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Discrimination and Sexual Assault: Resources and Options for Responding and Reporting*

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**Content Warning: This chapter contains mentions of sexual assault, rape, mental health, institutional betrayal, and police.*

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Introduction

In 2019, the American Association of Universities (AAU) conducted a study at 33 R1 universities. They found that 10.8% of graduate students experienced nonconsensual sexual contact by physical force or inability to consent, an increase of 2.8% since 2015. A 2019 Survey of Postsecondary Faculty and Researchers found that the highest rates of discrimination and harassment were experienced among disabled (46%), Indigenous (40%), bisexual and pansexual (42%) respondents. Moreover, many academics from historically marginalized backgrounds have shared their experiences with both systemic and individual instances of discrimination in the academy. These incidents impact the physical, emotional, and academic well-being of survivors, likely contributing to the leaky pipeline, which is the attrition of Black, Indigenous, People of Color (BIPOC), women, LGBTQ2SIA+¹ and other historically underrepresented scholars within political science. Over the past several years, there have been renewed efforts to name, address, and prevent these issues in academia broadly as well as within political science, specifically. Political scientists such as Nadia Brown, Jenn Jackson, Rebecca Gill, Vanessa Tyson, Valerie A. Sulfaro, Juliana Restrepo Sanín, Patricia Strach, Rose McDermott, Rosalee A. Clawson, J. Celeste Lay, Shauna Shames, Shayla C. Nunnally and countless others have documented, discussed, and raised awareness of the prevalence of sexual harassment within the profession (Brown 2019, 2021; Clawson 2019; Lay 2019; McDermott 2019; Nunnally 2019; Restrepo Sanín 2019b, 2019a; Shames 2019; Strach 2019; Sulfaro and Gill 2019; Tyson 2019). However, the prevalence of sexual assault and discrimination forces graduate students to be knowledgeable about the existence of these issues as well as how to respond to them—either as a survivor or a bystander.

In this chapter, we offer practical and adaptable approaches for responding to and reporting discrimination and assault, as well as resources to address the well-being of individuals directly affected by such incidents. (Discrimination and assault have a different legal standard than harassment, which is discussed in a separate chapter: Harassment-Resources and Options for Responding.) While these issues are very different, institutional justice options are primarily granted through anti-discrimination legislation and policy (Title IX), which means there is some overlap between these two events. There are also many incidents in which sexual assault intersectionally overlaps with other forms of oppression and discrimination. Thus, we lay out legal definitions, options, and discussion of both within this same chapter.

A significant portion of the advice in this chapter will be specific to the context of institutions in the United States, but may also be applicable in some form to students at institutions outside of this context. These resources include institutional/organizational, departmental, and individual-level options. Furthermore, we provide bystander intervention strategies to help individuals better understand how

to assist survivors² of discrimination and harassment. Finally, our intent is to provide easily accessible information, and it should not be construed as professional legal advice.

What Are My Options for (In)Action?

Once you are safe, you might begin to think about what your options are. One way to consider this is to ask yourself: what is your ideal outcome? This is critical to consider because there will be benefits and drawbacks to any approach you take, even if that approach is to do nothing. Some examples of possible outcomes that you might seek include protective orders from the perpetrator; an apology; formal university, professional, or legal repercussions; removal of the perpetrator from their employment, leadership, and/or mentorship positions; supportive measures for employment and academic success; access to counseling resources; cease and desist orders; or even financial compensation. In the following section, we will discuss the institutional, legal, and community-based options for responding to and reporting. We will also discuss what the pathway of not reporting may look like and resources to consider using in that instance. In addition to the resources we discuss in this chapter, we want to emphasize that experiencing sexual assault or discrimination can take a substantial toll on your mental and physical health. Thus, we recommend spending time exploring the section of this handbook in the section “Health and Well-Being in Graduate School,” which includes chapters on counseling, isolation and anxiety, things that can go wrong, and deciding to leave.

Fundamental Steps

Although both assault and discrimination are vastly different issues, there are some common steps that we recommend in both instances. These include trusting your gut, gathering and keeping detailed documentation, and finding an advocate. First, trust your gut. If the situation that you are in doesn't feel right, it probably isn't. This is especially relevant in cases where something might be in a “gray area”-- ie: you aren't sure if it meets a cultural, legal, or administrative standard of assault or discrimination, but something feels off. In this piece, we broadly consider discrimination as unjust or differential treatment of people based on identity categories. We consider sexual assault as any non-consensual sexual act. We need to emphasize that these definitions are not formal, legal definitions and that these definitions can vary significantly based on institution and state. Later in this piece, we provide the US federal definitions of these terms. If you have experienced an incident, or even if you are at the stage where something just feels off, your next step is to document, document, document.

Documentation is incredibly important for several reasons. First, any type of hearing (Title IX,³ Office of Equal Opportunity (OEO), and/or legal) will require evidence to be produced against the perpetrator to prove your case. Documentation can aid in building your case and seeking your ideal outcome, though there are many other factors in the power structure of institutions that may work against you in proceedings, regardless of the documentation presented. A lack of documentation does not mean you will lose your case or not get your ideal outcome, but it can present barriers down the road.

There are several methods that you can use to document issues. One option is to create a folder in a secure place (for example, a Dropbox, Box, or Google Drive account that only you have control of/access to) and upload screenshots or related documents. It's always better to over-document than under-document. Make sure this account is not related to your university-provided email address. Additionally, you might not want to access it from a university computer or any other university-owned device. In some cases, the university has the right to review anything you have accessed from your computer, not just files saved on it.

There are several types of things you will want to document. For discrimination, this would include email, text, or other written communications as well as written statements detailing particular meetings and topics discussed. When possible, these accounts should always include as exact as possible the following information: date, time, location, and those present. If others were present during conversations, ask them to also send you a short write-up of what they heard/saw during the meeting or incident. If you were the only one present, it's a good idea to send an email documenting what happened to the other

party in the meeting to create documentation of what happened. You may also consider recording meetings or conversations, but you should check for the legal and policy stipulations around that.⁴

Third, you should make sure that you have at least one support person who can help you navigate the logistics and details of your situation. One option is seeking out a victim-survivor advocate (also called survivor advocates, victim advocates, or support advocates). These are individuals who are trained to support people who have experienced various forms of interpersonal violence, crimes, discrimination, and harassment. They are often highly knowledgeable about policies and resources relevant to your situation. They are also often able to be a support person during meetings and hearings. Furthermore, they can help take notes about your case and support you logistically in documentation and filing processes. A handout with various links and tips for documentation can be found here.⁵

Some universities have advocates that work with the specific campus population and are housed by a division within the university. In some cases, these advocates are confidential, which means that they are not mandatory reporters to the university. In other cases, they may have mandatory reporting responsibilities.⁶ Generally, this is something you can check on the website of the center that houses advocates or ask during your email or call to set up an appointment. Not all advocates will be campus-based. For universities that don't have advocates on campus, there may be advocates based out of a community center or community provider or shared across multiple campuses. In other cases, advocates may be available through local or campus police departments.

If a victim-survivor advocate is not available to you or you don't feel comfortable using an advocate, another option is to find a trusted friend, colleague, or family member who can help you with these tasks. While you are experiencing the aftermath of assault or dealing with discrimination, you are also likely to be simultaneously dealing with school as well as other professional, personal, and family commitments. Many of the options for responding to and reporting discrimination or assault have multiple steps and strict timelines or deadlines for submitting paperwork. Having a support person can be critical to helping you process events and also navigate administrative channels for responding and reporting.

In the next two sections, we will discuss specific options for responding to and reporting discrimination and assault.

Discrimination

If you experience discrimination, you have a variety of institutional, legal, and community options. A critical starting place for figuring out what resources you are able to access and what type of relief you can gain from discrimination at your institution is understanding what is and what is not considered discrimination at your institution. There are some forms of discrimination that are barred by federal law in the United States. These protections are under Title VI (42 U.S.C. § 2000d) and prohibit discrimination based on “race, color, or national origin ... under any program or activity receiving Federal financial assistance” (Department of Justice 2017).⁷ Two other forms of discrimination are covered and overseen by the U.S. Department of Education: age and disability discrimination (Department of Education, Office of Civil Rights 2020b). Disability is protected by Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990 (Department of Education, Office of Civil Rights 2020a). The Age Discrimination Act of 1975 provides protections against discrimination on the basis of age (Department of Education, Office of Civil Rights 2015).

Additionally, there may be other stipulations. The federal standard is that you must prove “intentional discrimination” (Department of Justice 2017). This is a different standard than harassment, which is discussed in the chapter “Harassment—Resources and Options for responding.” Intentional discrimination can be proven with direct evidence or circumstantial evidence (Department of Justice 2017). Direct evidence can include things like someone making benefits or services available, or handing out punishment, on the basis of race, color, or national origin (Department of Justice 2017). Direct evidence also includes comments or behavior that demonstrate that someone has discriminatory motives (Department of Justice 2017). Circumstantial evidence can allege discrimination against an entire group using a variety of pieces of evidence that proves someone acted “at least, in part, because of race, color, or national origin” or that someone was treated differently than others in similar situations who did not

share their race, color, or national origin (Department of Justice 2017). When considering group-level discrimination, statistical evidence is also commonly used to show a “pattern of discrimination, a racially disproportionate impact, or foreseeably discriminatory results” (Department of Justice 2017). Your university may have similar or additional standards of evidence to investigate discrimination claims and you should investigate what those standards are, especially as you work on documentation.

Title IX and Title VI also provide protection on the basis of sex in educational institutions. Title IX, which is the more common enforcement mechanism, is a federal civil rights law that states: “no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance” (Department of Education, Office of Civil Rights 2021).

Title IX policies work off of a similar evidentiary standard to the Title VI standards. This standard of proof is called “preponderance of evidence,” which essentially means you need to prove that the events were more likely than not to occur. This is different, and a lesser burden of proof, than the typical United States legal standard of “beyond a reasonable doubt.”

There are important categories that are left out of this definition, such as those based on religious belief, parental status, pregnancy, language, and LGBTQ2SIA+ identity. This volume offers several relevant chapters for members of each of these groups, as well as for women and members of minoritized racial and ethnic groups. See chapters: Concerns for Underrepresented Racial/Ethnic Students and Scholars and a Model for Inclusive Excellence, Political Science & LGBTQ Identity: Thoughts & Suggestions for LGBTQ Graduate Students, Gender and the Political Science Graduate Experience: When Leaning In Isn't Enough, Concerns for International Graduate Students in Political Science, Religious Minorities and the Graduate School Experience, and Disabilities and Chronic Health Issues for more insights into challenges and strategies of navigating various identities within the political science community. Your university or state may have legislation that provides additional rights for these identity categories. However, it is also possible that your institution may have a more limited scope of what it considers discrimination, especially if it is outside of the United States.

Institutional Solutions

Office of Equal Opportunity/Title IX

Once you know what your university, state, and federal policies on discrimination are, you can decide what institutional, legal, and community options make most sense for you to pursue. To begin, most universities have some sort of office that oversees all types of discrimination at the institution. The name may vary, but is usually something along the lines of “Office of Equal Opportunity” or “Office of Inclusive Excellence” or “Office of Equity, Diversity, and Inclusion.” These offices are often umbrellas that include other offices such as the Title IX office and disability services. They may also include LGBTQ2SIA+ resource centers, international student services, women’s resource centers, etc. When you report to these offices, you do often have a statute of limitations (usually around 90-120 days since the last incident), though these can often be extended if you provide a reason. These offices are also required to be neutral and cannot take sides. Many offices also interpret this neutrality standard as an equality standard, i.e., anything provided to the person reporting discrimination must also be provided to the perpetrator. The offices that handle these claims are also often able to (and in some cases required to) provide “supportive measures”—these could include temporary work or class reassignments, deadline extensions, staggered schedules, counseling, or other measures.

Finally, it’s important to note that there are both formal and informal methods of resolution of discrimination. For formal resolution processes, the university will launch their own investigation into the facts and circumstances of the case to determine if they think discrimination has occurred. They are also able to assign their own determination of consequences at the conclusion of the process, which may or may not involve input from those who have reported and experienced that discrimination. While these consequences can be more severe and compliance is mandatory when assigned by the investigators, you will also generally have little agency in determining what these consequences are. The consequences may

also be unaligned with the outcome that you desire. You can generally gain an idea of what these consequences typically look like by asking the office that handles investigations about what consequences for similar forms of discrimination have been.

Informal resolution processes require the involvement of both parties and it is an entirely voluntary process. In this process, the person reporting has more agency over the types of outcomes they would like to see in the case. However, the perpetrator must agree to those outcomes and has the power to deny any requests for outcomes or refuse to participate at all. Offices of Equal Opportunity and Title IX offices are not generally clear about this, but you have the right to do both processes simultaneously and you have the right to switch pathways at any time, for any reason. This means that if you try to go the informal resolution route and run into roadblocks with the perpetrator, you have the right to switch to the formal process and the office must honor that.

Although going through these offices may afford you institutional protections or more concrete remedies to discrimination, there can be some significant drawbacks to pursuing this option. First, the process is often quite long. Depending on the staffing and volume of complaints, it can take anywhere from 60-180 days for an office to come to a resolution on a discrimination complaint. Second, filing these complaints often requires filing dozens (if not hundreds) of documents and pieces of evidence as well as providing multiple statements. While several activists and advocates have been calling for universities to streamline their statement and evidence collection processes, many institutions still use outdated processes. These processes can be extremely time-intensive, triggering, and exhausting. Third, filing Title IX complaints can lead to negative reactions from people in your department or institution. Technically, this type of response is considered retaliation and is also barred under federal law, but it's often hard to be able to collect evidence for it and still happens quite frequently. Fourth, an unfortunate process that happens in discrimination investigations is a deep dive into the "character" of who is reporting. This is a recommendation that has been made by many consulting groups to universities. In these "character" investigations, the university will essentially try to determine if they think you are trustworthy or believable by talking to others in the institution and researching your reputation. This is an extremely invasive process and can have significant, negative emotional impacts on those reporting to read these "character" reports in the investigation materials.

Ombuds

In addition to OEO and Title IX offices, you may also be able to use a university ombuds. The ombuds is a neutral, confidential, conflict resolution resource. These offices are confidential by definition and can assist with clarification around policy. They cannot represent you or be an advocate for you, but they can be a good resource if you are unsure about your rights under certain policies or if you feel as if a university policy may have been applied in a discriminatory fashion. Ombuds services are not always provided to graduate students, so check with your university policies.

Human Resources/Equal Employment Office

Another thing that is important to keep in mind as you consider options is that you may be classified as a student, employee or both. If you are considered an employee, you also have the ability to report these issues to your Human Resources/Human Assets department and seek relief from federal agencies such as the Equal Employment Office (EEO). Additionally, if you are on a campus that is unionized, your union may be able to provide legal support or may be able to intervene on your behalf depending on the situation. See "Community, Solidarity, and Collective Power: The Role of Graduate Student Organizations and Graduate Worker Unions" on graduate student unions and organizing. You should note that if your perpetrator is also a member of the union, it is less likely you may have those resources available to you.

Professional Associations' Resources

Incidents of discrimination and assault occur not only on campus, but at annual meetings, conferences, and workshops sponsored by professional associations. Increasingly, academic professional associations

have responded by hiring ombuds, as well as by adopting codes of conduct and anti-harassment policies and procedures. Consider familiarizing yourself with these resources and relying on the ombuds if an incident happens at an association-sponsored event.

Legal Options

OCR Complaint

You may also choose to forgo institutional options or may have an unsuccessful resolution of options through institutional avenues. In this case, you may consider legal options. This could include processes like independent arbitration or investigation (if applicable for your university), obtaining your own legal counsel, or filing a complaint with the Department of Education Office of Civil Rights (OCR). If you are pursuing legal options such as a lawsuit, some states may require that you exhaust all institutionally available options first. This means that you must go through every reporting and appeal process at your institution available to you, regardless of your likelihood of success. If you miss any steps (for example, not filing a discrimination complaint), the judge may rule that you did not exhaust your options. So, seeking legal options may require you to go through the full institutional processes regardless. Some firms may provide this support as a pro-bono service or, if they think the case is likely to be successful and result in a damages payment, as a service where they will collect their payment only if they win the litigation. In other cases, this option may require thousands of dollars to pursue.

Options like a complaint or request for an investigation by OCR has several advantages.⁸ First, this is one of the few avenues that can actually change the entire policy or procedure a university uses. Second, the electronic complaint form is often less time-intensive and daunting than university paperwork and processes.⁹ If the OCR needs additional information, they will send you correspondence requesting it after they make a determination as to whether they think your institution has violated federal law and engaged in discrimination. OCR complaints do require that you file within 180 days of the last incident/interaction or that you provide a reason why you are filing after the 180 day mark. You are also able to file this prior to engaging with your institutional processes. If you file as the process is ongoing, OCR may require that process to resolve and then file within 60 days of that decision (Department of Education, Office of Civil Rights n.d.).

Community-Based Support

You may also choose to seek out community-based support. In some areas, you may have a local civil rights group like Black Lives Matter or an Office of Multicultural Affairs that may take on cases and help push for corrective action through social and community pressure. Additionally, community groups may provide emotional and spiritual support—especially if you share any type of identity ties with the organization or individuals in the group.

Doing Nothing

Finally, you may choose not to report or directly address the situation when faced with discrimination. In these cases, looking into options for therapy or building a supportive network can be critical to healing and moving forward after discrimination. The chapters included in the Health and Wellness in Graduate School section may also be useful to consult as you process your situation.

Table 51.1: Summary of discrimination response and reporting options

Option	Advantages	Disadvantages
Office of Equal Opportunity/ Title IX	Free, decisions are generally binding and can provide protection.	Time-consuming, emotionally draining, long processing time (60-180 days).
Ombuds	Free, confidential resource, less time-consuming than filing a formal complaint.	No binding decisions, may not exist or be available for graduate students.
HR/EEO	Free, may provide quicker resolution and better solutions when the issue is work-related.	Not confidential, may not be available to graduate students if not classified as an employee by the institution or if the issue was not work-related.
Union	Free (except union dues), may be able to provide legal services or advocate for you to university or department.	Not confidential, may not exist.
Legal Counsel	May be free, an attorney can represent and fight for you and your rights specifically.	May cost thousands of dollars, is likely to burn bridges with your current department and/or university, litigation may bring many details to public light, may still require you to pursue institutional processes first.
OCR Complaint	Free, quick/easy process in comparison to many university forms, don't need to do university process first, may have quicker resolution than institutions.	Only covers some forms of discrimination, may not get you desired outcomes.
Community Resources	Free, may provide emotional or spiritual support while processing discriminatory incidents.	No enforcement mechanisms, may not be available or an option in very small communities depending on your identity, community resources may be highly limited in forms of support that can be provided.

Sexual Assault

In cases of sexual assault, there are also institutional, legal, and community options available to survivors.¹⁰ Before we dive into these options, we will briefly discuss some common forms of documentation and evidence collection that occur.

Documentation

One of the most difficult parts of processing sexual assault is the time sensitivity in documenting events and evidence. You may want to consider having a sexual assault forensic exam, also known as a “rape kit.” While these exams are most useful within 72 hours, there is still important evidence that can be preserved outside of that timeframe (RAINN n.d.). Getting an exam does not obligate you into filing charges or initiate any type of proceeding or investigation. It does preserve your options for doing these things in the future, however. These exams are free and you can stop, pause, or skip steps at any time during the exam (RAINN n.d.). For a more complete account of what this exam entails, check out RAINN’s guide to forensic sexual assault exams.¹¹ In terms of other documentation, you may also want to work with a trusted friend or family member or victim-survivor advocate to help collect and docu-

ment details about your sexual assault in case you need the information in the future. We would caution against using at-home or self-collected kits. The standard of evidence is unlikely to meet legal requirements, limiting your future options for reporting and justice, and they provide no healthcare benefit to survivors (International Association of Forensic Nurses 2019).

Institutional Options

Many of the institutional options available to survivors of sexual assault will be the same resources that are available to those experiencing sex or gender-based discrimination. To review those options see the section on Office of Equal Opportunity/Title IX.

There are some specific things to note around seeking institutional support when dealing with the aftermath of sexual assault that you should be aware of. First, Title IX regulations are currently in flux due to the transition from the Trump administration to the Biden administration. Under the Trump administration, new guidelines were put into place that required special hearings in cases of sexual assault and allowed perpetrators to directly cross-examine survivors (North 2020). While this provision has been recently vacated by a federal judge, it's likely that in future conservative administrations that these provisions may return (Cahill 2021).

Second, there has been a movement of litigation against survivors who are naming their assailants. This does not mean that you should hide your assault, but you should be aware of the climate that has allowed for and supported weaponized lawsuits (Bever 2016; Equality Now 2021). Furthermore, many perpetrators will exploit the neutrality of Title IX and Office of Equal Opportunity to turn protective orders or supportive measures against survivors (Nesbitt and Carson 2021; Tschanz n.d.). Often, when perpetrators of sexual violence are confronted with their behavior and presented with consequences for their actions, it is common for them to invoke DARVO, which stands for “Deny, Attack, and Reverse Victim and Offender” (Freyd 1997). Freyd explains DARVO as follows:

The perpetrator or offender may Deny the behavior, Attack the individual doing the confronting, and Reverse the roles of Victim and Offender such that the perpetrator assumes the victim role and turns the true victim—or the whistle blower—into an alleged offender. (Freyd 1997)

DARVO has become more ubiquitous across society as a whole and has been especially present on many campuses. This phenomenon is not helped by the fact that many college administrators see themselves as neutral and responsible for the rights of both the perpetrator and survivor in these situations (Cruz 2021).

Third, many campus investigations into Title IX cases will not be led or handled by staff with formal legal training. Given the complexity of sexual assault cases, this often results in ineffective investigations and inconsistent application of university policies. There is also no standard protocol, guidelines, or qualifications necessary for Title IX investigators to abide by, which creates massive inconsistencies in practice from institution to institution. Even when these investigations are carried out well, the final say on the investigation, findings, and recommendations often lies with the office of the President or Chancellor.

Finally, there are many incentives for institutions to cheat in their data reporting. This reporting of data is governed by the Clery Act and requires three main components: timely notifications to the campus community of safety threats, maintenance of a crime log, and the publication of an annual report on security. These reports have become incredibly unwieldy and can span into hundreds of pages on some campuses (Davis 2020). As a result, campuses are often able to spin or bury troubling trends deep into the contents of these reports, to the benefit of institutions and to the detriment of faculty, staff, and students. There are also muddled definitions of what “counts” in Clery Act calculations which can drive how the university conducts its processes with handling and publicly reporting counts for crimes like sexual assault.

If you don't feel as if your institution properly addresses your sexual assault case, or if you think it is unlikely your institution will appropriately address the assault because of policies or procedures in place, you also have the option of pursuing an OCR complaint as described earlier in this chapter.

Legal Options

Aside from institutional options, there are also several legal options available to you. Unfortunately, in many cases, to pursue legal options, especially criminal prosecution, you may be required to talk to police or file a police report at some point. Additionally, many crime-victims services, such as access to healthcare, lease-breaking, victims' legal services, etc. require a police report filing as a condition for accessing those services, depending on your state and community. For those who are Black, Indigenous, Latine, people of color, LGBTQ2SLIA+, disabled, undocumented, or belong to other historically marginalized groups, this may also pose a threat to your safety or exacerbate the circumstances of your assault. If this ends up being a step that you need to do or choose to do, victim-survivor advocates, as discussed earlier in this piece, can help significantly in streamlining and minimizing your interactions with police. You can meet with them first, record your story and details of the assault with them, and have them help you file the report. You can also request that your advocate be present in the room with you, as well as other emotional support (such as a parent, friend, significant other, or other supportive folks).

Community Options

Community resources and centers that deal with sexual assault can be an invaluable asset when it comes to sexual assault. If you are on a small campus, you may not have well-resourced offices that can support your material, financial, and emotional needs as you process. Community options such as rape crisis centers or domestic violence/family violence resource centers (in cases where the sexual assault was a result of intimate partner violence) can help provide you access to therapists, caseworkers, legal aid, victim-survivor advocates, and expertise. Aside from the justice aspects of handling sexual assault, you may need support in doing things like breaking your lease, getting access to temporary/safe housing, getting access to medical care or therapy, or other types of support. Community centers are often connected to other community providers and resources and can help you during the recovery process from assault.

Social media is also a popular method of seeking community and getting support after a sexual assault. There are many support groups that you can find through Reddit, Twitter, Facebook, and other social media sites that will connect you with other survivors. This can be a comforting option for those who need to connect with other survivors but would either like a degree of anonymity or can't physically attend support groups. Relatedly, some campus wellness centers will also do group therapy where survivors can connect with each other and communally process their experiences. Social media can also be useful for finding answers to questions regarding resources and policies. One example of this is the many campus Instagram pages for survivors to submit and share their stories (such as @shareyourstory, @metoomvmt, and their campus derivatives).

Unfortunately, many of the resources and discussions about responding to sexual assault in higher educational settings are disproportionately led by and centered on the experiences of white women. When Women of Color who identify as survivors of sexual assault have been interviewed, they have indicated that therapy options available to them on campus or covered by graduate insurance plans lack cultural competency (Harris, Karunaratne, and Gutzwa 2021). Alternatively, many of the women interviewed in this same study indicated that they found healing spaces through some groups of peers, space within their academic courses, and through body-based or somatic healing activities (such as yoga, ballet, and jiu jitsu) (Harris, Karunaratne, and Gutzwa 2021).

Table 51.2: Summary of sexual assault response and reporting options

Option	Advantages	Disadvantages
Office of Equal Opportunity/ Title IX	Free, decisions are generally binding and can provide protection, and may be able to receive supportive measures (like moving classes or campus ban) immediately.	Time-consuming, emotionally draining, long processing time (60-180 days), may involve invasive measures like direct cross-examination.
Legal Counsel	May be free, an attorney can represent and fight for you and your rights specifically, which may help you figure out how to avoid or navigate weaponized litigation by your perpetrator.	May cost thousands of dollars, is likely to burn bridges with your current department and/or university, litigation may bring many details to public light, may still require you to pursue institutional processes first.
OCR Complaint	Free, quick/easy process in comparison to many university forms, don't need to do university process first, may have quicker resolution than institutions	Only covers some forms of discrimination, may not get you desired outcomes.
Community Resources	Free, may provide material, emotional, financial support while recovering from assault.	May not be available or an option in very small communities depending on your identity, community resources may be highly limited in forms of support that can be provided, there may be significant waiting times for some types of support.

Bystander Intervention and Handling Disclosures

If you are a bystander in an instance of assault or discrimination, or if someone discloses these things to you, we have some recommendations on how to handle these situations based on best practices and input from those who have experienced these events.

If you are present during an instance of discrimination or sexual assault, one common bystander intervention model is the four D's: direct, distract, delegate, and/or delay (American Friends Service Committee 2020). (Prior to engaging in any of the four D's you should assess the situation and determine that it is safe to intervene.) Direct stands for responding directly to the aggressor in the situation and telling them to stop their actions, words, or behavior. Distracting looks like asking a question, causing a commotion (spilling a drink, playing a loud song or video), pretending that you know the person who looks like they are uncomfortable or in danger. Delegating involves bringing in an additional person, usually someone with more power in the situation—a bartender, a manager, another professor, a staff member. If there is no third person to bring in, sometimes a cell phone recording (or perception of its recording) can do the trick. Finally, if there is no safe way for you to intervene at the moment, you can check in with the person who was being discriminated against or who experienced assault after the incident. You might ask something like “is there someone I can call?” or offer to take them to a safe location. These steps can help de-escalate or even prevent a situation of discrimination or sexual assault. You can find more information about this bystander intervention approach in a handout compiled by the American Friends Service Committee.¹² Bystander interventions are something you should practice

at home before you ever need to think about using those approaches—especially if you are generally not someone to get involved in situations. You are far more likely to have the confidence to do one of the 4Ds if you have practiced this ahead of time, even if just in your head.

If someone discloses discrimination or sexual assault to you, there are several things you can do to support them. The following steps in this paragraph are adapted from Ending Violence's disclosure response guide (Ending Violence 2016). First and most importantly, believe them. It does not matter what they were doing, wearing, saying—it was not their fault. Discrimination and sexual assault are never the fault of the people experiencing it. Second, make sure that you are actively listening. Let the person disclosing take the lead on the order they tell their story, how much or how little information they share, and tell them that you are glad that you are sharing. While the person is talking, it's possible that they might be releasing many emotions or even have a panic attack. It is very important to give them physical space and not touch them. You can offer water, guide them through a simple grounding (name three things you see, name two things you smell, etc.), and/or help them do some guided breathing. Finally, ensure that you discuss options with them. They may disclose as a way to give context for things happening in class or their advising relationship with you. They may also disclose because they need help and are not sure where to turn for support. You don't need to provide all of these answers for them, but you should consider making sure you have at least one or two people that you might be able to "warm" connect students with (i.e., directly introduce) on your campus who handle sexual assault or discrimination if the student would like that type of support. For more detailed information on handling disclosures, read this resource from Ending Violence¹³: https://bit.ly/SA_Disclosure.

If you are considered a mandatory reporter on your campus (in some cases, this may also include teaching assistants or other staff positions), you may also want to remind them of this during the disclosure conversation. Many students may be unaware of what a mandatory reporter is or to whom that provision applies. University policies on mandatory reporting have been widely criticized by many activists and professors, noting that these policies often serve to protect institutions and may be actively harmful to survivors (Miron and Palacios 2018). It is a common misperception that these universal mandatory reporting policies are required when, in fact, Title IX does not require them and they are minimally effective for supporting survivors of sexual violence on campuses (Holland et al. 2021). Additionally, faculty have reported that they feel conflicted between a choice to "continue to teach about sexual violence, knowing that you will eventually be forced to betray a student's confidence, or simply stop teaching about sexual violence" (Holland et al. 2021). Additionally, mandatory reporting can unintentionally expose survivors to retaliation by their perpetrators, prevent them from fully engaging in course assignments and discussions, and fully engaging in mentor/mentee relationships (Lorenz, Shepp, and O'Callaghan 2021). One alternative to this universal mandatory reporting model would include a shift to a "responsible reporting" model, which offers survivors the option of reporting to Title IX if they want to, among other supportive measures (Holland et al. 2021; Kanik 2017). Centering effort and resources that prioritize healing for survivors, making room for transformative justice approaches led by survivors, and addressing the conditions that allow sexual assault and discrimination to uncontrollably fester (such as low wages, suppression of organizing, and threats to legal status) are all far more effective forms of support for students most vulnerable to these forms of violence (Holland et al. 2021).

Conclusion

Discrimination and sexual assault are far too frequent experiences for many graduate students. In this chapter, we have provided guidance for approaching responses and reporting of both discrimination and sexual assault. Additionally, we have provided some basic resources about bystander intervention and best practices for responding to disclosures of discrimination or sexual assault. College administrators must pay particular attention to survivor resources on campus and, in particular, ensure that the resources available to students who experience discrimination and sexual assault are culturally competent. There should also be serious consideration of revising or revoking mandatory reporting policies that trigger Title IX investigations without survivors' consent. While this article is far from exhaustive of the options out there for survivors, we hope that this will paint a fair picture of what survivors can expect

(both the good and the bad) when taking different response avenues. Finally, we implore faculty members and programs to become proficient with these options that we have outlined and work with campus and academic communities at-large to respond to instances of sexual assault and discrimination. Institutional and discipline-wide policies are needed to help address and prevent this type of violence from occurring in the first place. This problem will not passively disappear. It requires diligent work by all members of our academic community to end this violence.

Endnotes

- 1 Lesbian, Gay, Bisexual, Trans, Queer and/or Questioning, Two-Spirit/2-Spirit, Intersex, Asexual, Plus
- 2 Many people who have experienced forms of discrimination or interpersonal violence have different terms or words that they prefer to use when referring to their experiences. For the sake of clarity and in alignment with our experience as the authors, we are choosing to use the term survivor while discussing sexual assault and discrimination in this chapter.
- 3 Title IX is a civil rights law that prohibits sex-based discrimination in any school or other education program that receives funding from the federal government.
- 4 <https://bit.ly/RecordingLaws>
- 5 <https://bit.ly/DiscriminationDocumentationGuide>
- 6 Mandatory reporters are people who are designated by institutions or state law to report certain crimes or abuses. In some states or institutions, mandatory reporting can be very narrow and only include abuse of vulnerable populations, such as children or the elderly and may only apply to people like doctors, nurses, police officers, or teachers. In other places, mandatory reporters can be anyone who receives a paycheck from the institution or is otherwise formally affiliated. This may mean that if you hold a teaching assistantship you are a mandatory reporter on your campus. Each campus has their own protocols for steps to take for mandatory reporting, so be sure to check with your department and/or HR about your mandatory reporting responsibilities.
- 7 <https://bit.ly/TitleVIILegalManual>
- 8 <https://bit.ly/OCRCComplaintProcess>
- 9 https://bit.ly/OCR_Form
- 10 We are aware of debates regarding using the terminology of victims vs. survivors. We have chosen to use the term survivors in this piece as it most closely resembles the current status based on our personal experiences as authors. Hopefully, later on, we can become thrivers using our (completely unwanted) experiences to make us stronger.
- 11 <https://bit.ly/SAexam>
- 12 https://bit.ly/FourD_Bystander
- 13 https://bit.ly/SA_Disclosure

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