facts, and I need to get the impact. Because I think the impact is just as significant when we are talking eliminating a hostile environment for complainants. So I want to get the facts, but I also want to know how this impacted them, and how this continues to impact them. I think that is a significant part of it. During an interview, finding a balance between getting the facts, but having this person who maybe so emotional about this traumatic incident and balancing empathy, but not too much empathy where I lose—it comes off where I lose objectivity in an investigation with the complainant, is key. So you play this balancing act of empathy and assuring the person that what they are feeling is ok, but you still have to get the facts. You still have to ask the difficult question. So usually, at the beginning of the interview I tell them that at any point—I realize that this may be traumatic to you and this may be retriggering to you so if at any point I ask a question that you have a difficult time answering you don’t have to answer it at that time, you just have to move on and we can always come back at a time where you are more comfortable to get this.
But the important part for me is to get the facts of the incident, because that’s what going—the facts and the impact—that is what’s going to determine the what happens with regards a student code violation. So although it is difficult I have to get—I have to get those. That information. So please bear with me through it I give analogy of it’s like going to the doctor and the nurse says I’m going to have to give you this shot. I know you don’t like it. (Grace, personal communication, February 24, 2016, p. 5)

Likewise, Jethro outlined his approach in a student interview,

I think your counseling voice kicks in a little bit you know thanks for coming in and I really appreciate you taking a little bit of time with me, I’m going to ask you some questions that are going to be just hard. I’m going to apologize right up front that I’m going to have to ask some hard questions, I’ve got this pen that records. And you know if you need to take a break we will take a break. If I ask a question and you don’t understand why I am asking, we just need to talk. The best way that I can get through this is just to tell me, as we go along I might ask you a few questions. Pretty soon it will be over. And hopefully that you know it will be something that I will be able to put in my report and we will only be able to have this conversation one time, o things Once and a while may come up where I may need to talk to you again. I might need to have some help spelling any witness names, if you don’t know them I suppose I can turn around to my computer and try to find somebody. And that’s how I normally do it. If—in the best case scenario it’s more of a conversation. Oh ok, you went outside where did you go. Who did you see there, what were you doing, dancing, doing karaoke, what kinds of things were you watching a movie. Who did you go out with? (Jethro, personal communication, March 1, 2016, p. 8)
The excerpts from Grace and Jethro’s interviews suggest a soft approach driven by care and concern for the students engaged in the interview process. The way in which questions are framed and posed demonstrates a student–centered thoughtful approach to interviewing. Both outlined in their process that they speak student about that the difficult nature of the interview, this is significant on two levels. One, the investigator acknowledges that the process is challenging for students and two, they attempt to manage the expectations and experiences of students through that difficult process.

**Collaboration.** Participants relayed that the investigative process is not undertaken in isolation. The reliance or even absence of collaboration and colleagueship surfaced as a valuable component of the investigative experience. For some investigators they felt comfort in knowing other investigators were accessible,

The other thing to—I always assumed even if I haven’t taken advantage of it, if I was going to have one of those cases that I was going to take home with me emotionally, that I could pick up the phone and call the coordinator and say that this case made me feel worse than I would normally feel about these cases. Could we grab a cup of coffee and chat a little bit more about this. (Jethro, personal communication, March 1, 2016, p.16)

Rosie also reflected on the connection between investigators,

But it’s nice to know so many of the other people that are investigators and know that like I felt like I needed to come in and sit in on a thing. I mean David even offers to as well sense he’s been in that situation and now as a board member he understands how that works. It’s good to be able to call over to other investigators to say hey I need to get your thoughts or the Title IX coordinator, or conduct officer, or you. We have a really
good connection between all of us, which is hopeful because you cannot feel like you are an island because you are not. (Rosie, personal communication, February 19, 2016, p.17)

Conversely, the absence of such connection troubled Aria,

I think there—yeah. I feel very alone in this process. I feel like it’s—I know that I have the support—but at the same time a lot of it is my decision in terms of how I contact people, and when I contact them, and what path I take. I can’t share anything that I’m doing with anyone that I work with. I didn’t feel as alone last year, because I could just jump into Eric’s office like, “Hey help me.” But now it’s very alone. And I know I’ve got you guys when I need you, but I would say the general overarching feeling is that I am kind of out on my own. And I don’t know what to make of that. But I would say that is a feeling I sometimes I have. (Aria, personal communication, February 25, 2016, pp.15-16)

While investigations may be conducted by a single investigator, colleagues and collaboration offered comfort for investigators. This was highlighted by the feelings of isolation that Aria felt when she did not find that support system as near as it once was. This reaction suggested that a process that offers avenues for collaboration could hold value for participants as they engage in the investigative process.

**Dealing with outcomes.** Participants varied in their relationship to investigation outcomes. Several participants remarked that they had no desire to know the outcome of the investigation, whether someone was found in violation of the student code of conduct. Others operated knowing fully the outcomes and had described the way they felt toward investigation outcomes. In the broader sense Jethro reflected on his understanding of investigative outcomes,
I used to think that you could prove like one way or the other, you could prove that somebody is responsible or almost like they are innocent. I don’t know that there—I have kind of gone away from there is any innocence involved. And the whys, and I just think that people aren’t good at communication, and I think it is getting worse. (Jethro, personal communication, March 1, 2016, p. 7)

Jethro further explained why he does not need or want to know the outcomes,

I don’t know that I have—part of it is just—it might be—what’s the right word? I don’t know if I have a FERPA thing I suppose. I just don’t know if I have a need to know. I don’t know if it is any of my business. My business was writing down what they told me. Part of that I think is because I’ve put years behind me of doing the cases and being on that board. Maybe it’s because I appreciated the cases that came to me from the investigators that didn’t come and ask me later, especially if it was a decision they might not like. So I’m not going to ask. (Jethro, personal communication, March 1, 2016, p. 16)

Eric reflected similarly that he does not know the outcomes of investigation and does not actively seek them out,

And say I don’t always know the final outcome of the hearings. And to be honest I don’t know that I really sought those out. I think I just kind of have to have trust in the process at that point. I like to think it must mean that my report is fairly thorough and the parties involved agree on what’s in it. To have not been called at this point. (Eric, personal communication, February 23, 2016, p. 17)

Harper differed in her relationship with investigation outcomes. She shared the following about hearing boards and outcomes,
So like I imagine that when probably the next one that I’ll participate in a couple weeks with the respondent and complainant in the room will be very uncomfortable. One side of the story and the very opposite end of the story. And when you get to the hearing board that is all you are going to hear, the very different experiences. It’s in a very small room, and I think sometimes the size of the space feels very constricting, felt very constricting, the one that I participated in the fall. Then afterwards we did find out what the result of the hearing board was. So that to me was also kind of a sense of accomplishment at the end. Hearing board officers heard the information that we collected and were able to meet a balanced judgment off the information that we had been able to provide. And I’m sure there might be some that I’m not happy with the outcome. (Harper, personal communication, March 4, 2016, p. 13)

Rosie furthered this sense of emotional response to both completing the final report and hearing the outcome,

I always feel really relieved that I have that report done and it’s off to whomever it needs to go to. And then, you know, it depends on the outcome with the review board thing. I’ll be relieved to have been done with my testimony part, but I’ll always have some sort of visceral reaction to how it goes. Because I’ve been invested in the situation for it could be two months by that point. I want to know what the outcome is and how that, you know, works for those students. It is always kind of a relief to be done with something as difficult and as challenging as this. But I’m definitely an emotional person so I will always have some sort of reaction to that. Like ok I hope this student gets the help that he she or needs on either side and I also kind of wonder what’s going to happen to them afterwards. (Rosie, personal communication, February 19, 2016, p. 14)
As investigators deal with outcomes differently, this theme suggests that the outcome of an investigation is significant. As Eric and Jethro steered clear of even knowing the outcomes, Rosie and Harper reflected that they knew complaint outcomes and reacted to those outcomes. These opposing perspectives may offer insight into both the personality of investigators and the coping strategies they may employ. Not knowing the outcome may shield investigators from dissatisfaction toward outcomes and the subsequent emotional responses to an outcome. Conversely, a lack of awareness of outcomes and a desire not to know outcomes may serve as an additional measure to remain unbiased.

**Understanding and Perceiving Others**

Participants reflected on complainants, respondents, and others involved in the investigative process. Their interactions with students and the way in which they perceived students illuminated the experiences of investigators. What surfaced was a great amount of care and concern for students as they engage in the interview and investigative process. Examples of emergent themes within the broader theme category of understanding and perceiving others are presented in Table 4.

**Complainants.** Participants made a distinction between complainants and respondents throughout the course of interviews. Participants reflected on the way in which they understand the experiences and behaviors of complainants from their first point of contact, the initiation of an investigation, and the outcome of a complaint. Grace described the procedural elements of interacting with the complainant,

So I talk with them through that and based on what they share, then we proceed accordingly. I usually—I always wait to talk to the complainant before I do anything
Table 4

*Understanding and Perceiving Others Emergent Themes*

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with the respondent, partially because I want to make sure that the complainant is ok with me sharing the name or sharing details, are there any things that they are concerned about that making this report may impact or trigger a respondent, so I want to be careful with that so I don’t usually contact the respondent and complainant at the same time. I contact the complainant and try to meet with them and get where they are before I meet with the respondent. So if they decide they don’t want to do anything and they just want to use the resources available or sometimes they have contacted UPD and UPD had addressed it and they feel like that’s enough, it has been resolved and I have no further issues so I don’t want to proceed. I try to make sure they understand that if any point that changes they should come back and can come back. (Grace, personal communication, February 24, 2016, p. 2)
Anne observed and reflected on the way the complex way complainants view respondents,

Have I met some complainants who, you have the group who knows exactly who the offender was. I know him by first and last name, I’ve met him a few times. They shoulder so much a burden, they don’t want to anything to ruin this person’s life or hurt them or—I just had this kind of complainant in the other day. Maybe he didn’t hear me when I said no. Or maybe he didn’t realize he was going too far. I don’t think he is a bad person. As a wonton person with zero moral compass, just absolute depraved would be the word we were looking for that individual. I don’t know that I’ve met a complainant who has felt that this person is just a depraved animalistic type of person, all this complexity. (Anne, personal communication, February 28, 2016, p.15)

Rosie shared what she imagined the outcomes of investigations must be like for complainants,

You know for those complainants where the person is not found responsible I’d say it’s very negative for them. Or depressing, you know. But again I don’t know. I’m just speculating. (Rosie, personal communication, February 19, 2016, p. 9)

Rosie also projected her own frustration with the victimization of complainants. She voiced upset by what complainants’ experience,

It’s more like they just thought that this was going to happen to them and there was nothing they could do about it. I think that goes for all the situations that I have been a part of. Like one person she had been sexually assaulted in high school so when this happened to her she thought well no one helped me in high school, so I’m not going to go through it again because it’s just going to turn out the same. That’s why I got so upset about that one, because it pretty much did. They found him not responsible. I thought gosh, she has gone through this all over again. I think another thing that really upsets me
is that you know we talk about that week before classes start and those weekends at the beginning in the fall semester, and that’s when this happened to her. And she’s a freshman, and so that’s her first experience with this university. And so I even distinctly remember telling her, we were talking about what her major is and why she came to college here and she came for a specific program or whatever, and she was really looking forward to being in those classes, I said don’t let this thing define your experience here. Because this happened to you and it was horrible, that’s not your one defining thing for this university. How many people am I going to have to say that to? Because this happens to them before they even step foot in a classroom. (Rosie, personal communication, February 19, 2016, p. 15)

Exploration and meaning making of complainant behavior emerged through all of the interviews with participants. The emotional complexity of the complainant experience informed investigator decision making about investigative strategies and reliance of trauma informed training. It became clear that investigators place the complainant at the center of their process and care for how they move through the process.

**Respondents.** As participants spoke of complainants with a great deal of care and empathy, they had a more complicated understanding of respondents. Participants had empathy for respondents, but some reflected that empathy was tempered by the behavior of respondents that precipitated an investigation. Rosie aptly described this complex understanding of the respondent’s experiences,

It’s hard because, because in some cases I want to be empathetic and I want to be supportive as I can to both sides. Especially to both sides. Especially when you can see it is affecting the complainant as much as the respondent. For example, I had one earlier
this year, where the guy thought that the encounter he had with the complainant was
going to lead into a relationship and they were going to be together. And that is not at all
what the complainant thought. So he was just as upset as she was to realize that, that was
not the path that this was going to. So I wanted to, you know, I wanted to be
understanding. And I was as understanding as I could be, but I was just kind of thinking
here are the things that you did though. And you don’t think that those things are wrong.
Like initiating something with someone who is obviously intoxicated, or continuing to
contact someone over and over again and not getting that two or three messages that go
unanswered are enough. So it—there are lots of gray areas when it comes to this work.
(Rosie, personal communication, February 19, 2016, p.8)

Eric observed how respondents have been entirely overwhelmed through this process,
That case had several moving pieces, so the police wanted him for that investigation, the
housing office wanted him for possible eviction. The student rights office wanted him for
possible temporary suspension. And I wanted him because I was assigned a possible Title
IX investigation. The student came in here, probably two days after the incident. It
didn’t appear as those he had slept since the incident. And his mind was just all over the
place as to why all these different people were contacting me. We never got any further
than the rights and responsibilities form and he said he would really rather wait to do this.
And that um that was the last I ever saw of him. (Eric, personal communication, February
23, 2016, p.14)

Grace outlined her approach with respondents, as she is cognizant of what she believes this
experience to be like for them,
On the respondent side I think what I try to do is also have some empathy, because if I’m a young, you know, student at college being accused of something that could have huge repercussions—that is one of the first things they want to ask is what could happen if this goes through could I get kicked out of school. That is one of the first things they always ask. So I imagine they are sitting there thinking, I have to remember this situation that I may not really remember but I have to try to remember it and say things in a way that is not going to implicate me because they are huge repercussions, but this person is telling me this is just an investigation, this is not a judicial, nothing has been decided I’m just gathering information, but what if they information I share with them is detrimental. So I try to have them truly understanding, try to reassure them that this is truly just an investigation, just give me what you remember at least. And certainly I will ask you some questions for follow up from things I may have gotten from witnesses, a complainant. Don’t make anything up. Don’t make it up. Just tell me what you remember, if you don’t remember then you don’t remember. Just to reassure them of that, to reassure them that this is not a judicial process yet. Nothing has been determined, we are—I’m truly only investigating. (Grace, personal communication, February 24, 2016, pp. 5-6)

Aria described how she has evolved in her understandings and reactions to respondents. She noted that the fear she used to have of a respondent has been replaced with empathy,

Fear that they would yell at me. Fear that they would get angry with my questions. Fear that they would—you know like—get aggressive. And I don’t have that as much anymore. And I think that is also a typical—having a conduct hearing. I’ve had that happen in conduct hearings before, and I’ve had people like threaten me in conduct
hearings. Because they sometimes approach it like a conduct hearing, you know you can kind of have that. But now I really view this as an opportunity for them to tell their story. I really approach it very differently. I don’t have that same fear I did when I was newer at this. I also don’t—I’m not necessarily—I’m almost more sympathetic now to the respondent than I used to be. I used to think of the respondent as like this unknown perpetrator kind of thing. And I’ve realized that this is an incredibly—whether it actually happened or it didn’t this is hard for both parties to go through. So I see myself as more of a like—I just want to make this as easy on them as I can, whether complainant, respondent. I want to make this—like yes they are going to have to tell me something things, but it’s their opportunity to share and I’m going to make sure that whatever their story is they can share it. There are even those that admit that like yeah this happened, I did this and I regret this. They are very honest and upfront and can tell their story. They are not necessarily a horrible awful person. I think there used to be that if you commit something that you are an awful person. And I’ve learned going through the process as an investigator that is not necessarily the case. People do things that are really bad, and that does not necessarily mean that they are an awful person it means that they did something horrible at a certain point in time, but it doesn’t necessarily mean they are horrible. There are some that are. But that is also something that is not my place to judge that. (Aria, personal communication, February 25, 2016, p.5)

A nuanced understanding of respondents demonstrates how conscientious investigators are in managing the experiences of all students involved in this process. Despite investigating allegations of the violence a respondent may have perpetrated, they still feel empathy for those students as they engage in the investigative process.
**Others.** Complainants and respondents are not the only individuals involved in the course of an investigation, witnesses and support people were of note for investigators. Investigators were aware that people in the university community may also perceive them in a unique manner. Harper explained her interactions with witnesses and support people throughout an investigation,

I think the witnesses are just confused, they don’t—they are kind of living as a third party. Typically they may not had seen what had happened, they are hearing it after the fact, and they—I don’t think remember the details as much, though I’ve had a couple witnesses that very much remembered the details of what happened. I think that they may be confused as to what—maybe some confusion, I don’t think they see you as kind of a good guy or a bad guy, just as someone asking questions. There are not a lot of resources that we talk to them about or provide to them about in the same way. You are not necessarily coming to them and sharing with them all the resources on campus, it’s a little bit more tell me about what happened. Depending on what’s shared you may share with them resources like the counseling center for example. And I always thank the witness for coming in and for their time, and I guess sharing what they remembered from whatever happened. And I think the support person, I think usually when the when a complainant comes in with the support person, I think the support person probably views us more as a resource, and some to ask questions to, where I think the support person for the respondent probably again thinks that you are the bad buy, I’m out to get you.

(Harper, personal communication, March 4, 2016, p. 12)

Whereas Anne offered her interaction with a university member in relation to her role as investigator,
So how I think people and our colleagues feel, some of them say, oh my gosh I’m so glad I don’t have your job. And others who have no sense of it, one young lady stopped me at the coffee counter the other day and was like, they really have the right person doing this, I really admire you as I’ve watched you from a distance and know who you are professionally as you are doing this. She probably has no idea what “this” is, haha. It seemed like when I see her she doesn’t have giant chunks of her hair gone, she is obviously doing this or faking that she’s doing this. So that’s how I think people see it. (Anne, personal communication, February 28, 2016, p. 13)

These reflections suggested that participants are working through and making meaning of various people in relation to an investigation, including witnesses, support people, colleagues, and members of the university community.

**Intersection of Law and Education**

The intersection between law and education arose through participant interviews as a theme that incorporated appreciation for the law and frustration with the insertion of the legal perspective into student driven processes. Emergent themes were collapsed under one superordinate theme, legal implications. Emergent themes within the intersection of law and education category are outlined in Table 5.

**Legal implications.** Several participants commented that they are not lawyers and therefore are not going to approach these investigations in the way asked for by the university’s attorneys. Eric succinctly summarized that feeling as the following,

I think that you hope that you have been thorough enough. Not so much my cases that I know of, that your general counsel comes in and asks why you didn’t ask this one.
Table 5

Intersection of Law and Education Emergent Themes

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<thead>
<tr>
<th>Super-Ordinate Themes</th>
<th>Emergent Themes</th>
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<td>Legal Implications</td>
<td>Criminal and higher education intersection</td>
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<td></td>
<td>Resentment towards lawyers</td>
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<td></td>
<td>Balancing legal, criminal, institutional</td>
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<td>Feeling angst with the criminal side</td>
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<td>Compliance awareness</td>
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<td>Frustration with law lens</td>
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<td>Dissonance with legal and education</td>
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<td>Value of education centered approach</td>
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<td>Disagreement with the law</td>
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<td>Comparison of administrative to court processes</td>
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Because I’m not a lawyer, and that’s not where my head is. (Eric, personal communication, February 23, 2016, p. 16)

Aria voiced a similar sentiment after one complaint, in which university attorneys became involved,

The case that I keep coming to is the case where legal got involved, because I feel like especially once they got involved some of the things they were saying that I should have done, were things that I don’t feel like were adequate in my training. Not adequate because the Title IX officer does everything she can, but she didn’t even know some of the stuff that I was expected to do. With the courts, the stuff that they were telling me I should have done, sure I would have known that if I were lawyer. But I’m not a lawyer, though. (Aria, personal communication, February 25, 2016, p. 7)
Rosie also commented on the conflict that arises between an educational process that addresses on what some occasions may be criminal behavior, usually reserved for legal processes,

For me it is not really a legal proceeding, so I mean, yeah, its ok to have someone there to offer advice and suggestion, but if it were me I would want to be standing up for myself. And making sure that the questions I asked where things that I was really like—here is my side of the story and pay careful attention to this part right here. So I don’t think that it’s – I don’t think that it’s necessary to have lawyers in there. I think that it makes things more tense, and the lawyers treat it as though we are in a legal proceeding and you can’t do this, and you can’t do that. And it’s like that’s not really what this is. We are just putting both sides out there and these people are going to decide if the student code has been violated. Not if they are going to jail tomorrow. That is something completely different. And so I mean yes we have lawyers, we have student legal services and we have general counsel, but for the most part that’s not what higher education is about. And so I don’t know – I just think kind of just throws things at a different angle that they don’t necessarily need to be put in. And especially in the case that I mentioned earlier. That lawyer is really kicking things into high gear and the student conduct office keeps saying, that’s fine but that doesn’t really have any bearing on what we are specifically looking at. I said sketchy, just because it kind twists things around where it doesn’t need to be twisted. (Rosie, personal communication, February 19, 2016, p. 6)

Anne reflected similarly and demonstrated reference and appreciation for Title IX of the 1972 Education Amendments,
You’ll notice that everybody leaves the big granddaddy of all of this [Title IX], they leave it alone. That makes you feel like, yeah get up to bat lawmakers and senators and congressmen and women and other people with opinions. Go ahead, knock it around. It will stand the test of time and it should. When you read it and there is so much wisdom in this. It is written for schools, it is written as though you are talking about a fourth grader. What are you going to do to protect him or her in her school environment? I really like the home base feeling, you always have a place to go back to. It’s not – even though OCR writes reams and reams, and we read and kind of do all the proper notations and pick out of those what we need to know and pick out of like the mechanical and process kinds of fronts. The basic underpinnings of it and what it is seeking to do. It is not seeking to find someone guilty of a crime, is my school a place I can go and be safe, can I do to class, can I go to my clubs and organization, make friends. Will I get the support of a counselor, sometimes it can be made painfully just overblown, it’s like well just do the thing already. So when they, people banter around different opinions. It’s like read the letter people, it’s well articulated in there. What it asks of a college, a school, or university to do, it’s all in there exactly right. Even as we all say, even if it weren’t written in the law wouldn’t we do that. Weren’t student affairs, student development people, deans of students intellectually kind of already there. I understand that you are dealing with someone who is 18. They are what 18s are. They can’t be anything different than that usually. It’s I wouldn’t want to thoughtful dialogue about this world of work to go by that it wasn’t, we are good, we are good doing what we do and there is probably good and bad and people of different levels of skill set at it. But if you study it carefully approach your work with high amount of integrity then your name and
within the context of investigations, it became apparent that there exists a tension when investigators who are not trained as attorneys, engage in a process that educational in nature but has significant legal implications. They also reflected that as lawyers represent students in this process they apply a framework of law and criminal law, which creates stress on the system and on participants.

Summary

Driven by the question of how Title IX investigators experience the investigation of campus sexual violence this chapter encapsulated the findings that emerged from the interview of seven participants. Findings emerged through five thematic categories: emotional response, investigator identity and perceptions, investigative process, policy, and practice; understanding and perceiving others, and the intersection of law and education. Brought to life by thick, rich excerpts from participant interviews this chapter constructed the experiences of participants as they engaged in the phenomenon of investigating campus sexual violence.
CHAPTER FIVE: DISCUSSION

Chapter Four presented the emergent themes and super–ordinate themes that described the complex phenomenon of investigating campus sexual violence. As Chapter Four laid out the findings, Chapter Five will bring meaning to the findings through my interpretation as an insider researcher. This chapter offers a summary of the findings and my interpretations through a discussion of the research question and themes. After my interpretations, I identify implications for the study of campus sexual violence investigators and the application of the findings to practice. Time is spent on exploring avenues for future research, taking into account the findings presented by this study. The limitations, delimitations, and trustworthiness of the study are also addressed. Finally, I conclude this study with a personal reflection of my own experiences as a Title IX investigator and insider researcher.

**Summary of Findings**

Through the course of interviews with seven participants, five thematic categories emerged as significant and defining in the experiences of investigators: emotional response, investigator identity and perceptions; investigative process, policy, and practice; understanding and perceiving others, and the intersection of law and education. Thematic categories were built on 117 super–ordinate and 971 emergent themes that presented across three to seven of the participants. The findings revealed that the experiences of investigators are nuanced, complex, and multi–faceted. Further, themes that emerged for multiple participants suggested that these particular investigators similarly experience the phenomenon of investigating campus sexual violence.
Interpretation of Findings

The purpose of this study was to understand the experience of Title IX investigators on one campus as they conduct investigations into the complaints of sexual violence. The research question, purposefully and simply constructed asked the following: how do Title IX investigators experience the investigation of campus of sexual violence?

The findings revealed an understanding of the experiences of Title IX investigators through five central themes, 1) the emotional response, 2) investigator identity and perceptions, 3) investigative process, policy, and practice, 4) understanding and perceiving others, and 5) the intersection of law and education. Themes and the underlying super–ordinate themes intersect with one another to capture the complex, nuanced, and conflicted experiences of Title IX investigators as they conduct investigations into campus sexual violence. The essence of this lived experience for Title IX investigators is the point at which the five central themes converge. The intersection of themes are visualized in figure two.

![Diagram](image.png)

*Figure 2.* Depiction of five central themes as they intersect with one another.
Themes

Each theme explored the multifaceted way in which investigators experienced this phenomenon. As an insider researcher conducting an IPA study, I stood alongside my participants and have metaphorically put myself in their shoes (Smith et al., 2009). This intentional approach combined with my experience as an investigator has informed my interpretations of the themes presented in the findings. Themes are presented in the order in which they emerged through data analysis.

**Emotional response.** Through my interaction with participants, they described their emotional reactions during Title IX investigations. They described emotional reactions similar to ones I have experienced as an investigator, including, but not limited to reactions of sadness, anger, fear, uncertainty, and shock. What renders this theme of emotional response so significant is the comparison participants made regarding their experiences as Title IX investigator versus that of administrator. They distinctly described the graphic sexual and violent content of investigations as something they do not experience in the full–time position for which they are compensated at the university. This proved valuable as a comparison; because the investigators acknowledged that as administrators in any other university context, they are not asking students specific questions about student sexual or relationship behaviors that result in graphic, potentially violent, and highly detailed accounts of sexual activity. Ultimately, working with repeated graphic sexual detail, victimization, and trauma of others comes at an emotional cost to the investigator.

Participants described multiple ways in which they try to cope with the nature of investigations. Coping for many came through intentional strategies of disconnection and emotional detachment. What I came to understand through the course of interviews was that
participants have reflected on this emotional experience prior to our interviews. They had already recognized this experience was one that required intentional efforts to cope. The struggle to cope with the experience of investigating campus sexual violence was apparent in my conversations with participants. The need to cope reflects the toxicity of trauma for responders and caregivers (Bloom, 2013). Participant emotional responses and attempts at coping mechanisms are recognizable in Lipskey and Burk’s (2009) warning signs of trauma exposure, which include feelings of helplessness and hopelessness, dissociative moments, guilt, and fear. As demonstrated in other fields, there are ill effects for professionals who work with victims of sexual trauma, including but not limited to vicarious trauma, secondary trauma, and compassion fatigue (Cole et al., 2014; Lipskey & Burke, 2009; Perron & Hitzl, 2006; Salston & Figley, 2003; Schauben & Frazier, 1995; Wies & Coy, 2013).

Participants reflected on their sense of helplessness, which emerged through the superordinate theme of lack of control. Participants conveyed that they could not prevent what happened to complainants and similarly had no control over the outcome of investigations and hearings, this left participants feeling helpless to help students. Again, an experience separate from what they encounter as administrators dedicated to serving students; helping students is a defining piece of their full time roles. Being witness to a student’s experience as he or she relives it through the investigation generated not only a visceral emotional response, it left participants trying to reconcile their own lack of control and seeking ways to cope.

**Investigator identity and perceptions.** Participants had fully formed identities as Title IX investigators. They reflected on their growth and past experiences as investigators, their difficulty in toggling between the two very distinct roles of Title IX investigator and student services professional, and their bias and search for objectivity. The findings of this theme
established that role of Title IX investigator is a distinct identity. Most profound was the intense efforts participants put forth in navigating their dual roles. One participant described this as role switching, a process for which she must mentally prepare. The switching of roles proved particularly difficult for participants to reconcile. These experiences are in contrast to the way in which they perceive Title IX investigations, and specifically their relationship to students involved in the Title IX process. They conveyed that they must set aside their identity as a professional in their full time capacity and step into the identity of Title IX investigator.

This identity is shaped in large part by their search for objectivity. I refer to this as the search for objectivity intentionally, as it became apparent through participant interviews that no one was without bias; some participants were more aware and transparent about their bias than others. This is particularly salient as most investigators used terms like impartial, unbiased, and objective to describe themselves as investigators. These descriptors resonate with participants, not because they are in reality completely unbiased, but because they carefully monitor their own bias, the perception of bias, and exert constant effort to remain objective. I compare this to the concept of bracketing in qualitative research, wherein a researcher must be aware of and set aside their own experiences and perceptions to truly explore that of their participants (Creswell, 2013). As participants described their search for objectivity it surfaced that objectivity is a primary concern for investigators and an aspect of their own identity to which they are highly attuned.

This sensitivity to bias resulted in the investigators suppression of emotions and reactions to the investigative process. Participants described how they carefully monitored their words and reactions to students involved in this process, through the suppression of kindness, judgment, or support. The investigators attempted to suppress any behavior that may be perceived as
partiality toward either the complainant or respondent. Investigators and therein investigations are certainly defined not only by the actions of investigators, but also by actions suppressed.

Participants relied on past experiences to make sense of their current identity as investigators. Participants remembered their previous roles and how that has shaped their current identity, while others reflected on their early investigator career. Certain complaints have remained with participants as the vivid, upsetting, or difficult nature of past investigations. These experiences have shaped the way in which they currently interact with students and conduct investigations. This suggested that highly experienced investigators draw upon a wealth of knowledge and recall previous cases to assist them in investigating current cases. It would also suggest that investigators carry previous experiences and further develop potential bias throughout their career of which they must remain cognizant.

**Investigative process, policy, and practice.** Title IX investigations are process driven and governed by federal and institutional guidelines (OCR, 2011, 2014; VAWA, 2014). It then comes as no surprise that investigators have a dedicated focus on policy and process. Where some found frustration in the university’s process, others found comfort. Participants faced uncertainty as they embarked on investigations. Regardless of their feelings toward policy and process investigators relayed almost identical procedural steps in their investigative process. This is a result of consistent training and adherence to investigative procedures outlined in the university’s policies. However, investigators were thoughtful and intentional in all their decision-making at it was governed by policy. This suggested personal approach is tailored based on investigator identity within the construct of the university’s policy. There is little latitude in the procedural elements of an investigation, one participant even reflected her
apprehension in answering my question regarding the process, because she understood what was at stake if she were to do something procedurally incorrect.

What emerged as necessary to the investigative process for participants was that of collaboration with colleagues. Participants shared that they collaborated and spoke with their fellow investigators for procedural and emotional support. Others indicated they found comfort in knowing that should he need it support from other investigators was available. This sense of collegial support became clear as one participant reflected on how alone she feels in this process. The role of support from fellow investigators emerged as a positive and valuable coping mechanism for investigators as they engaged in investigating campus sexual violence.

A surprising finding presented itself through participants’ relationships with investigative outcomes, specifically whether a respondent had been found responsible or not responsible for violating the student code of conduct. Several participants indicated that they did not believe they had a right to the investigative outcome and did not inquire after the outcomes of their complaints. Comparatively others participants had been made aware of the outcomes of the investigations they had conducted and acknowledged they had emotional reactions to those outcomes. The emergent theme of investigator relationship to outcomes relates strongly to the emergent theme of objectivity. Some participants wondered that if by knowing the outcome or asking about an outcome if that would demonstrate bias, by way of example did they believe the respondent was responsible and might be disappointed if the finding was not responsible. As I described earlier, objectivity is not inherent, but rather constructed and maintained. I interpret not knowing an outcome of an investigation as a possible coping mechanism, so that investigators are not encountering the emotional response some participants said they had to a finding.
As an insider researcher this finding was of particular interest. Prior to interviews it had not occurred to me that participants would not know or want to know the outcomes of investigations. In my experience as an investigator, I am always made aware of outcomes, so I had to bracket my own experiences as I heard some participants reflect on their experiences in a way that challenged my own sense of understanding of the process and my expectations of what others may understand about complaint outcomes.

**Understanding and perceiving others.** The way in which participants made meaning of the various people involved in a Title IX investigation provided great insight into their experiences. Participants were distinct in their understanding of the complainants, respondents, and others people, including support people. Participants reflected a great deal on the experiences of complainants and the care they took in working with complainants. The way in which complainants are viewed by investigators is significant, because this shapes the investigator’s behavior and investigative approach.

Participants acknowledged that the investigative process is difficult for complainants, they reflected on the feelings and emotions they believe complainants had as the engaged in the investigative process. Often participants tried to make meaning of complainants’ experiences through what they had directly observed. The strong sense of empathy that participants felt toward complainants extended also to respondents, albeit in a different way. Investigators described empathy toward the complaintant in relation to the victimization of the complainant and the burden they carry as victims. Alternatively, investigators described an empathy that had to be given intentionally toward the respondent. Empathy toward the respondent was described as an understanding of how difficult it was for respondents to be accused and engage in the investigative process. Participants also reflected on how other students and university personnel
view Title IX investigations. There was concern and awareness for students that serve as witnesses throughout an investigation. This finding suggested that investigators expend time and energy in caring for all students involved in the process and exercise empathy for others throughout the course of an investigation.

**Intersection of law and education.** The intrusion of law into the investigative process served as a contentious point for participants. Participants voiced their frustration at being scrutinized and criticized from a legal perspective, when they do not approach investigations as lawyers. The intrusion of lawyers from the university’s general counsel to attorneys serving as support people for students was a source of stress for investigators. The intersection of law and education stood out for participants. They felt protective over the investigative process as one that is grounded in education and university policy, not one that should mimic that of criminal and law proceedings. Participants articulated this tension as they interacted with lawyers and reflected on the standard of law being applied to a process that is housed in an academic setting. The possibility that the university or they themselves may be named in law suits was not lost on participants and the likelihood of this outcome was unsettling.

**Reflection on Themes**

The themes taken collectively suggest that true lived experience of Title IX investigators is conflicted. This complicated experience takes shape as investigators balance emotions, self–identity, policy, student needs, and the law throughout the course of any given complaint. Noticeably absent in the experience of investigators was that of joy or happiness. Some relayed satisfaction in their service or completion of a task, but not one participant experienced a Title IX investigation in a positive manner.
Categorically the lived experience of an investigation is difficult and challenging. Investigators must exercise empathy while remaining impartial, demonstrate care while asking and hearing invasive graphic sexual questions, set aside their personal and professional identity to conduct Title IX investigations, and cope with student trauma while incurring intense legal and institutional scrutiny. As figure two illustrated the essence of the Title IX investigative experience lie not in any one individual theme, but rather in the space in which themes converge and intersect. The conflicting nature of this experience reveals how unique and exceptional this experience is and demonstrates the need for further study into the experiences of Title IX investigators. Further, this complicated portrayal of their experiences indicates strongly the need for the intentional selection, training, and management of Title IX investigators.

Implications

I set out to answer the research question of how Title IX investigators experience the investigation of campus sexual violence, because as a Title IX investigator I desperately wanted to understand an experience that has been so personally profound. As a researcher, student affairs administrator, and Title IX investigator I recognized that there was no empirical data or research to help me understand this experience. The utility of such an exploration holds value in its application to the selection, training, and management of investigators.

Investigator Selection

Given the findings of this study, which suggest that the experience of investigation campus sexual violence is complex and conflicted, careful consideration must be given to the selection of investigators. There are no standard qualifications mandated by the federal government as to who is best suited to conduct investigations. Colleges and universities have autonomy over their selection of investigators. As demonstrated in Chapter Two, the literature
does not inform us on the backgrounds, education, or compensation of Title IX investigators. Through my training and own experiences, I have been made aware that each institution may select investigators differently, some may outsource to law firms or retired police officers, many employ attorneys, and others, like the university in this study selected administrators in student affairs and academic affairs to serve as investigators.

Setting aside the background and education of investigators, Title IX Coordinators and university leadership may draw upon the findings of this study to better understand that the experience of those who engage in this work is difficult, complex, and as such requires a unique skill set and disposition. Qualities of investigators revealed themselves throughout the course of this study. Primarily investigators must be able to decipher and apply institutional and federal policy. Investigators must employ empathy and maintain objectivity. Further, investigators must have or develop a comfort level with graphic, violent sexual content. If investigators have a full time position outside of investigator, they must have the ability to balance the demands of both positions, logistically and emotionally. They must possess professional poise and a basic understanding that they are subject to intense scrutiny from complainants, respondents, witnesses, parents, the media, attorneys, the institution, and the federal government. It should not go without saying that quality investigators will possess excellent verbal and written skills, and be deeply analytical. Finally, as demonstrated by the findings investigators keep students at the center of their focus. An in–depth working understanding of American college students, higher education, and their relative institution is essential.

Investigator Training

The selection of an investigator sets the stage for the intentional and on–going training of investigators. The findings of this study suggest that investigators grow and shape their
investigator strategies with each complaint. It then reasons that training plays a significant factor in how investigators experience the Title IX process, the better the training, the more confident and equipped the investigator, the less conflicted the experience. Alternatively, particularly negative investigative experiences or weak investigative habits may perpetuate and shape the experience of an investigator in a way that may generate institutional liability and investigator dissatisfaction.

In addition to training on trauma–informed investigative techniques as recommended by the federal government (White House, 2014), the emotional well–being of investigators must also be considered. Are Title IX Coordinators and managers of investigators equipping investigators with the appropriate coping strategies? Are they creating an environment that fosters collaboration and collegiality? Are investigators offered strategies to maintain objectivity? One area of frustration with investigator that emerged in this study was a frustration with the law and attorneys. How are investigators being trained on how to work with these pressures and respond to such scrutiny?

Federal guidance has required that investigators be trained (Ocr 2011, 2014, 2015a, 2015c, 2015g). The quality, efficacy, and assessment of that training, however, have been left to institutions. The growing market for training, programs, conferences, and consultants reflects institutional compliance efforts on these fronts. To best address institutional and investigator needs colleges and universities must first understand the current experiences of their investigators. As this study demonstrated a highly nuanced and complex emotional experience for investigators, training then must take into account the holistic development of an investigator and offer more than just interview skills or compliance updates.
**Investigator Management**

The work of an investigator may result in the suspension or expulsion of a student, lawsuits, or federal investigations. The coordination and management of investigators falls to Title IX Coordinators (OCR, 2015a). The findings of this study highlight the need to support investigators through the investigative process, both procedurally and emotionally. Are investigators being given a manageable caseload? If they manage other full time responsibilities, is this taken into account with case assignments? Given the highly refined skill set, unique training, and high stake nature of Title IX investigations what may be considered reasonable compensation for such work? Should investigators be expected to engage in this work over a long period of time?

The field of Title IX investigators as a profession has emerged since the OCR 2011 Dear Colleague Letter. What might this field look like in 5, 10, and 20 years? Understanding the experiences of investigators will only further institutional compliance with Title IX (1972) and ultimately better serve the students and college and university communities.

**Future Research**

I embarked on this research to gain a better understanding of the experiences of Title IX investigators. While I have furthered my understanding, many more avenues for future research have become apparent. I have identified avenues for both quantitative and qualitative research in the following areas: investigator demographics, investigator identity, exploring experiences of other professionals, policy research, exploration of student experiences and perceptions, and investigator role in institutional betrayal.

**Investigator demographics.** Throughout the course of my review of literature it became clear that no empirical evidence exists regarding basic background and demographic information
of investigators. Questions of future research might focus on include those that focus on the age, gender, race, ethnicity, years of experience, education, and professional background of those currently serving as Title IX investigators. Understanding the background and demographics of investigators will be necessary as this field emerges as its own unique profession within higher education.

**Investigator identity.** Demographic inquiry may offer quantitative and descriptive information about who conducts investigations, however, the way in which investigators develop and perceive their identity is also significant. For example, how does investigator age, gender, personality, education, and training shape investigator identity? What intersecting identities emerge? How does investigator identity shape investigations and interactions with students? The identity development of investigators would be an area ripe for further exploration, as demonstrated by findings that emerged in this study to suggest identity is a central component of the investigator lived experience.

**Exploring experiences of other professionals.** After engaging in a study on investigators, the expansion of this study to that of adjudicative professionals, hearing board members, victim advocates, university police officers, and general counsel would further an understanding of the experiences of those professionals on a college campus that respond to sexual violence. Campus response to sexual violence encompasses a variety of areas and departments including but not limited to student conduct, hearing boards, victim advocates, university police officers, and attorneys in general counsel. Each individual in this process, by nature of their role has a unique experience and perspective. Understanding how each area of the university response process experiences sexual violence would offer great insight not only into their experiences but could potentially offer a better understanding of how areas work together.
A holistic understanding of a campus as they respond to sexual violence would serve as an interesting case study with both research and practical applications.

**Policy research.** With a focus on those professionals who execute federal guidance within the scope of Title IX (1972) and VAWA (2014) a phenomenological inquiry into their experiences could offer valuable insight into the application of federal policy on a college campus. Policy studies, federal and institutional, should be conducted to understand how policy lives in the university setting. Does policy impact practitioners? Is it being implemented as designed? What are the intended and unintended outcomes of policies? As demonstrated by this study, policy impacts greatly the experience of investigators, so research with a focus policy would better inform law makers and university officials.

One particular policy avenue to explore in this area would be Yanow’s (1996) interpretive qualitative analysis approach to policy research. The findings of this study touched upon how investigators interpret and make sense of policy, but did not explore that aspect of their experience through policy analysis. As Yanow (1996) wrote, “An interpretive approach to policy analysis, then, is one that focuses on the meanings of policies, on the values, feelings, and/or beliefs which they express, and on the processes by which these meaning are communicated to and ‘read’ by various audiences” (p.9). She suggested that interpretive qualitative research characterized by one or a combination of observations, interviewing, and reading documents. Interpretive policy research calls for interviews not only of key actors in policy generation, but also acknowledged the value of other “non–elite” players in shaping policy. To fully understand “how” both federal and institutional policy mean to investigators and administrators in higher education that implement such policies, Yanow’s (1993) interpretive policy analysis could be of value.
Exploring the experiences and perceptions of students. This study offered insight into the student experiences through a Title IX investigations as interpreted by investigators. The heart of this process should be the student. How are students experiencing this process? How do they perceive investigators and policy? Is this experience what they expected? How could policy and investigations be improved? This admittedly is very challenging research to undertake because respondents and complainants involved in Title IX investigations, regardless of outcome may feel dissatisfied. This makes the collection of data from students about their experiences a challenge. If the student experience is not explored, universities will miss a profound opportunity to better their response mechanisms.

Investigator role in institutional betrayal. Smith and Freyd (2013, 2014) have examined institutional betrayal in the context of campus response to sexual violence. They defined institutional betrayal as, “creating an environment where these experiences [sexual assault and interpersonal trauma] seemed more likely, making it difficult to report these experiences” (Smith & Freyd, 2013, p.119), or plainly stated, “Institutional betrayal occurs when an institution causes harm to an individual who trusts or depends on the institution” (Smith & Freyd, 2014, p. 578). The authors argued that institutions of higher education generate trust among their members and maintain an expectation of safety, and relayed that institutional involvement in the sexual abuse committed by one person against another is “indirect and occurs around individually perpetrated by violence” (p. 119). They offered that abuse within the institutional construct has the same negative effects as those of interpersonal abuse. Smith and Freyd (2013) found that sexually assaulted college women who had also been subject to institutional betrayal experienced greater levels of posttraumatic symptoms.
Investigators as agents of the universities, implementing university policy and directly questioning complainants about their experiences then have the potential to contribute to or mitigate the institutional betrayal of students. The findings of this study conveyed the concern that investigators have for all students involved in the investigative process, however, investigators acknowledged how difficult and distressing the investigative process is for parties involved. Findings suggested that investigators felt helpless in their ability to help students. I would argue that given the work of Smith and Freyd (2013, 2014) investigators may do harm to students if they are not trained, selected, or managed properly, alternatively they may diminish harm to students through an intentional and sensitive approach to investigations. As institutions work to refine their response mechanisms and create trauma–informed victim centered policies and practices there are avenues for research in the role that investigators have played in contributing or mitigating the institutional betrayal of students.

**Limitations, Delimitations, and Trustworthiness**

To demonstrate the quality of this study I offer an exploration of limitations, delimitations, and my demonstrated efforts to establish trustworthiness. A limitation of a study is “some aspect of the study that the research cannot control but believes may negatively affect the results of the study” (Gay, Mills, & Airasian, 2012). A conflict often arises in comparing the limitations of quantitative versus qualitative studies. Most often, the size of the sample serves as a limitation in quantitative research. The number of participants or cases often reflects a researchers search for the generalizability of their findings, albeit this does not epistemologically fit within the qualitative perspective (Creswell, 2013; Flick, 2009). To address this construct, I acknowledge that my sample size of seven does not offer generalizations regarding the experiences of the entire population of Title IX investigators across the country. However,
within the construct of this study, from a population of seven Title IX investigators all seven were sampled. As qualitative research has an eye toward new insights and theories (Flick, 2009), this study through its sample size of seven Title IX investigators at a particular institution may offer generalizability to essential investigator experiences and the experiences of investigators at similarly situated institutions.

The policies and procedures at the institution were another limitation of the study. As investigators were strongly governed by institutional policy, their experience is then tied into the nature of that policy. I would surmise that investigators at other institutions are similarly situated. Moreover, the Title IX organizational structure meant that investigators all had full time positions at the institution serving students through their student affairs or academic affairs divisions, meaning no full time investigators were interviewed. One could argue this was a limitation in that the experiences of investigators then are less generalizable to Title IX investigators who have this as their singular job function.

To contrast the external limits of this study, I will offer a few words on what this study intentionally did not include. As Wolcott (2009) suggested delimitations, or all the things a study was “not going to deal with,” are a useful section to include in a dissertation (p. 6). I chose deliberately not to study the experiences of investigators at other institutions. A particular sample and setting was selected in alignment with my approach of Interpretive Phenomenological Analysis (Smith et al., 2009). Further I did not explore the demographics of my participants. Any exploration of demographics of participants would have rendered them easily recognizable given the small sample of seven. To maintain the particular focus of this study I did not examine the experiences of others who are central to the university’s response to campus sexual violence, only those who currently conducted investigations into student complaints of sexual violence.
were sampled. There were, as outlined in the pilot study, professionals who had served previously as investigators. Those participants’ experiences were not included in this study as I sought to explore the lived experiences of current Title IX investigators, the inclusion of former investigators who may have operated under different policy constructs or may have had additional experiences which shaped their recollections and experiences was an intentional decision. Finally, the experiences of administrators who may work with employment or faculty complaints of sexual harassment and violence were not considered within the scope of this study.

The methodological strength and trustworthiness of this study is found in my efforts to establish validity and credibility. I utilized researcher reflexivity throughout the course of this paper to identity own assumptions, beliefs and biases, most notably this reflexivity is offered in Chapter One and through the conclusion of Chapter Five. Through the nature of my role as insider–research I maintained prolonged engagement in the field. I have conducted investigations into campus sexual violence as I have conducted this study, in doing so I maintained rapport and trust amongst my participants. I documented through an audit trail (Appendix N) each action I took in the collection and analysis of data. Finally, I provided thick, rich description of participants’ experiences through carefully selected excerpts that offered context, meaning, and captured the essence of the lived experience through the participants’ own words.

**Conclusion**

As this study concludes, my work as a Title IX investigator does not. I have presented the findings of this study into the experiences of Title IX investigators at a particular university through their own words and my interpretation of their experiences. I have purposefully put forward the experiences of my participants, while setting aside, to the extent possible, that of my
own. Admittedly, as an insider researcher my own status and experiences have never been far from my mind and I am in many ways grateful for that. The findings of this study confirmed and challenged what I have understood about my own experiences as a Title IX investigator. This study revealed the complex, emotional, and conflicted lived experience of Title IX investigators as categorized by five central themes, 1) the emotional response, 2) investigator identity and perceptions, 3) investigative process, policy, and practice, 4) understanding and perceiving others, and 5) the intersection of law and education. I constructed this study to better understand the experiences of my colleagues, an understanding that emerged through those five central themes.

I began Chapter One with a reflection on my own relationship to this research topic and I revisit my reflexivity in the conclusion of Chapter Five. I have often thought through the duration of this study how I would answer the questions I constructed about my experience as a Title IX investigator. My experiences are reminiscent of my participants, but also stand a world apart. I lived in the space between my role as researcher and investigator, so it would stand to reason as part of my conclusion I offer a glimpse of my reflections and experiences as a Title IX investigator.

I have found investigating complaints of sexual violence to be gut wrenching, challenging, stressful, and the most meaningful work I have had the opportunity to undertake. I, like the participants in this study, have experienced all five of the central themes illustrated in the findings of this study. I have a strong emotional response to conducting Title IX investigations. I recall one particular interview with a student where I had such a strong visceral reaction of sadness to the violence she described I wondered if I would be able to make it through the
interview. I remember having been frustrated by that response, knowing that my reaction to her story would be nothing in comparison to her reliving the experience in my office.

My sense of identity as an investigator continues to evolve with each complaint. I face a particular challenge in switching between my role as an administrator and Title IX investigator. As an administrator I assist students who are ill, have extenuating circumstances, or depart from the university, in comparison as a Title IX investigator I question students about the most intimate and humiliating details of sexual harassment, sexual assault, or violence at the hands of an intimate partner. I grapple with providing empathy and kindness to a student suffering from debilitating illness in one meeting and by the next tempering that same empathy and kindness to conduct an impartial and objective interview about sexual misconduct. I obsessively weigh my objectivity and explore my own bias, through my verbal interactions, written reports, and conversations with colleagues; it is an exhausting endeavor.

Policy has so informed my investigative process that I return to it often for comfort and direction. I read, explain, reflect on, and apply university policy on sexual misconduct multiple times throughout the day, it has undoubtedly shaped my procedural approach to investigating campus sexual violence. I not only live the policy, I care greatly for the well-being of the students I encounter. I often wake up in the middle of the night thinking about the complainants, respondents, or witnesses with whom I have interacted. I recognize that my actions as an investigator have the potential to further harm students who have been victimized or accused of sexual violence. The fear of causing harm and distress to students has been a strong motivator for me to refine and hone my skills as an investigator. Moreover, my most tense moments as a Title IX investigator have come at the intersection of law and education, most demonstrably through my interactions with attorneys that represent students. Articulating and executing the
university’s policies and procedures while facing the scrutiny and criticism of skilled, and at
times adversarial, criminal attorneys has been a source of stress. While my experiences in many
ways are similar to my participants, I, by the very nature of my role as researcher experience this
phenomenon differently. I have not just experienced the phenomenon I have studied and
interpreted it. Through this research experience, above all, I have found great comfort and
strength in knowing that I am not alone in how I experience Title IX investigations.

Summary

Chapter Five, discussion, offered a summary and interpretation of the findings.
Implications for practice and future research demonstrated the value of this research study
situated through an exploration of additional research opportunities. A summary of the
limitations, delimitations, and trustworthiness of this study presented closing analysis on the
study’s quality. A personal reflection on my experiences as a Title IX investigator and insider
researcher into this phenomenon concluded this study.


Kelley v. Board of Trustees University of Illinois, 35 F.3d 265 (1994).


White House Task Force to Protect Students from Sexual Assault. (2014a). Climate surveys: Useful tools to help colleges and universities in their efforts to reduce and prevent sexual assault. Retrieved from https://www.notalone.gov/assets/ovw-climate-survey.pdf


APPENDIX A – IRB APPROVAL

Office of Research Integrity
Institutional Review Board (IRB)
2000 University Avenue
Muncie, IN 47306-0155
Phone: 765-285-5070

DATE: February 16, 2016
TO: Tiffany Peters, MA
FROM: Ball State University IRB
RE: IRB protocol # 739541-2
TITLE: The Phenomenology of Investigating Campus Sexual Violence
SUBMISSION TYPE: Amendment/Modification
ACTION: APPROVED
DECISION DATE: February 16, 2016
REVIEW TYPE: EXEMPT

The Institutional Review Board reviewed your protocol on February 16, 2016 and has determined the procedures you have proposed are appropriate for exemption under the federal regulations. As such, there will be no further review of your protocol, and you are cleared to proceed with the procedures outlined in your protocol. As an exempt study, there is no requirement for continuing review. Your protocol will remain on file with the IRB as a matter of record.

Exempt Categories:

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Category 1:</td>
<td>Research conducted in established or commonly accepted educational settings, involving normal education practices, such as (i) research on regular and special education instructional strategies, or (ii) research on the effectiveness of or the comparison among instructional techniques, curricula, or classroom management methods.</td>
</tr>
<tr>
<td>Category 2:</td>
<td>Research involving the use of educational test (cognitive, diagnostic, aptitude, achievement), survey procedures, interview procedures, or observation of public behavior</td>
</tr>
<tr>
<td>Category 3:</td>
<td>Research involving the use of educational test (cognitive, diagnostic, aptitude, achievement), survey procedures, interview procedures, or observation of public behavior that is not exempt under category 2, if: (i) the human subjects are elected or appointed officials or candidates for public office; or (ii) Federal statute(s) require(s) without exception that the confidentiality of the personally identifiable information will be maintained throughout the research and thereafter.</td>
</tr>
<tr>
<td>Category 4:</td>
<td>Research involving the collection of study of existing data, documents, records, pathological specimens, or diagnostic specimens, if these sources are publicly available or if the information is recorded by the investigator in such a manner that subjects cannot be identified, directly or through identifiers linked to the subjects.</td>
</tr>
</tbody>
</table>
**Category 5:** Research and demonstration projects which are conducted by or subject to the approval of Department or agency heads, and which are designed to study, evaluate or otherwise examine: (i) public benefit or service programs; (ii) procedures for obtaining benefits or services under those programs; (iii) possible changes in methods or levels of payment for benefits or services under these programs.

**Category 6:** Taste and food quality evaluation and consumer acceptance studies, (i) if wholesome foods without additives are consumed or (ii) if a food is consumed which contains a food ingredient at or below the level and for a use found to be safe, by the Food and Drug Administration or approved by the Environmental Protection Agency or the Food Safety and Inspection Service of the U.S. Department of Agriculture.

**Editorial Notes:**

1. Modification Approved

While your project does not require continuing review, it is the responsibility of the P.I. (and, if applicable, faculty supervisor) to inform the IRB if the procedures presented in this protocol are to be modified or if problems related to human research participants arise in connection with this project. Any procedural modifications must be evaluated by the IRB before being implemented, as some modifications may change the review status of this project. Please contact (CRF Staff) if you are unsure whether your proposed modification requires review or have any questions. Proposed modifications should be addressed in writing and submitted electronically to the IRB (http://www.bsu.edu/irb) for review. Please reference the above IRB protocol number in any communication to the IRB regarding this project.

**Reminder:** Even though your study is exempt from the relevant federal regulations of the Common Rule (45 CFR 46, subpart A), you and your research team are not exempt from ethical research practices and should therefore employ all protections for your participants and their data which are appropriate to your project.

Bryan Byers, Ph.D/Chair
Institutional Review Board

Christopher Mangielli, JD, MS, MEd, CIIP/Director
Office of Research Integrity
Dear Title IX Coordinator,

My name is Tiffany Peters, and I am a doctoral student in the Adult, Community, and Higher Education program, as well as Assistant Dean of Students. I would like to request the names and email addresses of all current and former Title IX investigators.

My project will explore the experiences of Title IX Investigators as they investigate student complaints of sexual violence. The primary objective is to better understand how administrators experience this aspect of their professional duties.

Thank you in advance for your time and consideration of this proposal. -Tiffany

Tiffany Peters
Assistant Dean of Students
AD 238
765-285-
tmpeters
Dear Participant,

My name is Tiffany Peters, and I am a doctoral student in the Adult, Community, and Higher Education program, as well as Assistant Dean of Students. I would like to interview you for a research project I am conducting.

My project will explore the experiences of Title IX Investigators of student on student complaints of sexual violence. The primary objective is to better understand how administrators experience this aspect of their professional duties.

The interview will last approximately 60 to 90 minutes at a time and place that is convenient for you. If you are interested and willing than I would be happy to send you an informed consent for your review and we can schedule a time that works.

Thank you in advance for your time and consideration of this proposal. -Tiffany

Tiffany Peters
Assistant Dean of Students
AD 238
765-285-1545
tmpeters@bsu.edu
APPENDIX D – INFORMED CONSENT

Study Title
The phenomenology of investigating campus complaints of sexual violence.
Researcher: Tiffany Peters

Study Purpose and Rationale
The purpose of this study is to understand the experiences of administrators as they respond to and investigate student on student complaints of sexual violence as mandated by Title IX.

Inclusion/Exclusion Criteria
To be eligible the participant must be 18 years of age or older, and have experience as a Title IX Investigator at a public four-year institution of higher education.

Participation Procedures and Duration
If you agree to take part in the study, you will be asked to participate in a total of one interview. The interview will last approximately 60 to 90 minutes and will be conducted at a date, time, and place convenient for you, that you and the researcher have mutually agreed upon.

Digital Recording
For purposes of accuracy, to ensure that the researcher has accurately captured your shared experiences, the interviews will be recorded using a digital recorder. Interview recordings will be transcribed and the transcriptions will be used in the analysis. Once transcribed, a pseudonym will be used so that no personal information (i.e., your name, your institution, and any other names mentioned during interviewing) will be identifiable in the narratives. Do I have your permission to tape this interview?

Data Confidentiality
Data gathered during this study will be kept confidential. Only the researcher, Tiffany Peters, and faculty advisor, Dr. Thalia Mulvihill, will have access to the interview recordings and transcriptions.

Storage of Data
All electronic documents will be stored in the researcher’s password protected flash drive. Paper data will be kept in a locked filing cabinet in the researcher’s office. All audio recordings will be stored on a password protected flash drive that will also be stored in the researcher’s home. All recordings will be destroyed once transcription is complete. All data generated during this study will be destroyed on May 5th, 2018.

Risks or Discomforts
There are no anticipated risks for participating in this study.

Contact information should you feel discomfort or negative effects for this study
If you develop uncomfortable feelings during your participation in this research project please contact the Ball State University Counseling Center, located in Lucina Hall room 320, 765-285-1763.

Benefits
There are no anticipated benefits from participating in this study.

Voluntary Participation
Your participation in this study is completely voluntary and you are free to withdraw at any time, without fear of negative repercussions. If you have any questions about this consent form, the process in general, or at any time during the study please ask the researcher at any time. You can contact the researcher, Tiffany Peters, at 765-285-1545 and email tmpeters@bsu.edu if you have any questions. You may also contact the course instructor Dr. Mulvihill, 765-285-5463 with any questions.

Consent
I, __________________, agree to participate in this research project entitled, “The phenomenology of investigating campus complaints of sexual violence.” I have had the study explained to me and my questions have been answered to my satisfaction. I have read the description of this project and give my consent to participate. I understand that I will receive a copy of this informed consent form to keep for future reference.

To the best of my knowledge, I meet the inclusion/exclusion criteria for participation (described on the previous page) in this study.

________________________________  __________________
Participant’s Signature Date

Researcher Contact Information

Principle Investigator:
Tiffany Peters, Doctoral Student
Adult, Community, and Higher Education
Student Affairs, AD 238
Ball State University
Muncie, IN 47304
Phone: 765-285-1545
Email: tmpeters@bsu.edu

Faculty Supervisor:
Thalia Mulvihill, Ph.D.
Professor of Social Foundations of Education and Higher Education
Department of Educational Studies
Ball State University, Muncie, IN 47306
Teachers College, Room 811
Phone: 765-285-5463
E-mail: tmulvihi@bsu.edu
APPENDIX E – SEMI-STRUCTURED INTERVIEW SCHEDULE

Descriptive:
1. Please could you tell me what you do in your job?
   Prompts: Position, Title IX Investigator, Other Roles

Narrative:
2. Can you tell me about how you came to be a Title Investigator?

Structural:
3. Please tell me about how you conduct a Title IX Investigation?

Contrast:
4. Can you describe what it is like to conduct an interview?
   Prompts: With the complainant? Respondent?

Evaluative:
5. How do you feel after an interview?
   Possible Prompts: Complainant, Respondent, Witnesses?

Evaluative:
6. Have you changed the way you investigate complaints over time?

Descriptive:
7. How would you describe yourself as a Title IX investigator?

Descriptive:
8. How do you think people involved in Title IX investigations see you?
   Possible Prompts: Students (complainant, respondent, witness)? Support people (friend, parent, lawyer)?

Evaluative:
9. How do you feel after an investigation concludes?
   Prompts: Outcomes, hearings, review/construction of final report?
APPENDIX F – PILOT LETTER TO TITLE IX COORDINATOR FOR STUDENT AFFAIRS

Dear Title IX Coordinator for Student Affairs,

My name is Tiffany Peters, and I am a doctoral student in the Adult, Community, and Higher Education program, as well as Assistant Dean of Students. I would like to request the names and email addresses of all current and former Title IX investigators for student affairs.

My project will explore the perceptions of Student Affairs administrators and their experiences as Title IX Investigators of student on student complaints of sexual misconduct. The primary objective is to better understand how Student Affairs administrators perceive and experience this aspect of their professional duties.

Thank you in advance for your time and consideration of this proposal. -Tiffany

Tiffany Peters  
Assistant Dean of Students  
AD 238  
765-285-1545  
tmpeters@bsu.edu
APPENDIX G – PILOT LETTER TO PARTICIPANTS

Dear Participant,

My name is Tiffany Peters, and I am a doctoral student in the Adult, Community, and Higher Education program, as well as Assistant Dean of Students. I would like to interview you for a research project I am conducting.

My project will explore the perceptions of Student Affairs administrators and their experiences as Title IX Investigators of student on student complaints of sexual misconduct. The primary objective is to better understand how Student Affairs administrators perceive and experience this aspect of their professional duties.

The interview will last approximately one hour at a time and place that is convenient for you. If you are interested and willing than I would be happy to send you an informed consent for your review and we can schedule a time that works.

Thank you in advance for your time and consideration of this proposal. -Tiffany

Tiffany Peters
Assistant Dean of Students
AD 238
765-285-1545
tmpeters@bsu.edu
APPENDIX H – PILOT INFORMED CONSENT

Study Title
The phenomenology of investigating campus complaints of sexual misconduct.
Researcher: Tiffany Peters

Study Purpose and Rationale
The purpose of this study is to understand the experiences of Student Affairs administrators as they respond to and investigate student on student complaints of sexual misconduct as mandated by Title IX.

Inclusion/Exclusion Criteria
To be eligible the participant must be 18 years of age or older, and have experience as a Student Affairs Title IX Investigator at a public four-year institution of higher education.

Participation Procedures and Duration
If you agree to take part in the study, you will be asked to participate in a total of one interview. The interview will last approximately 60 minutes and will be conducted at a date, time, and place convenient for you, that you and the researcher have mutually agreed upon.

Digital Recording
For purposes of accuracy, to ensure that the researcher has accurately captured your shared experiences, the interviews will be recorded using a digital recorder. Interview recordings will be transcribed and the transcriptions will be used in the analysis. Once transcribed, a pseudonym will be used so that no personal information (i.e., your name, your institution, and any other names mentioned during interviewing) will be identifiable in the narratives. Do I have your permission to tape this interview?

Data Confidentiality
Data gathered during this study will be kept confidential. Only the researcher, Tiffany Peters, and faculty advisor, Dr. Thalia Mulvihill, will have access to the interview recordings and transcriptions.

Storage of Data
All electronic documents will be stored in the researcher’s password protected flash drive. Paper data will be kept in a locked filing cabinet in the researcher’s office. All audio recordings will be stored on a password protected flash drive that will also be stored in the researcher’s home. All recordings will be destroyed once transcription is complete. All data generated during this study will be destroyed on May 5th, 2018.

Risks or Discomforts
There are no anticipated risks for participating in this study.

Contact information should you feel discomfort or negative effects for this study
If you develop uncomfortable feelings during your participation in this research project please contact the Ball State University Counseling Center, located in Lucina Hall room 320, 765-285-1763.

Benefits
There are no anticipated benefits from participating in this study.

Voluntary Participation
Your participation in this study is completely voluntary and you are free to withdraw at any time, without fear of negative repercussions. If you have any questions about this consent form, the process in general,
or at any time during the study please ask the researcher at any time. You can contact the researcher, Tiffany Peters, at 765-285-1545 and email tmpeters@bsu.edu if you have any questions. You may also contact the course instructor Dr. Mulvihill, 765-285-5463 with any questions.

**Consent**

I, ____________________, agree to participate in this research project entitled, “The phenomenology of investigating campus complaints of sexual misconduct.” I have had the study explained to me and my questions have been answered to my satisfaction. I have read the description of this project and give my consent to participate. I understand that I will receive a copy of this informed consent form to keep for future reference.

To the best of my knowledge, I meet the inclusion/exclusion criteria for participation (described on the previous page) in this study.

______________________________  ________________________
Participant’s Signature  Date

**Researcher Contact Information**

**Principle Investigator:**
Tiffany Peters, Doctoral Student
Adult, Community, and Higher Education
Student Affairs, AD 238
Ball State University
Muncie, IN 47304
Phone: 765-285-1545
Email: tmpeters@bsu.edu

**Faculty Supervisor:**
Thalia Mulvihill, Ph.D.
Professor of Social Foundations of Education and Higher Education
Department of Educational Studies
Ball State University, Muncie, IN 47306
Teachers College, Room 811
Phone: 765-285-5463
E-mail: tmulvihi@bsu.edu
APPENDIX I – PILOT INTERVIEW GUIDE

Interview Guide
The Phenomenology of Investigating Campus Complaints of Sexual Misconduct

Research Questions
- What are the experiences of student affairs Title IX investigators?
- Do Title IX investigators experience the investigative process similarly?

Interview Questions

Stage 1- Biographical and Descriptive Questions
1. What is your educational background?
   a. Why did you select those degree/s?
2. Please describe your current position.
3. Can you explain what your role is within the division of Student Affairs?

Stage 2- Structural Questions
4. Tell me about when you were approached about serving as an investigator.
5. How have your experiences in student affairs prepared you to investigate sexual misconduct?
6. Could you describe your first experience investigating a student complaint.
7. Describe how you prepare for an investigation.
8. Describe what it is like to investigate student complaints of sexual misconduct.

Stage 3- Wrap Up
9. Is there anything else you would like to add at this time as it relates to anything we have discussed today?
### APPENDIX J – DATA ANALYSIS TABLE

<table>
<thead>
<tr>
<th>Emergent Themes</th>
<th>Original Transcript</th>
<th>Exploratory Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coping with awkward</td>
<td>TP: Testify sounds like such a strong word. Do you feel like it is testifying in court in a way?</td>
<td>Strong reaction to a hearing board. <em>Awkward.</em> Shares there is some uncertainty about the hearing board. <em>Why is that? Why might that be? Is it lack of training, the nature of the process, being put on the spot. Is this process difficult?</em></td>
</tr>
<tr>
<td>Living with uncertainty</td>
<td>R: Yes. Because it is awkward, well for a lot of reasons. It’s awkward because everyone that is sitting at the table already has my report in their hands. So I feel like I am going over stuff that they already know. So the last time I did it I didn’t want to read word for word so hear are some highlights. Highlights, that’s not a good word for that either. Here are some key points. There is nothing really highlighted. I think it’s easier to make that part brief and let people ask questions. So that way I can really figure out what they are looking for. But yeah, it does feel – especially when someone or both parties have lawyers with them then. Then it’s like, eck, sketchy.</td>
<td><em>Lawyers. Sketchy.</em></td>
</tr>
<tr>
<td>Resentment towards lawyers</td>
<td>TP: Why does a lawyers involvement change this? What’s the – you said sketchy. What does that mean?</td>
<td>Intersection between criminal and higher ed administrative is showing through here again. <em>Investigators are feeling and perceiving this and it comes through during the hearing portion.</em></td>
</tr>
<tr>
<td>Coming to terms with the intersection of legal and administrative</td>
<td>R: Long pause. Sigh. And maybe if I were across the table it would be different if I were complainant or respondent. For me it’s not really a legal proceeding so I mean yeah it’s ok to have someone there to offer advice and suggestion, but if it were me I would want to be standing up for myself. And making sure that the questions I asked where things that I was really like here is my side of the story. And pay careful attention to <em>Lawyers are unnecessary.</em></td>
<td></td>
</tr>
<tr>
<td>Perceiving lawyers negatively</td>
<td></td>
<td><em>Tense = lawyers</em></td>
</tr>
<tr>
<td>Protective over the process</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## APPENDIX K–PARTICIPANT EMERGENT AND SUPER-ORDINATE THEME

### EXAMPLE

Reactions and Feelings

<table>
<thead>
<tr>
<th>Emotional Weight</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Fear of the unknown</td>
<td>9</td>
</tr>
<tr>
<td>Tension over mistakes</td>
<td>9</td>
</tr>
<tr>
<td>Confronting harsh ramifications</td>
<td>9</td>
</tr>
<tr>
<td>Negotiating odd situations</td>
<td>9</td>
</tr>
<tr>
<td>The weight of the ramifications</td>
<td>10</td>
</tr>
<tr>
<td>Secondary effects</td>
<td>17</td>
</tr>
<tr>
<td>Reliving the stories through multiple mediums</td>
<td>17</td>
</tr>
<tr>
<td>Self-blame</td>
<td>20</td>
</tr>
<tr>
<td>Feeling like not good enough</td>
<td>20</td>
</tr>
<tr>
<td>Feeling relief</td>
<td>27</td>
</tr>
<tr>
<td>Emotional investment</td>
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<td>Feeling ill-equipped</td>
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<td>Experiencing difficult and challenging work</td>
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<td>Can’t shake it</td>
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<td>Regret and sadness</td>
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<td>Reflection on discomfort fall all</td>
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# APPENDIX L – COMPARISON OF THEMES ACROSS PARTICIPANTS

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<tr>
<th>Theme: The Lived Emotional Experience and Reaction</th>
<th>Theme: Investigator Identity and Perceptions</th>
<th>Theme: Investigative Processes, Policy, and Practice</th>
<th>Theme: Understanding and Perceiving Students and Others</th>
<th>Theme: Intersection of Law and Education</th>
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<td>Rosie Emotional Weight</td>
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<td>Burn out</td>
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<td>Perceptions of Investigations/Complaints</td>
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APPENDIX M – IRB APPROVAL PILOT STUDY

Office of Research Integrity
Institutional Review Board (IRB)
2000 University Avenue
Muncie, IN 47306-0155
Phone: 765-285-5070

DATE: April 13, 2015
TO: Tiffany Peters, MA
FROM: Ball State University IRB
RE: IRB protocol # 739541-1
TITLE: The Phenomenology of Investigating Campus Complaints of Sexual Misconduct
SUBMISSION TYPE: New Project
ACTION: APPROVED
DECISION DATE: April 13, 2015
REVIEW TYPE: EXEMPT

The Institutional Review Board reviewed your protocol on April 13, 2015 and has determined the procedures you have proposed are appropriate for exemption under the federal regulations. As such, there will be no further review of your protocol, and you are cleared to proceed with the procedures outlined in your protocol. As an exempt study, there is no requirement for continuing review. Your protocol will remain on file with the IRB as a matter of record.

Exempt Categories:

<table>
<thead>
<tr>
<th>Category 1: Research conducted in established or commonly accepted educational settings, involving normal education practices, such as (i) research on regular and special education instructional strategies, or (ii) research on the effectiveness of or the comparison among instructional techniques, curricula, or classroom management methods.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Category 2: Research involving the use of educational tests (cognitive, diagnostic, aptitude, achievement), survey procedures, interview procedures or observation of public behavior</td>
</tr>
<tr>
<td>Category 3: Research involving the use of educational tests (cognitive, diagnostic, aptitude, achievement), survey procedures, interview procedures, or observation of public behavior that is not exempt under category 2, if (i) the human subjects are elected or appointed officials or candidates for public office, or (ii) Federal statute(s) require(s) without exception that the confidentiality of the personally identifiable information will be maintained throughout the research and thereafter.</td>
</tr>
<tr>
<td>Category 4: Research involving the collection of study of existing data, documents, records, pathological specimens, or diagnostic specimens, if these sources are publicly available or</td>
</tr>
</tbody>
</table>

- 1 -
If the information is recorded by the investigator in such a manner that subjects cannot be identified, directly or through identifiers linked to the subjects.

Category 5: Research and demonstration projects which are conducted by or subject to the approval of Department or agency heads, and which are designed to study, evaluate or otherwise examine: (i) public benefit or service programs; (ii) procedures for obtaining benefits or services under those programs; (iii) possible changes in methods or levels of payment for benefits or services under those programs.

Category 6: Taste and food quality evaluation and consumer acceptance studies: (i) if wholesome foods without additives are consumed or (ii) if a food is consumed which contains a food ingredient at or below the level and for a use found to be safe, by the Food and Drug Administration or approved by the Environmental Protection Agency or the Food Safety and Inspection Service of the U.S. Department of Agriculture.

Editorial Notes:

1. Participant Signature Required on Consent Forms for Interviews (Audio Taped).

While your project does not require continuing review, it is the responsibility of the P.I. (and, if applicable, faculty supervisor) to inform the IRB if the procedures presented in this protocol are to be modified or if problems related to human research participants arise in connection with this project. Any procedural modifications must be evaluated by the IRB before being implemented, as some modifications may change the review status of this project. Please contact (ORI Staff) if you are unsure whether your proposed modification requires review or have any questions. Proposed modifications should be addressed in writing and submitted electronically to the IRB (http://www.bsu.edu/irb) for review. Please reference the above IRB protocol number in any communication to the IRB regarding this project.

Reminder: Even though your study is exempt from the relevant federal regulations of the Common Rule (45 CFR 46, subpart A), you and your research team are not exempt from ethical research practices and should therefore employ all protections for your participants and their data which are appropriate to your project.

Bryan Byers, PhD/Chair
Institutional Review Board

Christopher Mangelli, JD, MS, MEd, CIP/Director
Office of Research Integrity

Generated on IRBNet
## APPENDIX N – AUDIT TRAIL

### Audit Trail

<table>
<thead>
<tr>
<th>Date</th>
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<tbody>
<tr>
<td>2/16/16</td>
<td>Received approval from IRB</td>
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<tr>
<td>2/16/16</td>
<td>Emailed participants recruitment email</td>
</tr>
<tr>
<td>2/17/16</td>
<td>Scheduled interviews with two participants</td>
</tr>
<tr>
<td>2/18/16</td>
<td>Scheduled interviews with three participants</td>
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<tr>
<td>2/19/16</td>
<td>Conducted interview with participant one (Rosie)</td>
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<tr>
<td>2/21/16</td>
<td>Transcribed interview with participant Rosie</td>
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<td>2/21/16</td>
<td>Wrote in reflective journal</td>
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<tr>
<td>2/23/16</td>
<td>Conducted interview with participant two (Eric)</td>
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<tr>
<td>2/24/16</td>
<td>Conducted interview with participant three (Grace)</td>
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<tr>
<td>2/24/16</td>
<td>Wrote in reflective journal</td>
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<tr>
<td>2/24/16</td>
<td>Started transcription of participant two (Eric)</td>
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<tr>
<td>2/25/16</td>
<td>Conducted interview with participant four (Aria)</td>
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<tr>
<td>2/27/16</td>
<td>Completed transcription of participant two (Eric)</td>
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<tr>
<td>2/28/16</td>
<td>Conducted interview with participant five (Anne)</td>
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<td>3/1/16</td>
<td>Conducted interview with participant six (Jethro)</td>
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<td>3/4/16</td>
<td>Conducted interview with participant seven (Harper)</td>
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<td>3/5/16</td>
<td>Started/Completed transcription of participant three and participant four</td>
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<td>3/6/16</td>
<td>Start/Completed transcription of participant five, Started transcription of</td>
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<tr>
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<td>participant six</td>
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<tr>
<td>3/7/15</td>
<td>Finished participant six transcription, Started transcription seven</td>
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<td>3/8/15</td>
<td>Completed transcription seven</td>
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<td>3/20/15</td>
<td>Analyzed and Coded Eric Interview</td>
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<td>3/26/15</td>
<td>Analyzed and Coded Grace Interview, Aria Interview, and Anne Interview</td>
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<td>4/2/15</td>
<td>Analyzed and Coded Jethro Interview, Analyzed and Coded Harper Interview</td>
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<td>4/2/15</td>
<td>Analyzed and Coded across all interview</td>
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