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I Can Protect His Future, but She Can't Be Helped: Himpathy and Hysteria in Administrator Rationalizations of Institutional Betrayal

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ABSTRACT

It is well-established fact that sexual assault survivors who report the violence they endured are retraumatized by the reporting process, but there is limited research on how these institutional betrayals are enacted. The current study draws on ethnographic observation and interview data to explore how 24 administrators use gendered rationalization frames to justify betrayal in Title IX cases. Specifically, administrators invoke himpathy to define their primary role as protecting the futures of young men. To defend this view from critique, they condemn how survivors use Title IX by casting them as hysterical women who are either mistaken in labeling an experience as sexual assault or suffering from trauma too severe for a Title IX process to repair. Taken together, these frames portray institutional betrayal as moral, even as these ideologies reinforce gender inequality.

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It is well-established fact that sexual assault survivors who report the violence they endured are retraumatized by the reporting process. This is true across social institutions, including the criminal justice system, the workplace, and schools (e.g., Bergman et al., 2002; Campbell, 2008; Lind et al., 2020). On college campuses, the tension between the realities of sexual assault and universities' willingness to meaningfully intervene is striking. 1 in 5 women will experience a sexual assault during college (Cantor et al., 2015; Krebs et al., 2007) and 1 in 10 men will commit an act of sexual violence as students (Swartout et al., 2015); however, universities deny that sexual assault is a problem on *their* campus (Mungia, 2015). Survivors are subtly and overtly discouraged from reporting (Bedera, 2022) to a Title IX process that places new burdens on traumatized victims (Holland & Cipriano, 2021; Lorenz et al., 2022; Nesbitt & Carson, 2021). If survivors can endure an investigation, universities hold only a few perpetrators accountable per year and prefer lenient sanctions over significant intervention (Richards et al., 2021), denying the severity of survivors' experience as a form of institutional gaslighting (Sweet, 2020). As a result, most survivors will experience institutional betrayal

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as they watch their perpetrator's education take priority over their own (Smith & Freyd, 2013, 2014).

Institutional betrayal is a well-documented phenomenon, referring to institutional actions — or, importantly, *inactions* — that exacerbate the traumas of sexual violence (Smith & Freyd, 2013, 2014). Previous studies indicate that most survivors who seek help from their school experience institutional betrayal, often connected to the school's unwillingness to intervene (Lind et al., 2020). Still, little is known about the mechanisms behind institutional betrayal. The current study explores how the people tasked with the act of betraying survivors make sense of their roles. Specifically, I set out to answer two primary research questions: (1) How do university administrators rationalize (unjust) outcomes in Title IX cases? (2) How do gender stereotypes guide their rationalizations?

Ultimately, I find that administrators' rationalizations are gendered. Specifically, they use himpathy to define their primary goal as protecting the futures of young men. To defend these frames from critique, they condemn how survivors use Title IX by casting victims as hysterical women who are either mistaken in labeling an experience as sexual assault or suffering from trauma too severe for a Title IX process to repair. Taken together, these frames cast institutional betrayal as moral, even as these ideologies undermine the spirit of Title IX and could be considered a form of gender discrimination.

Literature review

Title IX and institutional betrayal

Title IX is a federal regulation passed as a part of the U.S. Education Amendments Act of 1972, which obligates all educational institutions receiving federal funds to provide a learning environment free from sex discrimination (Educational Amendments Act of 1972). Title IX was first applied to sexual violence in the courts (e.g., Alexander v. Yale University, 1980) and an interpretation of Title IX inclusive of sexual violence was codified into federal guidance through multiple Dear Colleague Letters by the Department of Education (e.g., U.S. Department of Education, 1997). Under Title IX, universities must prevent and respond to sexual violence. The failure to do so constitutes a form of sex discrimination since survivors are more likely to experience difficulties in their education, including lower GPAs and greater risk of dropping out (Baker et al., 2016; Jordan et al., 2014; Mengo & Black, 2015). This is especially true if survivors experience institutional betrayal, which is known to exacerbate traumatic symptoms that can interfere on a survivor's education, including anxiety, depression, PTSD, sleep difficulties, and sexual difficulties (Smith & Freyd, 2013, 2014). Title IX investigations are an important site to study institutional betrayal, considering the phenomenon

is associated with difficult reporting processes and mishandled student disciplinary cases (Smith & Freyd, 2013).

Universities betray survivors during Title IX investigations for a myriad of reasons. Many schools view betrayal as a fiscally savvy option, citing financial threats to the institution associated with holding a perpetrator accountable, including civil litigation or unflattering attention from donors, alumnae, or prospective students (Kennedy, 1994; Martin, 2016). Universities are also gendered organizations (Acker, 1990) that regularly prioritize men and men's organizations (e.g., men's athletics teams, male-dominated majors) over women (DiCaro, 2021). Accordingly, holding a (male) perpetrator accountable can threaten universities' patriarchal traditions (e.g., allowing a star football player to compete). It would follow that universities likely hire Title IX staff who share these institutional values, even at the expense of the survivors whose rights they are legally required to protect — a practice well-established in other organizations tasked with self-regulation of harassment and discrimination complaints (Marshall, 2005; Munkres, 2008) and reflective of the decoupling of campus equity policy from its implementation (Ray, 2019). Still, universities cannot openly promote institutional betrayal as the desired outcome of sexual violence investigations since it would flagrantly violate Title IX. Instead, Cruz (2020, 2021) finds that Title IX staff invoke "neutrality" and "orchestrated complexity" (i.e., inaccurately insisting cases are "too complicated" to get right) to justify betrayal. Importantly, Cruz (2020) notes that these processes favor men accused. The current study adds to this emerging literature on betrayal rationalizations by exploring the role of gendered stereotypes in rationalization scripts.

Gendered frames for normalizing violence

Beyond the university context, gendered biases are central in how we understand (or deny) the realities of sexual violence. Most notably, men's violence against women is normalized as "not that bad" (Hlavka, 2014; Holland & Cortina, 2017), while an allegation of sexual assault is considered a threat to a man's reputation that could "ruin his life" (e.g., Estes, 2014; Svrluga, 2016). In this framing, it is men — in the role of perpetrator — who receive society's sympathy at the expense of survivors' well-being, a phenomenon Manne (2020) calls "himpathy."

Himpathy is based in gendered notions that "boys will be boys," which accept men's violence as part of a masculine gender role (Connell & Messerschmidt, 2005). Sexual violence is excused as part of compulsory heterosexuality (Rich, 1980) or a tolerable consequence of seeking fun through male bonding (Quinn, 2002; Wade, 2017). While the study of himpathy is relatively new, there is empirical evidence to corroborate decades of survivors' claims that their perpetrators were treated with more sympathy than they

received. In multiple studies, researchers find a clear bias in the way (especially white) perpetrators are depicted in the media (Pepin, 2015; Siefkes-Andrew & Alexpoulos, 2018; Terán & Emmers-Sommer, 2018). In another, researchers find study participants would prefer to hire alleged perpetrators over their victims (Dodson et al., 2020). Importantly, the cultural tendency to sympathize with perpetrators impacts survivors as well — to justify himpathy, victims are often the ones blamed, doubted, or punished.

Victim blame and disbelief are also reliant on gender stereotypes. Central to these processes are rape myths which cast women as "deserving" of sexual assault for failing to perform their gender roles (e.g., Manne, 2020; Payne et al., 1999). For example, women are blamed for violence after wearing revealing clothing, drinking, or enjoying consensual sex (Iconis, 2008; Payne et al., 1999), which reflects the belief that women who fail to remain chaste have earned punishment. Survivors' claims of sexual assault are disbelieved based on gendered stereotypes that women are "hysterical," or overly emotional and too irrational, to be trusted with defining an act as violent (Fricker, 2007; Gotell, 2002; Sweet, 2020). There is an expectation that there is an underlying motive to their reports, such as looking for attention or seeking revenge. As such, survivors are cast as aggressors, attempting to hurt the accused through reporting.

In the context of the "liberal" universities that have positioned themselves as leaders in combatting rape myths, these types of gendered stereotypes may sound antiquated. After all, much of the research critical of these messages is produced by professors and college students regularly attend trainings that diminish student support for rape myths (Beshers & DiVita, 2019; Schaefer Hinck & Thomas, 1999). It is for these reasons that examining the role of gender in administrators' rationalization frames is so crucial. There is tension between universities' stated gender egalitarian ideologies and their betrayals of survivors. The current study explores how gendered stereotypes can persist and adapt in an environment even when they are stigmatized.

Data and methods

The data from this study come from 76 semi-structured interviews and twelve months of ethnographic observation conducted between July 2018 and September 2019 at a large public university in the western United States (Western University). Western University is a Predominantly White Institution and, accordingly, has a historical legacy of shielding white male students from the consequences of their lawbreaking. However, this tradition was under scrutiny during my time in the field, following civil rights movements' (e.g., Black Lives Matter, #YesAllWomen, and #MeToo) protests of how white men's violence is considered above the law. Like many schools, Western University was investigated by the Department of Education for

mismanaging Title IX cases and has settled several high-profile multiple-million-dollar lawsuits with victims. The university has been made aware of their legal obligations to sexual assault survivors repeatedly, but it is unclear if these inquiries have successfully disrupted the longstanding tradition of dismissing women's complaints about violence, particularly when the perpetrators of that violence are (or are presumed to be) white men.

As part of a broader study, I conducted semi-structured interviews with survivors, perpetrators, and relevant university staff who provided victim advocacy resources or facilitated the university's reporting process for sexual violence during the time of data collection. I also conducted 47 hours of observation of university staff, and the analysis of sexual misconduct policy-related documents distributed by the university and e-mail exchanges between administrators and students in Title IX cases. This broader ethnographic study allowed me to take a triangulated approach, including verifying or refuting administrators' claims about specific cases and observing that Western University administrators had engaged in institutional betrayal in their decision-making processes.

For the present study, analyses focus on a subset of 24 interviews with the administrators who oversaw Western University's Title IX process. Data collection protocols for this subset of the data is described in detail below. The data primarily came from three offices: Title IX, Victim Advocacy, and the Dean of Students. At Western University, the Title IX Office was tasked with making "neutral" determinations of credibility of Title IX complaints. The Victim Advocacy Office provided support for survivors, including emotional support, referrals to other campus services, and, if asked, information about the Title IX process. The Dean of Students Office provided support for accused students, as well as determined sanctions in all student cases that ended in a responsible finding.

Interviews

Administrator interview participants were identified through fieldwork and student interviews. Each completed a single formal interview about their Title IX experiences and ideologies. In most cases, I had known the administrators for eleven months of ethnographic research, allowing me to build rapport. They were also aware that I had already observed their behaviors, which led many participants to be more forthcoming about decisions they had made — they felt less like they were exposing school secrets than giving context to my previous observations. At the end of each interview, I asked participants if there were any other administrators I should seek out. I contacted everyone recommended and nearly everyone agreed to an interview, including former employees. Interviews lasted between 64 and 190 minutes with a median length of 109 minutes.

Since this study is nearly a census of Western University's Title IX-related staff, the demographics of participants are reflective of the offices studied. The participants primarily worked in the Title IX Office (29%), the Victim Advocacy Office (21%), or the Dean of Students Office (21%). The rest were high-level administrators (17%) or hearing board volunteers (13%). The majority of participants (80%) identified as cisgender women and the rest as cisgender men (20%). Most were white (71%), three were Asian or Pacific Islander (13%), two were Black (8%), one was Latinx (4%), and one was biracial (4%). Most identified as heterosexual (83%). Staff ranged in age from 22 to 60 with a median age of 38. Most staff held their current position for over a year (71%) and nearly half of staff held their position for over three years (42%). Most administrators identified as liberal (71%), four as independent (17%), one as conservative (4%), and two (8%) refused to share their political leanings. For an overview of the demographics of each office, see Table 1. Since offices only had a few employees of color or queer employees, I use general terms for their identities to avoid identification.

During interviews, administrators answered questions about their roles on campus, as well as their perceptions of Western University's Title IX process. They were also asked to reflect on specific cases that stood out to them through four questions: (1) Describe a case for me in which you think the university did exceptionally well by a victim of gender-based violence. (2) Describe a case for me in which you think the university did exceptionally well by a respondent to a claim of gender-based violence. (3) Is there one specific case that stands out

Table 1. Demographic information displayed by office.

Demographics	Title IX	Victim Advocacy	Dean of Students	Higher Admin.	Hearing Board
Gender					
Cisgender woman	6	5	3	4	1
Cisgender man	1	0	2	0	2
Race					
White	4	3	4	4	2
Person of Color	3	2	1	0	1
Sexual Identity					
Heterosexual	5	4	4	4	3
LGB	2	1	1	0	0
Age					
Range	27–40*	27–45	34–46*	53–60*	22–48
Median	38	35	39	59	41
Time in Position					
Less than 1 year	2	2	0	0	2
1–3 years	4	1	1	1	0
3+ years	1	2	4	4	1
Resigned	2	2	0	0	0
Political Views					
Liberal	7	4	1	3	2
Independent	0	0	4	0	0
Conservative	0	0	0	0	1
No answer	0	1	0	1	0

* Indicates missing data.

to you as particularly challenging? (4) Are there any times where you feel like you failed a student in your role? To follow up on each question, I asked how the participant felt about the resolution of the case and if they changed their work in response to the case. Administrators tended to speak in generalities about their personal philosophies of Title IX work and their own role within it.

Analysis

I analyzed data with a focus on how administrators rationalized their actions in specific Title IX cases. Primarily, these data come from one-on-one interviews in which administrators could share deidentified stories without violating a student's privacy to a colleague who may have also worked on their case. Specifically, I identified excerpts in which administrators explained why they thought their treatment of a student was appropriate and then sorted those excerpts based on the student's gender and the student's role in the Title IX process (i.e., complainant, respondent). Then, I engaged in open coding (Glaser, 2016) to identify common themes. I identified two overarching themes: sympathy for men and a belief that women's use of Title IX was inappropriate or hysterical. I recognized these frames as gendered because administrators' applied himpathy frames only to men and hysteria frames only to women, but also because they drew on well-established gender stereotypes. Administrators did not mention transgender or nonbinary students and gendered themes transcended students' role in the Title IX process (e.g., women accused did not receive the same kind of sympathy men did). I completed a second round of coding to identify the primary ways each theme was invoked, which I present as the majority of the findings. When selecting which excerpts to display, I prioritized full-time, student-facing staff. To explore how these frames are upheld, I also include one representative story of an administrator's attempt to resist gendered rationalization frames.

My approach is certainly impacted by my own positionality as a white woman with an extensive work history in combating gender-based violence. My personal and professional experiences have shaped my capacity to recognize gender discrimination, even when it is cloaked in "neutral" language or "rational" organizational processes; however, building those skills required extensive unlearning of the norms of the white patriarchal system in which white women are raised to excuse and normalize white men's violence.

Findings

While researchers typically assume the best of intentions in Title IX administrators, most Western University employees did not seek their positions because they wanted to improve services for survivors or make campus safer. Instead, they were largely ambivalent about sexual violence. They

were more often motivated to work at Western University to receive stable employment benefits (e.g., "good healthcare," "gym access") or reduced tuition in a graduate program. Only four administrators (17%) had any prior experience working with sexual assault survivors and all but one of them worked in victim advocacy. Outside of the victim advocates, nearly all employees expressed surprise that a large proportion of their work was about sexual assault. Many openly disliked this component of their job. For example, administrators complained that their roles felt like "oversight of students' dating lives" and wished that students would just "manage these problems on their own."

The administrators' lack of knowledge about sexual violence made them dependent on Western University to provide an ideology about their work. Most began their positions open-minded, but feeling ill-equipped for their roles, which led them to seek advice from colleagues. As a result, the institutional logics held by high-ranking employees became accepted by new staff. Overwhelmingly, these informal exchanges were how administrators first encountered rationalization frames and, later, shared them with more junior colleagues. The main frames invoked were gendered in nature. Primarily, administrators were concerned with protecting men's futures and insisted on taking an "empathetic" approach. To combat critiques of how this logic enabled abuse, administrators dismissed the notion that Title IX investigations mattered for survivors. Instead, they suggested that all reports fit into one of two categories: (1) women's overly emotional misinterpretations of a sexual encounter that did not merit university intervention, or (2) violence so severe that no university action could reverse a survivor's life-long trauma. As a result, administrators rationalized that refusing to sanction perpetrators of sexual violence was moral — they could do nothing to help a survivor, but they could protect a perpetrator's education. These ideologies translated into action. At Western University, internal records indicate that less than 1% of reports made to the Title IX Office resulted in a respondent's suspension or expulsion.

Himpathy and the myth of "Ruined lives"

With the exception of victim advocacy staff who were reluctant to speak about perpetrators, administrators offered himpathy to perpetrators to justify institutional betrayal. They cast male perpetrators of sexual assault as deserving of sympathy, mercy, and protection. To do so, they also minimized the violence that occurred and cast the Title IX process itself as cruel.

Administrators regularly described the act of being accused of rape as equally traumatizing to being a victim of rape. Speaking generally, Kevin, an investigator, explained:

> [Respondents] are really emotional — just like complainants are . . . . A lot of times, in their mind, [they're] accused of something they didn't do from their perspective. So they're afraid of what all those consequences are going to be. They're afraid of getting kicked out of school, they're afraid of going to jail. I mean, they're afraid of a lot of things and when people are afraid of things, you know, that leads them to be very emotionally distressed. Even when we come to a decision and we were to say, "Yeah, you know, the evidence support that this person violated the policy," or whatever, it's not an easy thing to do to make that finding and then know the consequences of, "Oh, they were a month away from graduation and now they're not going to be graduating."

Similarly, Natalie, a caseworker, drew upon the language of trauma when she described an interaction with a perpetrator learning of the complaint against him:

> I remember a respondent coming in[to our office], and, like, broke down sobbing. And he was like, "I thought we were on the same page and it kept moving along and though she wasn't vocally saying yes, yes, yes, but there wasn't a no." And he was sobbing like, "But if her perception — if the way she feels after is that I assaulted her, I'm a monster. I mean, that's how I made her feel while in my mind it was consensual and the fact that I was so far off is horrifying to me." I mean, he was also legitimately traumatized by this revelation and I almost felt bad for him. And this doesn't lessen her trauma — and it doesn't tell you one person is awful and one person is a victim — but for me, that was one of those times where it was like, "Wow. Both people are walking away a little damaged."

Jason, senior staff in the Dean of Students Office, recognized this disparity in sympathy across staff, but justified continuing to center himpathy in sanctioning decisions:

> I think they're big decisions because I understand the impact that the sanctions have and I do try to understand — I guess, it's easier to see — the immediate impact on the respondent. To be able to say, "Your education here stops and this notation on your transcript is going to move forward with you when you try to go to other places."

In each of these examples, administrators made comparisons between survivors' and perpetrators' experiences and, ultimately, focused their sympathies on the perpetrator. This pattern held even in cases where the perpetrator's violence was not in dispute and the administrators recognized university policy should obligate them to sanction him.

In general, administrators made little effort to understand the impact of violence on survivors' lives, but they regularly offered detailed accounts of the struggles perpetrators faced. For example, Kim, an investigator, described the perpetrator in one case with:

> I think during the process he was super nervous about what that meant for him . . . He had just transferred here from [redacted] and he had just started this new life really — made these friends . . . Before the complaint was filed, the complainant had gone to the president of the fraternity he was pledging and the president told him, "Hey, you can't pledge here anymore." . . . And so it was super emotional. He was about to lose all of his friends that he had known and he wasn't going to be able to pledge a fraternity.

Similarly, Jamie, another investigator, described her decision to offer legal advice to assist a perpetrator in a case she was investigating with:

> The [complainant] has engaged with the Victim Advocacy Office, so she's going to have an advisor and then if the respondent literally can't afford one, then they're just there by themselves. I think that probably feels pretty intimidating when you walk into a hearing and everybody kind of has a buddy except for you … I have been pretty upset by treatment of certain respondents and felt like it was unfair. [I] wished in hindsight that I could have somehow had a different outcome in my investigation so they didn't have their life ruined.

Administrators openly encouraged conversations with perpetrators that would allow them to see "the whole person," and, as a result, enable them to develop sympathy. They also admitted that these conversations shaped the way they made decisions in the investigation process.

To rationalize lenient treatment of perpetrators they empathized with, administrators regularly minimized the violence that occurred. In doing so, they argued that the violence was not severe enough to merit university intervention, particularly if they imagined it would trouble the perpetrator. Often, they drew on racialized and classed stereotypes about "predatory" or "creeper in the bushes" stranger rape that cast white and/or wealthy men as incapable of acting violently (Grundy, 2021; Wells-Barnett, 1862–1931). For example, Natalie, a caseworker, explained her personal philosophy for making sense of students' perpetration:

> It's the reality, you know, most of the time people are accused of that — it's more likely they probably did it … [But] there's so much gray area. And I don't mean like, "Maybe it didn't happen," [but] it's not just predatory jump out of the bushes. And there is power and violence, but there's also someone who's been socialized to not really understand respect and consent and a lot of times, it's not always going to beat you down and be aggressive and horrific.

Jason, Natalie's supervisor, used near-identical language in addressing the university's history of lenient sanctions for perpetrators:

> I always had this perception of [sexual assault] only happens with a creeper in the bushes that jumps out. I think what I have found in reading and reviewing so many of these cases [is] that there may not be the kind of predatory aspect I initially thought there was. Bad behavior? Absolutely. Inappropriate, unexpected — absolutely. But perhaps not predatory.

While these frames were originally developed to offer white men impunity for rape, administrators invoked them in almost every case, which extended gender (and class) privilege to men of color on campus. Since most gender-based violence is intra-racial, the parties harmed by the expansion of these logics were overwhelmingly women of color (Gómez, 2022). For example, Kim, an investigator, reflected on a case involving a Black perpetrator:

> He'd been working at the university for almost 30 years, so he had almost hit his pension . . . And his behavior wasn't even that bad. He was alleged to have engaged in sexual harassment in the form of hugging — like, making women, especially younger women, feel obligated to hug him . . . He had done a couple of other weird things . . . like slapping medical supplies that look like silicone . . . He'd slap it and be like, "You like that?" Then he took off his shirt or something . . . Ultimately, these two women felt really uncomfortable, even though to me, like, objectively it wasn't that bad.

In each of these cases, the administrators describe actions that clearly violated Western University's sexual misconduct policy. Still, they express reluctance to sanction a perpetrator, which they justify by insisting the violence "wasn't even that bad."

Ultimately, administrators argued that, in nearly all cases, sanctioning a perpetrator through the Title IX process was immoral. They insisted that not only was sanctioning a perpetrator cruel, but also ineffective. For example, Adia, a victim advocate, said:

> As a human, I think there should be some other resources for them, you know? Because if we continue crucifying them, you know? And not offering other ways that they can be able to get better and turn away from what they are doing, then we're not doing anything.

In the absence of an effective intervention to change behavior, Jamie, an investigator, argued that inaction was better than serious sanction like expulsion or losing a job:

> Maybe the punishment doesn't meet the crime . . . I don't know, though. I don't know. I know that it seems that higher up the ladder in faculty cases, right? I've firsthand seen where they kinda get a slap on the wrist the first time. [But] I don't know that it's fair to terminate, you know?

Kevin, another investigator, agreed. Referencing cases in which a perpetrator faced serious sanction, he said:

> A lot of times, I end up feeling bad for everyone, right? Because people get kicked out of school and then they're going to go work at Burger King and sexually harass people at Burger King. [Laughter.] You know, I'm not sure that super harsh consequences — it's just a hard line to walk. 'Cause I'm not sure that super harsh consequences — they have a lifelong impact on somebody's life and their goals and what they've worked toward and it kind of takes those things away. I'm not a happy person to be a part of that.

As a result of this ideology, Kevin later identified cases with insufficient evidence findings as his favorite part of his job:

> I like when I actually make a difference for someone, right? That, like, lets someone keep going to school and graduate.

In this way, administrators viewed their role as focused on the protection of young men's futures. As a result, a "good" outcome in a Title IX case became one that required no intervention.

Emotional and mistaken "victims"

Administrators were aware that their sympathy for — and protection of — perpetrators could spur criticism about institutional betrayal. Accordingly, they crafted rationalization frames that suggested the Title IX process was incapable of benefiting survivors. They offered two justifications for this ideology: (1) survivors were mistaken in labeling their experience as sexual violence; or (2) survivors' experiences were so severe that their traumas could not be repaired.

One of the most common refrains among administrators was that they believed *all* parties in sexual violence cases, including survivors who claimed a sexual assault occurred and perpetrators who claimed it did not. For example, Angie, an investigator, said simply:

> Both parties have different perceptions of what happened and they're telling you their truthful honest opinion of what they experienced . . . It [is] just different perceptions of what was consensual and what isn't.

However, administrators did not weigh these "truthful honest opinions" evenly. Specifically, they viewed survivors as over-sensitive and traumatized by benign sexual interactions that should not merit punishment. As Kevin, an investigator, explained:

> Somebody's perception of an event could cause trauma, right? But their perception of the event is not necessarily what actually happened in the event. And so just because there was trauma doesn't necessarily mean that somebody actually did engage in nonconsensual sexual penetration, for example.

Staff would construct reasons that the survivor's account of what took place would *feel* true to them, but would be irrational for anyone else to take seriously. Reflecting on a specific case involving a survivor from a conservative state, Jamie, an investigator, mused:

> I don't think people make up stories and file a complaint and there's nothing there. I don't think that happens . . . Whether or not it was discrimination or sexual misconduct or whatever — they feel like they experienced something . . . [The respondent] might talk in a different way that would offend a population in one part of the country and it could really rub people the wrong way there. Like, clearly he has offended people, but are they more sensitive to, you know, comments? Or are they a more reasonable person?

Similarly, Natalie, a caseworker, minimized survivors' traumas as merely "icky feelings:"

> On one hand, I get [it]. Like, yeah, that's not okay, but there's a difference between saying, "That's not okay," to empower someone to process what they're feeling. And if you feel icky about it, you can feel icky about it. You don't need to minimize it. But that also doesn't mean you have to be mad at someone else . . . You can say they're not a monster, but how things went down last night were not how you wanted [them] to go.

Using this framing, administrators suggested survivors were overreacting and that their perceptions were less rational than their perpetrators.' Accordingly, even if a survivor was clearly traumatized by an interaction, she could still be faulted for misidentifying a perpetrator's actions as trauma-inducing. As a result, administrators viewed a survivor's use of the Title IX process was fundamentally unfair and unreasonable.

Administrators also questioned survivors' motives for filing a Title IX complaint. Drawing on gendered stereotypes, they insisted that it would be immoral to sanction a perpetrator whose victim came forward for what they considered to be the wrong reasons. Speaking about one specific case, Kim, an investigator, shared her concerns about survivors using Title IX to seek revenge:

> Initially, she was sort of turned away . . . [Then] she called again and she had gotten a voicemail from him and he threatened to kill her in the voicemail, so that obviously escalated it for everybody . . . Coincidentally, I was assigned [her case] and so I am doing my investigation and I am finding that she is not credible. Like, in a lot of different ways and [the case was] particularly social media heavy. So there was a lot of text messages and direct messages on Instagram and she was going after his reputation with all of these other people. She would find these people on Instagram, tell them how he cheated and all this stuff, and then some of them she'd alleged he was violent with her or detained her unlawfully . . . It felt like she was trying to punish this guy 'cause he cheated on her.

Even though Kim had access to a death threat from the perpetrator, she still questioned the survivor's "credibility" based on her own perceptions of motive. To her, credibility was less about evidence than how the survivor had failed to perform the role of a "perfect victim" (Christie, 1986; Tuerkheimer, 2021) by expressing anger. Similarly, another investigator, Jamie, rationalized lenient sanctions for a perpetrator who confessed by suggesting the survivor had failed to perform the role of the "perfect victim" by appearing too ambivalent:

> I kinda wish I didn't have to investigate — I mean, I think I know what she wants and I think we could probably work out some kind of aided agreement . . . I think her boyfriend is making her file this complaint. I think he's meddling and I wish I could just, like, peel it back and say, "I don't think we need this complaint process."

Importantly, administrators' perceptions of survivors' motives did not often match survivors' true feelings about their cases. I interviewed the survivor Jamie described as uninterested in reporting. Even before she had told her boyfriend about the sexual assault, she wanted to report and hoped her perpetrator would be expelled. Still, Jamie cast her as a misguided woman mistaken in seeking Title IX intervention.

In some cases, administrators could not minimize a survivor's experience or cast doubt upon her motives to justify inaction — the violence and its impact on a victim were undeniably severe. Instead, administrators insisted that Title

IX investigations could not reverse a survivor's trauma and that sanctioning a perpetrator would simply harm two students instead of one. Nya, Title IX staff, explained:

> [The goal] is not to have a revolution really — at least, not from my perspective. Because even if my office issues a responsible finding and that person is dismissed, I can't undo what was done.

Kevin, an investigator, agreed. As part of rationalizing why he felt his job was primarily about protecting men's access to education, he said:

> Knowing [there was a punishment] doesn't fix it for the other person — you know, for the complainant. Nothing I do is going to make it better. Nothing I do is going to make it so it didn't happen to them. There is nothing I can do to fix it.

Patricia, senior staff in the Dean of Students Office, drew on this frame to suggest that students' disappointment in a Title IX case is evidence of a *good* outcome:

> The very nature of someone coming to you with a grievance is that they think they have been aggrieved and you can't ever undo it. And so no matter what, people are going to walk away not feeling completely satisfied and actually, if no one walks away completely satisfied, you [have] probably done a good job of resolving a conflict.

Similarly, Jamie, an investigator, used this frame to suggest survivors' frustrations with her work were simply a manifestation of life-long trauma from the violent act:

> One party is not going to be happy. Always. Every single time. So yeah, I guess I'm failing — I'm not failing them, but they probably feel like the system failed them. [If] they're a complainant and they filed a complaint and it doesn't — it's not substantiated — they probably feel like something failed them and the easiest thing to point to is [Title IX].

Taken together, each of these examples depicts a Title IX process in which survivors cannot be helped and are never satisfied, leaving staff to argue protecting a perpetrator's education is the only possible positive outcome.

Victim advocates were the least likely to use any of these rationalization frames, but they, too, insisted that a Title IX investigation was no substitute for healing. They, however, took the opposite position from the rest of the staff. Instead of suggesting survivors were too damaged to recover, they believed their resilience would help them thrive in the future regardless of the outcome in their Title IX case. For example, Adia explained:

> [I tell them], "It's going to be okay. No matter what you're going through, it's going to be okay." [It] is so huge to promise. You go through [the] reporting process and then in the end — you know the frustration I was talking about. Yeah, that breaks my heart. . . But I tell them when they walk into my office the first time to come to report, I'm able to confirm to them that, you know, they are not alone and it's going to be okay.

While this message is optimistic, it reinforces the ideology that Title IX cases do not matter. Advocates insisted that they could help survivors more by providing resources.

Taken together, these rationalization frames allowed administrators to justify university inaction and institutional betrayal as the moral outcome of nearly every case that came before them during the year of observation. They insisted that Title IX could offer nothing to survivors.

When (gender) roles are reversed

The gender stereotypes invoked in administrators' rationalizations assumed all cases would fit cleanly into a gender binary — women were the accusers and men were the accused. However, there were a few cases in which these roles were reversed. In these cases, administrators' gendered rationalization frames transcended a student's role in the process. Men still received the lion's share of administrators' sympathy and could use it to exert power and control over women.

Typically, women were named in retaliatory Title IX complaints (see Harsey & Freyd, 2022; Nesbitt & Carson, 2021) by men hoping to avoid accountability for their own acts of violence. For example, one perpetrator under investigation for intimate partner violence mentioned to an administrator that his victim had fought back, which he argued made her equally as violent as him. Rather than dismissing these claims, Western University staff empathized with the man making them and tried to meet his demands, even if doing so required acting outside the Title IX system or posed the same threats to the accused woman's education or career that administrators had so fiercely insisted were unfair when the person accused was a man.

In one case, a woman who worked for Western University's theater company left work to see her tires had been slashed by her ex-boyfriend. When Western University staff interviewed him, he admitted to damaging her property, but also accused her of raping him. Immediately, her position was terminated. There was no investigation or discussion of "due process." There was no concern about how she would pay her bills or how the termination would affect her future employment prospects. Later, an administrator would learn the "rape" did not actually meet the university's definition of sexual violence — the man admitted to making a false allegation to garner sympathy for slashing his ex-girlfriend's tires. The woman he accused was eventually reinstated, but only after her ex-boyfriend consented to her rehiring and the two signed a no contact directive to protect *him* from *her*. The woman's original concerns about property damage and stalking were ignored.

In another incident, a white male student used racist and sexist slurs against a Black 17-year-old girl protesting an alt-right speaker on campus. She slapped him. Then, he repeatedly punched her until other students physically pulled

him away. The man involved insisted the incident was a case of discrimination against his Western Chauvinist (i.e., openly white supremacist and misogynist) beliefs, which Western University offered to investigate through Title IX. He declined to file a complaint, but asked that the girl involved was expelled. Without opening an investigation, Western University convinced the girl involved to agree to a "voluntary dismissal," citing that she was "too immature" to be a college student. Administrators' sympathies remained with the man involved, enough though he was not facing the possibility of punishment. For example, Nigel, a caseworker, explained:

> We continue to this day to work with this student. We make sure he has the resources that he needs. We ended up working with him and finding out there were some other underlying things that involve family, that involve experiences in his economic process, that also influence academic standing and health. [He was] struggling in courses, which influenced his financial aid. He was also having things going on at home. So we were able to rally around him with supports to help him address those things.

In contrast, Nigel was not concerned about how the "voluntary dismissal" impacted the education of the girl involved:

> There were some other things that were underlying that we found out when I would work with the responding student that needed to be addressed before they could reach their goals of why they came to the university — things going on in the family, things going on in peer relations, things going on in the past that they felt they had to resolve. So those were things I-I, uh, highly suggested for the student to work on so that when they do — if they do have the opportunity to come back to a university, those things will be resolved and ready to go, so they can focus on the college degree that she wanted.

Cases involving women as respondents are rare, but the implications of these conflicting logics is clear. Men, regardless of their role in the Title IX process or motives for using it, deserved understanding, help, and second chances. Their version of events would be prioritized and their wishes would be taken into consideration in determining the final outcome of their cases. In contrast, women were met with skepticism — if they were given the opportunity to share their version of events at all. Their futures were not viewed as worthy of protection. The same external factors cited as reasons men needed extra support were listed as evidence that women did not deserve a college degree. These dynamics were exacerbated in cases involving a white man and a woman of color, during which the implicit racial project of the Title IX system — shielding white men from the consequences of their actions — became much more explicit.

The cost of refusing to rationalize betrayal

There were a few administrators who resisted gendered rationalization frames. In all cases, they had a history of working with trauma victims or identified as

a survivor themselves. Most were recent hires at Western University. For example, Nya took her position in the Title IX Office because she recognized the dysfunctions in how Western University managed sexual violence — especially for women of color — and hoped she could "be a change agent." She was also a survivor herself. Quickly, however, Nya came to recognize that she did not have the support she needed to improve services for survivors. She learned that most of her colleagues did not share her goals and, as a result, it was best for her to stay quiet if she wanted to keep her job. She could offer kindness to students in meetings, but she would never manage to make lasting structural or cultural change. Her futile attempts to do so would ultimately be met with hostility.

Nya's specific position in the Title IX Office was new and, during her interview, she was told she could make it "anything [she] wanted." In reality, however, she felt like, "My hands are tied. I can't do what I want to do." For example, Nya knew from a previous role at Western University that most students were intimidated by the physical space of the Title IX Office. She believed her work would be more effective if she could meet students in more convenient locations, which she assumed would be relatively noncontroversial. However, the idea was immediately shot down. As she described:

> NYA: One thing I did when I worked for the state — we had satellite stations with community partners . . . We didn't set any appointments, but anyone who wanted to come in could just pop in, ask a question, find out more, report something, go through a process, whatever it was. And the feedback I got from when I did that [before] was, "You came to us. We didn't have to seek you out and that felt a lot more safe."
>
> RESEARCHER: Why couldn't you do something like that here? That does sound like it would be really awesome.
>
> NYA: What I was told was that that could be perceived as our office wanting to champion or empower more people to file [complaints].

Notably, Nya did *not* recommend pushing victims to report or filing complaints on their behalf. She merely wanted to make Western University's current process more accessible by making herself mobile. Taking the critiques of Title IX Office seriously, Nya advocated for many trauma-informed changes during her first few months on the job, but ultimately, her recommendations — big or small — were ignored. She began to feel like, "I'm not sure that my opinion counts. Because it sounds like [the university's way] is gonna happen no matter what."

It didn't take long for Nya to feel hostility from her colleagues because of her empathy for survivors' struggles — and for her own survivor identity. I asked Nya whether she felt like she could share how her own experiences as a survivor informed her perspective. She answered:

> NYA: I've only told one person in the office [that I'm a survivor]. Well, two. And it was not because I wanted to . . . Someone in the office was talking about how the Me Too Movement was bogus and that people are just complaining and it was much worse back in the day and now it's not that bad. [That] no one's ever happy. In that moment, I felt super, you know, hurt that someone who works in this office would say that. And so I divulged that I'm a survivor and that I believe in the Me Too Movement. . . [I was uncomfortable] because I know there was someone else who applied for a position here and they themselves were not a survivor, but someone very close to them was and they were not selected for the position because of that. Because folks felt like that would be a bias . . . [Someone on the hiring committee] stated that he saw that as a weakness and didn't feel comfortable with hiring this person or offering them the position and then [the chair of the search] agreed.
>
> RESEARCHER: Doesn't everybody know a survivor?
>
> NYA: That's what I thought! [Laughter.] I feel like it's happened too often for us not to, right? Even if it's someone close to you, someone you're related to, yourself! So I don't feel comfortable telling — other than those two people who know — I don't feel comfortable telling anyone else just because I feel like then they will question when I'm helping someone who comes in and reports sexual misconduct — or my work will be questioned.

Nya's personal experiences as a survivor gave her sympathy for survivors and insight into realities of sexual violence her colleagues dismissed. For example, Nya's claim that the type of sexual violence does not indicate whether or not a survivor will experience trauma is true (Cipriano et al., 2022). However, Nya was seen as "biased," even though administrators with open sympathies for the accused were praised for their "neutrality" and "open-mindedness."

Ultimately, Nya decided to quit just before reaching her one-year work anniversary. When I asked why she decided to leave, she explained that keeping her job would require her to "change who I am as a person," including ignoring the realities of sexual violence and becoming more sympathetic to perpetrators at the expense of survivors. All but one full-time administrator who resisted the rationalization frames left their positions during my year of field work.

Discussion

It is widely recognized that the universities tasked with protecting survivors in the aftermath of sexual violence more commonly betray them (Richards et al., 2021; Smith & Freyd, 2014). This study explored how the administrators working most closely with students rationalized unjust outcomes in Title IX cases. Primarily, administrators drew upon gendered rationalization frames that granted himpathy to men while casting women as hysterical. More specifically, they insisted that survivors could not benefit from the Title IX process, either because they were mistaken in attributing their over-sensitive claims of trauma to their perpetrator or because they were already damaged beyond repair. These

rationalizations allowed administrators to construct their true purpose in Title IX proceedings as the protection of men's educations and drew upon a deeply entrenched racial legacy in the higher education system of shielding young white men from the consequences of their law-breaking (e.g., Grundy, 2021). Since they viewed women as incapable of benefiting from Title IX investigations, the only student administrators perceived they could help was the man accused. These beliefs were rooted in students' gender identities, rather than their role in the process. When a woman was accused of violence by a man, she did not receive the same privileges, even though these cases were commonly meritless retaliatory complaints.

The findings from this study offer insight into the mechanisms of institutional betrayal (Smith & Freyd, 2014) by exploring how the individuals tasked with the act of betraying rationalize their work. Specifically, I identify two central components to the process of teaching employees to betray: (1) favoring inexperienced candidates in hiring processes, and (2) harnessing gender stereotypes about sexual violence in the creation of workplace norms. At Western University, staff were particularly inclined to favor frames of himpathy, which they cast as a compassionate way to manage student discipline. Since sympathy has a cultural connotation of kindness, administrators saw these frames as purely beneficial and moral, even though advantaging men at the expense of women is, at its core, a form of discrimination (Manne, 2020). This finding fits into a long tradition of recognizing how feminists' gains have primarily offered benefits to women without diminishing the privileges of men as part of the "stalled revolution" (e.g., Hochschild, 1989), and the finding is consistent with recent scholarship on the ways universities "decouple" progressive diversity initiatives from their implementation to create "nonperformative" practices that uphold the status quo (Ahmed, 2021; Ray, 2019). Accordingly, it is perhaps unsurprising that as overt victim blaming becomes more taboo on college campuses, himpathy would replace it to justify maintaining universities' gendered traditions (e.g., Acker, 1990; DiCaro, 2021), justifying Title IX outcomes that undermine the very goals of Title IX. It is notable that these same frames of himpathy are not widely used by university administrators when they oversee other student disciplinary procedures for men, such as cheating, drug or alcohol use, or even the violent assault of other men. On campus, himpathy frames work exclusively to advantage men over women in the context of gender-based violence.

In reality, administrators' focus on men's futures and, particularly, the belief that men were the *only* parties whose lives could be impacted by the outcome of a Title IX complaint is inaccurate and dangerous. Following in the tradition of the criminal justice system, Western University staff treated survivors more as evidence than people who were seeking safety for themselves and their community. While it is true that a Title IX investigation — and, specifically, a perpetrator's removal from campus — cannot "undo" the trauma of rape, it

can serve other protective functions for survivors, including intervening on ongoing violence (e.g., intimate partner violence, stalking, retaliation), creating a physically and emotionally safe learning environment, protecting other students from a perpetrator's potential future violence, and offering justice, which can promote survivors' sense of value and belonging in their community. In these ways, the outcomes of Title IX investigations are crucial for survivors' recovery and academic success (e.g., Smith & Freyd, 2013). Additionally, these findings hold regardless of the severity of a sexual assault, as, without intervention, all acts of sex discrimination can significantly impact a survivor's education (Cipriano et al., 2022). Administrators had the capacity to learn about the impact of Title IX on survivors firsthand, but as Cruz (2021) finds, they often sheltered themselves from the violence of campus sexual assault, which led to manufactured ignorance. As a result, there was no tension in administrators' use of himpathy — their full attention was on the perpetrator.

Policy implications

There are many structural changes that could intervene on administrators' gendered rationalization frames for institutional betrayal. Most obviously, staff would be less susceptible to these frames with proper training and experience with survivor-centered and trauma-informed practices. For example, a mandatory rape crisis counselor certification for all staff would intervene on commonly held rape myths, such as what is "predatory." It would be useful for practitioners to develop a training specifically intended for university administrators that grapples with himpathy frames, particularly since a traditional rape crisis counselor certification is intended for staff whose work is limited to supporting survivors. Central to this shift in ideology should be recognizing that survivors and their loved ones are not "too biased" to work in Title IX Offices, but rather bring unique expertise of their own. Knowledge about the realities and experience of sexual violence is not a liability, but a crucial asset.

This approach, however, does not fully recognize the conflicts of interest that led Western University staff to sympathize with perpetrators to begin with. When Title IX staff are dually tasked with managing discrimination complaints and protecting the institution, institutional betrayal will be common. I anticipate that the problems identified by this study became further entrenched following the release of the Trump Administration's 2020 Title IX regulation, which drew on similar gendered stereotypes itself and offered universities even more latitude in determining how — or, frankly, whether — to discipline students for rape (Holland et al., 2020; U.S. Department of Education, 2020). In response to this climate, some states (e.g., California AB-1467, 2021) have begun to question the efficacy of permitting university control over

sexual violence cases and others should follow suit. At the federal level, these cases would be better managed by an external government agency that can provide redress for survivors, even when doing so comes at a cost to their university. Ideally, the abolition of an adversarial system would be beneficial in ensuring survivors are seen as people seeking safety and access to an education, rather than evidence in weighing whether to shift a perpetrator's future. Following the approach of the Center for Institutional Courage, I primarily recommend placing survivors and their needs at the center of campus sexual violence cases is crucial for intervening on institutional betrayal.

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