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Sent: Wed, 9 Jun 2021 07:12:29 +0000
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Subject: Written Comment: Title IX Public Hearing (Prevention Education Title IX Comment Letter)
Attachments: Written Comment- Title IX Public Hearing (Prevention Education Title IX Comment Letter) Miao Gong E Ju Ro Stanford University.pdf

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Attached is a comment letter to OCR written by Miao Gong and E Ju Ro, undergraduate students at Stanford University (Stanford, CA).

Dear US Department of Education Office of Civil Rights,

We write to you as part of the comment period regarding the federal Title IX Regulations. Specifically, we are concerned about how sexual harassment prevention programming are administered and how allegations of sexual harassment and assault are handled on college campuses. As undergraduate students at Stanford University, we have noticed that current Title IX policies are insufficient in preventing and addressing sexual violence on campuses, as well as in providing grievance processes that do not inflict additional harm upon survivors.

In this letter, we will address (1) prevention programming and outline a (2) proposal for improvements to OCR.

1. Prevention Programming

Stanford's mandatory sexual assault prevention programming currently consists of an EverFi online education program that all students are required to complete upon enrollment. The programming is entirely online and independently completed, as it solely contains click-through slides, videos, and quizzes. It is not gender-specific, and generally it is not specific to Stanford either.

In terms of the contents, the programming is organized into chapters dealing with identities, relationships, sexual harassment, consent, and reporting. Students are required to complete the course in two sessions with a given interval between the two: in total, the programming amounts to approximately two hours. Each of these chapters incorporate slides that students read and click through, as well as videos depicting hypothetical scenarios through skits. Only at the end of the section on reporting does the programming address Stanford-specific information about who to report to. Currently, this is the only sexual assault prevention programming mandated for Stanford students during their undergraduate time.

To examine the effectiveness of the prevention programming, we surveyed a group of current Stanford undergraduates regarding their experiences with the online education programming.

a. Self-Evaluation of Programming Efficacy

To begin, we provided students an image of the programming landing page as reference. We asked students whether they remembered completing this programming upon enrollment at Stanford. While most students did remember completing this programming, one quarter of respondents marked that they either did not remember or could not remember definitively.

We then asked students to rate their retention of the prevention programming material on a scale of one to five. The average response was 2.75, with only one student responding with a five (that they remembered most of the material).

We followed up by asking how the respondents thought their peers would rate their retention of the material, and the average was even lower, at 2.08. The highest response we received was a three out of five.

When asked what was effective or ineffective about the programming, the overwhelming response we received from students was that the programming was ineffective because it was unengaging. Students cited that it was very easy to click through the slides mindlessly without retaining the information. One student, for instance, wrote that the programming “could be improved by having it every year and doing an in-person component.”

As students who have also undergone this programming, we share similar sentiments to those of respondents. The results from this section of the survey indicate that students' perceptions of content retention was low, and their perceptions of peer retention was even lower due to the online nature and lack of engagement innate to the program. Accordingly, we recommend that prevention programming be offline, consistent throughout a student's time at an institution, and engaging.

b. Definition of Sexual Assault

To evaluate students' actual retention of the material, we tested their knowledge of the definition of sexual assault—as delineated in Stanford's Title IX policies—and reporting procedures.

First, we asked respondents to assess how knowledgeable they are regarding the definition of sexual assault in Stanford's Title IX policies. The average response regarding students' self-evaluation of their knowledge of the definition was 2.41 on a scale of one to five.

We followed up by asking respondents to write the definition of sexual assault to the best of their knowledge and ability. Despite the fact that respondents on average evaluated their knowledge as 2.41, 83 percent of the respondents' definitions were incorrect or insufficient.

Currently, the definition of sexual assault, as outlined in Stanford University's Title IX policy is as follows: “Any sexual act directed against a Complainant without the Affirmative Consent of the Complainant, including instances in which the Complainant is incapable of giving consent, including because of Incapacitation.”

Only two respondents included in their definitions the fact that individuals cannot give consent when they are incapacitated. Three respondents simply noted that they did not know the definition at all. One respondent defined sexual assault as “unwanted (lacking consent, verbal or implied) physical contact by an assailant,” including “implied” consent as a valid form of consent.

This misconception of “implied consent” presents a clear example of how a lack of knowledge regarding sexual assault can be dangerous: consent must be affirmative and explicit, and sexual actions directed with only “implied consent” is assault. Overall, students displayed very limited and inaccurate knowledge of the definition of sexual assault. Moreover, they demonstrated less

knowledge of the definition of sexual assault than they reportedly believed to have. This discrepancy between their self-evaluation and their actual knowledge is a concern, as it indicates that students are unaware of the extent to which they lack an understanding of sexual assault.

c. Reporting Procedures

Finally, we sought to assess students' knowledge of university Title IX reporting procedures.

We asked respondents to rate how knowledgeable they are regarding where and who to report sexual assault to on campus. The average response was 2.58 on a scale from one to five, similar to the average response to the question regarding their knowledge of the definition of sexual assault.

We then asked respondents to whom on campus we can file an initial report of sexual assault.

Currently, students can file initial reports to The Title IX Coordinator, Deputy Title IX Coordinators, other senior university officials (President, Provost, Deans of Schools, Director of Athletics, Vice Presidents, and Vice Provosts of the University). Residential staff and faculty are also mandatory reporters, so students can also report to them if they would like to initiate the reporting process.

One third of the respondents wrote that they did not know, or that they would seek answers from the internet. One respondent wrote, "I would Google 'report sexual assault stanford.'" Several respondents wrote the residence staff (such as resident assistants or fellows for dormitories). While several respondents also mentioned the SHARE Title IX Office, no respondent mentioned specific figures to file an initial report to such as the Title IX coordinator or other senior university officials.

These results demonstrate a lack of knowledge as it pertains to reporting sexual assault on Stanford's campus. Furthermore, one third of respondents did not attempt to answer the question of to whom they can report sexual assault.

2) Proposal for Improvements

Title IX regulations should require that prevention programming be evidence-based, sufficiently long, offline, and occurring consistently rather than only once upon enrollment. We make these suggestions based on a study measuring the effectiveness of a newly implemented prevention program the Enhanced Assess, Acknowledge, Act Sexual Assault Resistance program at universities in Canada. In this study, Charlene Senn et al. randomly assigned women-identifying university students to either the control group that would receive or the resistance group that would receive the programming. Findings of the study demonstrate that the 1-year risk of completed rape was substantially lower in the resistance group.

The primary differences between the rigorous Enhanced Assess, Acknowledge, Act Sexual Assault Resistance program and the existing prevention education—a common university

practice at which students received brochures regarding sexual assault—were the hours of programming, the number of interactive components, and some differences in the course content. The resistance program had four three-hour-long sessions, rather than having only one or two hour-long sessions.

Given that students who received this education were much less likely to experience rape in the year following the programming, universities should be required to implement similar changes by increasing the hours of programming and ensuring that it is engaging or interactive. On the federal level, all institutions should be required to meet a higher minimum number of hours, based on evidence like this study, spread over the course of a more extensive period of time. The entirely online form of programming that schools like Stanford currently use is both significantly too short and not interactive in the slightest. At the very least, it should be required that programming is not click-through style, and that it include offline components that call for active student participation.

In addition to making prevention programming more engaging through the aforementioned changes, universities should also design the programming to be gender-specific. In specific, cisgender, heterosexual male students should be given separate education regarding gender norms as they relate to relationships and sexual violence.

Another study by Michael Baiocchi et al. examines the effectiveness of gender-specific, behavior-based prevention programming for students aged 10 to 16. The programming for girls was focused on empowerment and self-defense training, whereas the boys focused on gender equality training. Overall, Baiocchi et al. conclude that the intervention significantly reduced the sexual violence that occurs among the young students, and particularly that learning about gender equity and norms is important in preventing sexual violence.

Baiocchi et al.'s study, of course, deals with a much younger population of students in a different environment than US college students. However, just like the context of this study, sexual violence at universities are tied to gender norms, and particularly hypermasculinity. According to John Foubert et al., men who are perpetrators of sexual assault are generally more hypermasculine, in that they are more engaged in hypermasculine spaces like athletic teams or fraternities. Within these hypermasculine spaces, stereotypical gender norms such as the notion that women are objects to be sexually “conquered” by men also contribute to the pervasive rape culture. In these ways, gender norms and masculinity are significant factors that are associated with sexual assault on college campuses as well.

Therefore, like Baiocchi et al.'s intervention, colleges should be required to include gender-specific components that illuminate gender norms and hypermasculinity, especially for cisgender, heterosexual male students. Given how Baiocchi et al. and Foubert et al.'s studies both indicate the ways in which sexual assault on campuses have different implications for different gender identities, colleges should respond to these differences by catering their prevention programming to specifically address each gender's roles, perceptions, and experiences.

In a survey conducted at Stanford University, an institution which not only receives federal funding, but also has the auxiliary resources for robust and effective programming administration, we found the following themes in student responses:

- Students do not know the definition of sexual assault as defined by Stanford's Title IX policy.
- Students rate their retention and engagement of prevention programming as well as peer retention of prevention programming as low.
- Students are not aware of who to report to in the case of sexual harassment.

The findings above and our personal experiences illustrate the ineffectiveness of Stanford's current sexual assault prevention programming in educating students about preventing and addressing sexual violence. While these results are not generalizable to every institution operating under Title IX, we are confident that such themes extend to peer institutions and beyond. Therefore, there is a need to address these concerns by reforming the Title IX regulations to include:

- More funding and resources to institutions
- More explicit guidelines for sexual assault prevention programming including but not limited to a higher standard of accountability to ensure effective programming

We hope that the concerns we have outlined above can inform the Department's review of Title IX regulations, guidance, and other actions. Thank you for your time.

Sincerely,

Miao Gong
Stanford University Class of 2021

E Ju Ro
Stanford University Class of 2024