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Care or Compliance?

An Examination of Sexual Violence and Institutional Responses at Two Crisis Points

By

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Honors Thesis

Submitted:

The Jepson School of Leadership
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Abstract

Understanding the existence of sexual violence requires an investigation of the actions and contexts that either permit or prevent this form of violence. There exists a desire to draw a strict line between adolescence and adulthood, especially in relationship to sexual engagement, and in particular its implications for sexual violence. Utilizing Urie Bronfenbrenner's Bioecological Model of Human Development and the concept of sexual citizenship—one's right to sexual self-determination as well as the equivalent right of others—this thesis evaluates the perpetuation of sexual violence within the contexts of two crisis points. First, the moral panic during the Progressive Era surrounding female sexuality, specifically the reform of age of consent laws. Second, the present day 'rape crisis' on college campuses in the United States surrounding the prevalence of sexual violence in these spaces, in particular the implementation of Title IX as a violence prevention measure. This thesis argues that at both of these crisis points, the violence prevention measures enacted increased policing and restriction on sex and sexuality, perpetuating rape culture through a neglect of other's sexual citizenship and a lack of care as a social value; it then turns consider alternative approaches to addressing sexual violence that instead center care.

Table of Contents

INTRODUCTION	4
CHAPTER 1: THE MORAL PANIC OF SEXUALITY—PROGRESSIVE ERA REFORM OF AGE OF CONSENT LAWS	11
INTRODUCTION	11
AGE OF CONSENT LAW ORIGINS	12
REFORMERS IN THE 1880s: IN THE NAME OF PROTECTING YOUNG GIRLS	15
IMPLEMENTATION OVER INTENTION: THE REALITY OF ADOLESCENT SEXUALITY AND THE USE OF AGE OF CONSENT LAW	21
“DELINQUENT GIRLS”—THE OTHER SIDE OF REFORM	26
POLICING SEXUALITY: ASSIGNING VALUE THROUGH AGE OF CONSENT LAW	31
CHAPTER 2: THE ‘RAPE CRISIS’ ON MODERN COLLEGE CAMPUSES	38
INTRODUCTION	38
THEORY SECTION	40
WHAT ARE THE NORMS?	44
<i>Heteronormative Sex Scripts</i>	45
<i>When Rape is Not Rape?—Sexual Projects Denying Sexual Citizenship</i>	48
<i>Opportunity Structure of College Sexual Geographies</i>	51
WHEN SEX IS ABOUT YOUR FRIENDS, NOT YOUR SEXUAL PARTNER	57
ISOLATED INCIDENTS: THE UNIVERSITY’S RESPONSE TO SEXUAL VIOLENCE	62
CHAPTER 3: CENTERING CARE—ALTERNATIVES TO EXISTING VIOLENCE PREVENTION	70
INTRODUCTION	70
WHY CENTER CARE?	72
GENDERED NATURE OF CARE WORK	75
CARE IS NOT A VALUE OF THE INSTITUTION	79
CONSTRUCTING A CULTURE OF CARE: THE UNIVERSITY AS A CASE STUDY	83
<i>Microsystem and Mesosystem</i>	83
<i>Exosystem</i>	85
<i>Macrosystem</i>	86
CARE WORK IS NOT A UTOPIAN SOLUTION: INVOKING FORMS OF HEALING JUSTICE IN CARE WORK	88
CARE WORK AMIDST A CRISIS POINT	93
BEYOND THE INDIVIDUAL: CENTERING CARE WORK MORE RADICALLY	96
APPENDIX	99

Introduction

A certain fixation on the norms under which someone can engage in a romantic or sexual relationship has persisted throughout social and cultural norms. Today, there is a general understanding that certain age gaps in a romantic or sexual relationship might be a cause for concern, that at some point their relationship must be inherently flawed or even coercive or manipulative. Yet, our reactions to these dynamics vary wildly according to other factors. I pose two cases here:

First is the public's analysis of *Titanic* star Leonardo DiCaprio's dating life. Now forty-eight years old, DiCaprio has a long standing history of dating women significantly younger than him by at least a decade. People claim that he holds a preference for dating women in their twenties even as he has aged, even saying he has an "age cap" according to which he will not date women over the age of 25.¹ There have been widespread critiques of his dating history and theory regarding his dating preferences, from jokes made on nationally broadcast award shows to serious criticism about the harmful implications of such an age gap and the objectification of young women. While the level of concern over DiCaprio's dating preferences varies, the general consensus is that they are problematic.

Meanwhile, in January of 2023, a new reality dating show was released with a premise based on age gaps. Called "MILF Manor," this is a reality show in which "hot single moms dive into a unique dating experience where they hope to find their – much younger – soulmates, but a shocking twist turns their world upside down."² These women, ages forty to sixty, arrive on this show to discover that these young men appearing on the show are in fact not just younger men in

¹ "Who Is Leonardo DiCaprio's Girlfriend? Leo's Dating History Revealed | WHO Magazine," accessed April 13, 2023, <https://www.who.com.au/leonardo-dicaprio-dating-history>.

² "MILF Manor - TLC GO," accessed April 12, 2023, <https://go.tlc.com/show/milf-manor-tlc-atve-us>.

their twenties, but the sons of all the other women there. Moving past the semantics of how any of the participants could be recruited to the show with their son without either of them knowing, this show is clearly intended to be provocative. However, unlike Leonardo DiCaprio's dating life, the age gap alone is not the issue. The show's need to implement a Oedipal-like complex indicated that an age gap in dating between older women and younger men is not 'racy enough.' There is something about this switching of genders with the same age gap that diminishes the severity of concern over the age gap; the possibility for creating this same show, but with older men and their younger daughters, seems almost unimaginable to be produced on tv without serious backlash.

Although the general consensus seems to be that if everyone is in their twenties and up, a sexual relationship may be morally gray but not a criminal offense, there is still a clear fixation on the age gap. What happens around the age of twenty that suddenly causes this shift? There seems to be a line that must be drawn to distinguish adolescence from adulthood, that there are inherent differences based on one's age, gender identity, and stage in life that create nuanced power dynamics which can either prevent or permit a sexual encounter between individuals whose sexual autonomy is recognized. Under what conditions is an interaction considered consensual, and under what conditions is it seen as a form of sexual violence ranging from coercion to rape?

To explore this, I investigate two points and spaces in which there have been significant fear, panic, and response to the dynamics of sex and sexuality in the United States. The first I explore is that of the Progressive Era and the reform of age of consent laws from the turn of the twentieth century up to the start of the 1920s. Age of consent law reform was significant to this time period, as there was an increased fear of and focus on female sexuality, particularly that of

young girls. The movement to increase the age of consent across the country was rooted in this moral panic about the implications of sexual engagement for young girls, specifically young, working-class white girls—concern regarding the possibility of predatory upper- and middle-class men taking advantage of these girls created fear of the violation of their autonomy, as well as fear of a young girl’s purity, and therefore reputation and social standing, being ruined. However, even as reform efforts succeeded in raising the legal age of consent, their implemented remained inconsistent and even questionable in their capacity for preventing sexual violence.

The other space I look at is that of the modern-day college campus. In the past several decades there has been increasing awareness regarding the prevalence of sexual violence on college campuses, starting with second-wave feminism, in which largely wealthy-white, educated women shared their stories of assault and harassment and began to organize to combat the widespread prevalence of these experiences, resulting in anti-rape activism across the country and the development of this narrative of a ‘rape crisis’ on college campuses. Elements of this anti-rape activism gained traction on college campuses and continue today, such as Take Back the Night and increasing survivor support resources. There has also been significant critique of this movement, as it centered wealthy-white, educated women and failed to utilize any understanding of what Kimberlé Crenshaw coined as ‘intersectionality,’ neglecting the experiences of women of color, working-class women, women who did not attend college and failing to acknowledge “the intersections of privilege and oppression related to social identities.”³ The social efforts bring us to the present day, in which this concern for a ‘rape crisis’ on college campuses remains prominent. In addition to such, more than one million fewer

³ Jody Jessup-Anger, Elise Lopez, and Mary P. Koss, “History of Sexual Violence in Higher Education,” *New Directions for Student Services* 2018, no. 161 (2018): 9–19, <https://doi.org/10.1002/ss.20249>.

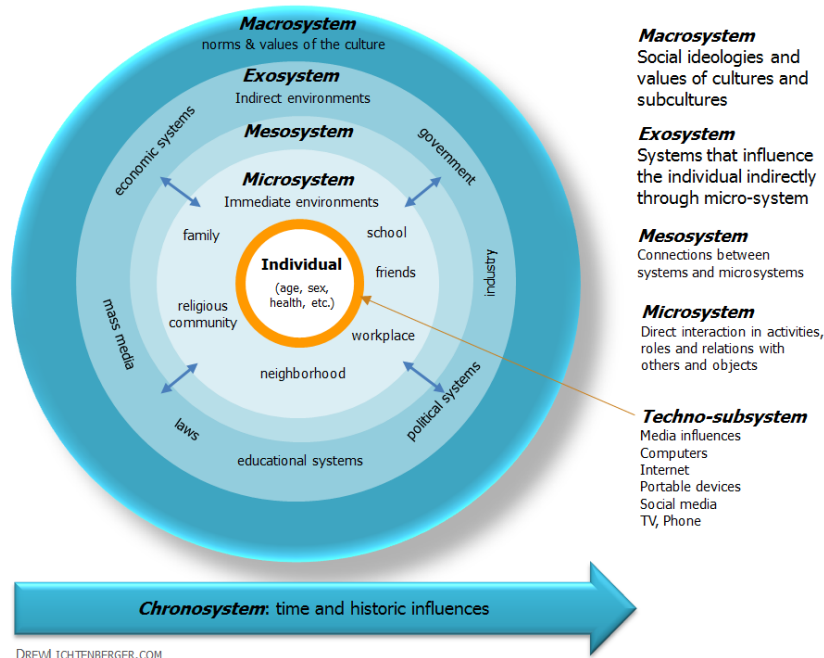
students are enrolled in college than in 2019.⁴ This steep decline, due to a combination of the pandemic and declining birth-rates, leaves colleges in need of drawing students to their institutions, making the welfare of the students all the more important. This increase in concern for student well-being paired with the panic surrounding the prevalence of sexual violence on college campuses produces this space as yet another crisis point between adolescence—living at home with guardians as a dependent—and adulthood—moving into the world independently, in which conceptions of young people’s sexuality fall under scrutiny.

To investigate these two crisis points, I utilize two frameworks. The first is Urie Bronfenbrenner’s Bioecological Model of Human Development. Bronfenbrenner’s biological model was originally based on the idea that children’s relationships with their caregivers impact their development, and that their relationships are affected by their community, which is affected by broader cultural and social values, as well as policy conditions, so that the layers of these impacts are interconnected in children’s development and resiliency.⁵ This model has been expanded upon and applied to numerous different contexts. In looking at the liminal space between what we define as adolescence and adulthood and the social construction of that space, Bronfenbrenner’s model provides a tool for imagining the impacts of the immediate community, the institutional structures, and the larger encompassing social norms that impact the individual as they experience the effects of sexual violence as a prevalent issue in society in which attitudes and understandings of sexual violence normalize its existence into what we have labeled ‘rape culture.’

⁴ “Americans Choose Jobs over College : NPR,” accessed April 13, 2023, <https://www.npr.org/2022/01/13/1072529477/more-than-1-million-fewer-students-are-in-college-the-lowest-enrollment-numbers->.

⁵ “The Bioecological Model - The Center for Child and Family Well-Being,” accessed April 12, 2023, <https://ccfwb.uw.edu/about-us/the-bioecological-model/>.

Bronfenbrenner's Bioecological Model of Human Development



6

The second concept I utilize is an understanding of sexual citizenship as it relates to the current structures of sexual violence. Sexual citizenship is defined as an individual's right to sexual self-determination as well as the equivalent right of others.⁷ The exploration of sexual citizenship occurs within the development of one's sexual projects: "the reasons why anyone might seek a particular sexual interaction or experience."⁸ One's sexual project is unique to the individual, but is connected to the sexual citizenship that all people hold. Lastly, the exploration of one's sexual citizenship and development of one's sexual projects occurs within a particular sexual geography. Sexual geographies "encompass the spatial contexts through which people move, and the peer networks that can regulate access to those spaces."⁹ The context, or sexual

⁶ Drew Lichtenberger, "Shaping Influences—Human Development," Drew Lichtenberger, August 2, 2012, <https://drewlichtenberger.com/6-shaping-influences-human-development/>.

⁷ Jennifer S. Hirsch and Shamus Khan, *Sexual Citizens: Sex Power, and Assault on Campus* (W.W. Norton, 2021).

⁸ Hirsch and Khan.

⁹ Hirsch and Khan.

geography, in which one develops their sexual projects influences their understanding of their own sexual citizenship as well as that of others. Sexual citizenship helps articulate how sexual violence occurs and what right this violence is violating; sexual violence occurs when one's sexual citizenship is in some way denied or neglected. Overlaying the concept of sexual citizenship with Bronfenbrenner's Bioecological Model of Human Development offers a way of investigating these two crisis points—age of consent reform during the Progressive Era and the rape crisis on college campuses today—and the ways in which sexual violence are enacted, enabled, and normalized across multiple levels of society. This thesis argues that while during both crisis points violence prevention measures were enacted, there remained a lack of recognition of others' sexual citizenship and lack of care, ultimately perpetuating the norms of rape culture.

The ways in which leaders and institutions with power are linked to the perpetuation of sexual violence and rape culture have important implications for leadership. If the normalization of sexual violence is linked to individual practices, community norms, and institutional structures, then the decisions of leaders—from student mentors to professors and department heads to university administrators—have the potential to further enact or to disrupt norms of sexual violence. While the systemic structures that uphold forms of oppression that ingrain sexual violence in societal norms cannot be linked to one given leader or institutional leadership structure, this analysis gives some insight into the responsibilities that can be attributed to these roles and their capacity to shift away from perpetuating rape culture and towards a culture of care. This thesis argues that in both of these crisis points, the violence prevention measures enacted increased policing and restriction on sex and sexuality, perpetuating rape culture through

a neglect of others' sexual citizenship and a lack of care as a social value, and then considers the possibilities for building a culture in which care is valued and prioritized.

In this thesis I will first present the context of the Progressive Era in which calls for the reform of age of consent laws began. I will consider the context in which these laws were reformed, who initiated these reform processes, and how they were implemented. I investigate the ways in which these reforms aimed to protect certain populations while restricting sexual self-determination, implementing isolation and policing as prevention measures that criminalized and silenced many groups and failed to address the most common forms of sexual violence at the time. I then consider the construction and context of modern day colleges and universities; I evaluate social dynamics and structures, such as Greek life organizations, that are intertwined with norms of sexual violence, then turn to institutional violence prevention efforts, such as Title IX, that are rooted in compliance over care, and prioritize similar prevention measures that parallel the Progressive Era reform's focus on policing, restriction, and management of sexual violence. Finally, I explain how the prevention efforts at these two crisis points fail to incorporate care and consider possible alternatives that instead do center care. I offer some potential alternatives that begin to move away from norms of rape culture on a college campus and move towards care work and healing.

Chapter 1: The Moral Panic of Sexuality—Progressive Era Reform of Age of Consent Laws

Introduction

Scrolling on Instagram a few weeks ago, I came across a video of a woman in her car listening to Demi Lovato's "Song 29"—a song about the predatory nature of their relationship with a man twelve years their senior at age 17. Above the woman's head, the text reads: "This song trend reminds me of the time my parents gave my adult boyfriend guardianship over me while I finished high school." This story refers to the perception of women as property that was prominent during the Progressive Era and appeared in the legal reformation of age of consent laws at the turn of the 20th century. In this first chapter, I intend to lay the foundation for understanding how instances, such as the one this Instagram video relays, continue today and parallel the class-based, ableist, gendered, and racial oppression of the construction and reformation of age of consent law during the Progressive Era. To do so, I will explain the origins of age of consent law within English common law, then explore the role of purity reforms in raising the age of consent throughout the United States, and how the implementation of these laws further policed female sexuality for young working-class girls. Following these sections, I will look at another group of Progressive reformers who aimed to reform young girls who engaged in 'deviant' sexual behavior and their use of the welfare state to expand state regulation of female sexuality. Lastly, I will conclude by analyzing how the language of age of consent laws and their use by the state to police sexuality as a means of population control through eugenicist ideologies rooted in racism and ableism, how age of consent laws failed to address the dominant forms of sexual and gendered violence in order to maintain the patriarchy structure of social order, and how efforts to increase the role of women in the implementation of age of consent law ultimately resulted in increased state regulation of female sexuality by women.

Age of Consent Law Origins

Defined as a law to “Designate the age at which a young girl may legally consent to carnal relations with the other sex,”¹⁰ age of consent laws in the United States were imported from English common law during the mid-19th century. These laws focused on young girls, rooted in the perception of women as property and virginity as a “valuable financial asset,” showing how “the potential physical harm to a female victim was believed to be more severe than the potential physical harm to a male victim.”¹¹ Under the common law, age of consent was placed at the age of ten or twelve for young girls.¹² In 1884, moving into the Progressive Era in England, reforms pushed to a standard age of consent of twelve years for females and fourteen years for males—following,¹³ then up to sixteen for girls with the Criminal Law Amendment Act of 1885.¹⁴ In the United States, constructions of childhood transitioning to adulthood were centered around a person’s ability to work, rather than on their cognitive or sexual development. This positioned the line for adulthood—and subsequently one’s ability to contribute to the workforce—at a much younger age than today, which was then reflected in these seemingly young ages of consent at ten or twelve, or even as young as seven in Delaware.¹⁵ Conflating capacity to consent with ability to contribute to the workforce as an indication of adulthood, age of consent laws were based on this conception of adulthood and remained unchanged in the United States for much of the 19th century. However, fear of the possibility of an underground

¹⁰ Powell, Aaron M., “The Shame of America—The Age of Consent Laws in the United States: A Symposium,” in *The Arena*, vol. 11 (Arena Publishing Company, 1895), 192–215.

¹¹ Sarah Koon-Magnin, “The Fine Line Between Statutory Rape and Consensual Relationships,” in *Sexual Victimization: Then and Now* (SAGE Publications, 2014), 103–14.

¹² Powell, “The Shame of America—The Age of Consent Laws in the United States: A Symposium.”

¹³ *American Child Bride* (University of North Carolina Press, 2016).

¹⁴ Gayle S. Rubin, “Thinking Sex: Notes for a Radical Theory of the Politics of Sexuality,” in *Sexualities: Some Elements for an Account of the Social Organisation of Sexualities* (Taylor & Francis, 2002), 188–240.

¹⁵ Powell, “The Shame of America—The Age of Consent Laws in the United States: A Symposium.”

system for the abduction and prostitution of young white women that grew in England¹⁶—labeled “white slavery”¹⁷—moved to the United States in the 1880s with the rise of the Progressive Era. This time period brought about large reform efforts focused on concerns around morality and moral behavior, economic reform and efficiency, and the role of social welfare and government regulation. As knowledge of these efforts against “white slavery” reached the United States, reformers concerned with the moral ideals of sexual behavior began to take up the cause and investigate their own age of consent laws.

Efforts to raise the age of consent laws in states across the United States arose following the changes to English common law across the Atlantic Ocean, which occurred in tandem with rising concerns about child brides and, later on, the impact of industrialization on women and girls in the labor force. As this fear of young girls being abducted and forced into prostitution migrated to the United States and rose in the 1870s and early 1880s, reformers, as well as the state, began to concern themselves more intently with the regulation of vice. During this same decade, notice of marriages with large age gaps between young girls and older men became an increasingly common practice in newspapers across the country.¹⁸ While the diagnosis of pedophilia did not yet exist, reading about marriages between girls around the age of twelve and men who were around the age of forty or older fed a growing discomfort within society towards such arrangements. This led Americans to grapple with ideas of childhood, sex, and marriage, leading towards reform efforts surrounding marriage and age of consent laws. While age of consent and marriage laws may have emerged from a similar origin point of women as property, the moral panic that arose surrounding these two sets of laws evolved into separate responses

¹⁶ Mary E. Odem, *Delinquent Daughters: Protecting and Policing Adolescent Female Sexuality in the United States, 1885-1920* (Univ of North Carolina Press, 2000).

¹⁷ Rubin, “Thinking Sex: Notes for a Radical Theory of the Politics of Sexuality.”

¹⁸ *American Child Bride*.

based on different conceptions of women's perceived roles in society. Concern for child brides overlapped with fears of white slavery and the prostitution of young girls, as both focused on women as property. However, revelations about child brides and low age of consent laws were separated by the categorization of sexual activity involved in each: in one context, sex was still occurring within the confines of marriage; in the other, sexual behavior was outside of marriage.

Age of consent laws were constructed separately from those of marriage, as sex within marriage was viewed entirely differently than sex outside of marriage. Marriage was seen as a form of protection for the wife and an acceptable situation for pregnancy, and so sex within marriage was deemed safe and even normal, while sex outside of marriage was viewed as promiscuous and unsafe. Many Christians were even morally opposed to age of consent laws because they were viewed as condoning sex before marriage and were deemed as "unbefitting a civilized or Christian nation."¹⁹ While there were laws about at what age people could marry, and under a certain age, marriage often required permission from a young girl's father or other guardian, in all states, age of consent laws were no longer relevant once people were married, and the ages for marriage were often younger than those of the age of consent, as seen with the aforementioned child brides.

The division of age of consent law and marriage law was also central to the concern of procreation and a growing population. With the rapid population growth and increased immigration leading up to the Progressive Era, both reformers and the state were concerned with the context in which children were born and raised. Sexual behavior within marriage was viewed as appropriate with the intention of procreation, while pre-marital sexual behavior risked pregnancy out of wedlock. Pregnancy outside of marriage was viewed as an economic liability

¹⁹ *American Child Bride*.

that might require government welfare and a potential perpetuation of conditions of poverty. Such a framing of age of consent law as separate from marriage law placed the predominant concern regarding young female sexuality not on their age, but on the possibility of ‘ruining their purity’ and the risk of pregnancy and population growth that threatened the moral norms of society the Progressive reformers valued.

Moving into the Progressive Era, there was an increased focus on the policing of sexual citizenship. Within the first two decades of the twentieth century, the United States entered into a period of varied reforms all centering a focus on ‘social betterment.’ Among these were women’s suffrage, reform of the penal system, and “the expansion of educational opportunities and social services for marginalized groups,” all of which converge with this focus on sex and sexuality.²⁰ Moral concerns regarding sex and sexuality, as seen in the rise in concern over child brides and age of consent laws, dominated the sexual geographies in which age of consent laws were reformed. Concerns for protecting certain populations deemed vulnerable to sexual violence arose within the Progressive ideals of “peace and security.”²¹

Reformers in the 1880s: In the Name of Protecting Young Girls

Throughout the next several decades following the 1880s, the importance and urgency of age of consent laws was justified as “the protection of young persons from sexual exploitation by adults”²² and as a crucial component of the Progressive Era reformers’ work to regulate female sexuality—portrayed in the struggle to overcome female subordination, specifically, protecting

²⁰ Joseph F. Tripp, “Law and Social Control: Historians’ Views of Progressive-Era Labor Legislation,” *Labor History* 28, no. 4 (September 1987): 447–83, <https://doi.org/10.1080/00236568700890261>.

²¹ Tripp. See Appendix Figure 1 for age of consent laws in the US from 1885 and 1920.

²² Kate Sutherland, “From Jailbird to Jailbait: Age of Consent Laws and the Construction of Teenage Sexualities,” *William & Mary Journal of Women and the Law* 9, no. 3 (2003 2002): 313–50.

women from sexual violence²³—in society. Such urgency was rooted in a moral panic that perpetuated a fear of social degeneration as a result of the perceived threat of promiscuous women or predatory men. The Progressive movement came in response to the extreme concentration of wealth among the United States' elite in addition to increased immigration and urbanization. This was a political and social reform movement that focused on strengthening national government regulation, addressing work conditions, women's suffrage, economic reform, and the welfare of the poor.

Middle-class reformers viewed it to be their responsibility to alleviate the burden of poverty for the working-class. Reformers saw the expansion of industrialization during the Progressive Era as a source of wealth, knowledge, and greater efficiency, but also as a mechanism that increased economic and class divisions.²⁴ As industrialization and urbanization grew in the United States, more working-class young girls were leaving traditional, domestic, family settings and agrarian communities to work in cities, a “public, urban world of work and recreation.²⁵” Between 1870 and 1910 the number of women in the paid labor force more than quadrupled.²⁶ As a result, middle-class reformers became highly concerned with the immigration in relation to young working-class girls looking for work, as well as the impact of this shift in environment on their sexuality. Purity campaigns were central to their efforts. With young girls leaving their homes and guardians at an earlier age to work, reformers feared the possibility of predatory men using these ‘impressionable and naive’ girls and destroying their virtue. Starting in 1885 in the Northeast and Midwest, purity reformers began to campaign for increasing the age

²³ Odem, *Delinquent Daughters*.

²⁴ Zipf, Karen L., *Bad Girls at Samarcand: Sexuality and Sterilization in a Southern Juvenile Reformatory* (LSU Press, 2016).

²⁵ Odem, *Delinquent Daughters*.

²⁶ Odem.

of consent to eighteen, and these ‘purity campaigns’ quickly spread to be a national campaign.²⁷ Purity campaigns were championed largely by white middle-class women reformers, their efforts informed by deep gender, class, and racial tensions surrounding female sexuality.

Still influenced by fears of prostitution and ‘white slavery,’ as well as concerns about the shifting role of women in the workplace stemming from industrialization and the continued history of white supremacy, reformers' main focus was the working-class white girl. Reformers pushed the view that, as a result of a double standard of morality for the sexes,²⁸ this particular population of girls was vulnerable to male vice and exploitation. Women and girls were held to a strict standard of virtue and purity that centered chastity as a “prerequisite to social consideration and even to decent life among women,” but was regarded as an “absolutely impossible virtue for men,”²⁹ because men were assumed and expected to desire sex and therefore purity could not be expected of them. Given these values, sexual citizenship— as an individual’s right to sexual self-determination as well as the equivalent right of others³⁰—was starkly divided by gender during this time period. As depicted in the moral double standard for men and women, sexual citizenship was highly restricted for women, particularly unmarried women and younger girls. Emphasizing ‘purity’ or virginity as a characteristic of high value for women made any development of their sexual projects outside of marriage completely immoral. Even within marriage, it was the value of procreation within marriage that made sexual engagement acceptable for women, negating any value or recognition of their capacity for pleasure or desire.

Progressive reformers who critiqued this standard emphasized this inequality in the recognition of sexual citizenship, not as a way of expanding the possibilities for female sexuality,

²⁷ Odem.

²⁸ Powell, “The Shame of America—The Age of Consent Laws in the United States: A Symposium.”

²⁹ Powell.

³⁰ Hirsch and Khan, *Sexual Citizens: Sex Power, and Assault on Campus*.

but instead attempting to impose the minimization of one's sexual projects and control of their sexual citizenship. In these reform efforts, the critiques of existing norms of sexual behavior contributed to a sexual geography in which moral fears about sexuality, specifically for young girls, implied greater levels of policing and social restrictions. These efforts depict the mesosystem level efforts made, according to Bronfenbrenner's Socioecological Model of Human Development. The community values of these reformers and their efforts to promote their values depict a tie between the mesosystem and the exosystem; these community level values and awareness campaigns pushed towards exosystem level shifts, specifically pertaining to age of consent law reform.

Progressive reformers believed the double standard of sexual behavior was "criminally indulgent towards men"³¹ and left young girls with the responsibility to maintain their chastity despite the vices of men and without any semblance of sexual agency or desire.³² They aimed to raise the age of consent in order to criminalize and punish the evil and immoral behavior of men as a form of deterrence to protect the chastity and virtue of young girls, as well as to impose a singular moral value of purity for both sexes. Middle-class women saw this as exacerbated for working-class girls because by entering the workforce earlier to earn money for their families, young women were no longer interacting with older women who could act as their "natural guides," leaving them more vulnerable to temptation and manipulation.³³

The New York Committee for the Prevention of State Regulation of Vice—which in 1895 merged with other organizations in the Northeast to become the American Purity Alliance—petitioned and pushed for a decade to increase the age of consent from ten to eighteen.

³¹ Powell.

³² Odem, *Delinquent Daughters*.

³³ Powell, "The Shame of America—The Age of Consent Laws in the United States: A Symposium."

With the motto “Keep Thyself Pure,” they asserted that the United States had a “good deal of tolerated vice” that left young girls vulnerable and needed to be amended to create one moral standard through preventative educational purity work for adolescents and a higher age of consent to deter men from exploiting young girls.³⁴ Believing that morality, or moral purity, would improve conditions of widespread poverty, Progressive reformers began to look for behaviors and practices associated with social ‘ills’ that could be restricted through governmental control. Such means of addressing social issues invoked a moral line on practices such as the drinking of alcohol, work and housing conditions, and sexual behavior in the name of ‘social betterment.’³⁵ Founded in 1874 in Ohio, the Women’s Christian Temperance Union (WCTU), as well as White Cross Society³⁶—an organization set up to promote “social purity”—joined in these efforts and was able to raise the age of consent, but had to compromise at the age of sixteen.³⁷ Similarly, in California, the WCTU lobbied legislators to amend the rape statute and raise the age of consent from ten to eighteen in 1889, and gradually were able to raise the age, first to fourteen, then to sixteen in 1897, still having to compromise on their ultimate goal of the age of majority.

Despite their persistence and gradual success in petitioning their respective states across the country to raise the age of consent to the age of eighteen, purity reformers received strong pushback from male legislators. In 1892, the legislature in the assembly in New York advocated to amend the penal code and lower the age of consent to fourteen. In Kansas, a bill was passed to lower the age, which had been raised to eighteen, back to twelve.³⁸ Lawyers and lawmakers

³⁴ Powell.

³⁵ Odem, *Delinquent Daughters*.

³⁶ Powell, “The Shame of America—The Age of Consent Laws in the United States: A Symposium.”

³⁷ Odem, *Delinquent Daughters*.

³⁸ Powell, “The Shame of America—The Age of Consent Laws in the United States: A Symposium.”

objected that such high ages would be “altogether too hard on the men”³⁹ or that ‘immoral,’ scheming young women would use the law to blackmail men. While the Kansas bill was revoked and the amendment in New York was unable to pass, such efforts demonstrate the tension surrounding initial efforts to raise the age of consent. In attempts to assuage this opposition, legislators said the laws should only protect females of previously chaste character—women and girls who had not yet had sex. Females of previously chaste character would fit the ideals of purity and therefore be considered more worthy of protection, whereas as women who already engaged in pre-marital sex were considered deviant and also not in need of protection as they were already engaging in sexual activity, already promiscuous, and therefore more likely to engage in ‘deviant’ behavior, making such a shift in legislation more amenable to legislators in opposition.⁴⁰

Purity reformers opposed such a division of female sexuality, as they perceived young working-class girls who engaged in sexual behavior outside of marriage as victims of their social conditions and the predatory behavior of middle-class adult men. These girls were viewed as ‘fallen’ women—girls who had lost their innocence and, as a result, had been irredeemably harmed. To divide women based on the chasteness of their character would reinforce a double standard of sexual behavior for men and women. Despite purity reformers' opposition to such a division of female sexuality, the language of ‘chastity’ appeared in the penal code of many states between 1885 and 1920. This division of ‘chaste’ and ‘unchaste’ women in the penal code further policed female sexuality and put into law the already existing social value of women’s purity.

³⁹ Powell.

⁴⁰ Odem, *Delinquent Daughters*.

Sexual citizenship—as an individual’s right to sexual self-determination as well as the equivalent right of others⁴¹—was starkly divided by gender. As depicted in the moral double standard for men and women’s sexual citizenship was highly restricted for women, particularly unmarried women and younger girls. Emphasizing ‘purity’ or virginity as a characteristic of high value for women made any development of their sexual projects outside of marriage completely immoral. Even within marriage, it was the value of procreation that made sexual engagement acceptable for women, negating any value or recognition of their capacity for pleasure or desire.

Implementation over Intention: The Reality of Adolescent Sexuality and the Use of Age of Consent Law

By 1920, almost every state had an age of at least 16 or 18.⁴² However, reaching this point did not fully align with the goals of the middle-class white women purity reformers who pushed for the increase in legal age. The first states to raise the age of consent to that of majority—Wyoming and Kansas—were both states in which women had a direct voice in politics.⁴³ Likewise, in California, when the age of consent was finally raised to 18, it was only after women gained suffrage in 1911.⁴⁴ Such events demonstrate the force that women brought to these purity campaigns; however, the implementation of these laws often diverted their intentions under the control of a male-dominated legal system. In the early years of the Progressive Era, jobs working in the courts and law enforcement were essentially only held by men, who did not share the same sentiments so passionately as the reformers.⁴⁵ As a result, the intentions of these female reformers struggled to transfer to the implementation of the law.

⁴¹ Hirsch and Khan, *Sexual Citizens: Sex Power, and Assault on Campus*.

⁴² Hirsch and Khan, *Sexual Citizens: Sex Power, and Assault on Campus*.

⁴³ Powell, “The Shame of America—The Age of Consent Laws in the United States: A Symposium.”

⁴⁴ Odem, *Delinquent Daughters*.

⁴⁵ Mary E. Odem, *Delinquent Daughters: Protecting and Policing Adolescent Female Sexuality in the United States, 1885-1920* (Univ of North Carolina Press, 2000).

Lawmakers and those in charge of enforcing the law—all men in this context—were fairly lenient in enforcing these laws when charges were brought to court, in part due to concerns about “immoral, designing young women” using the law to blackmail men.⁴⁶

Purity reformers’ political campaigns attempted to impose a moral code of purity on working-class girls that was supposed to provide a form of moral protection, but, as a result, denied women’s sexual desire and agency.⁴⁷ To start, it is important to acknowledge that the projected perception of female sexuality by purity reformers did not align with the reality. Reformers painted young working-class girls as vulnerable and weak in contrast to the uncontrolled vices of middle-class adult men. While this concern was not without cause, as such violence did occur across this age gap, the reformers’ fear ignored some broader issues regarding sexual violence, and their focus depicts the reformers’ focus on the immorality of sexual violence as it pertained to gendered social norms. In their call for age of consent reforms, these reformers portrayed how women were victimized by the sexual double standard demanding purity for women while men engaged in sexual activity without social hindrance.⁴⁸ This seduction narrative of middle-class men preying on working-class girls, while effective in exciting public fears and anxieties, was in fact not reflective of the majority of young girls’ sexual experiences. In reality, young, working-class women across the country usually formed relationships with young men of a similar age in the same social and economic class.⁴⁹

Despite the debate surrounding the construction of age of consent laws regarding ‘fallen’ women and female chastity, the majority of cases that were brought to court ultimately did not fit the “vulnerable female victim” as portrayed by purity reformers, nor the “immoral and

⁴⁶ Odem.

⁴⁷ Odem.

⁴⁸ Powell, “The Shame of America—The Age of Consent Laws in the United States: A Symposium.”

⁴⁹ Odem, *Delinquent Daughters*.

scheming” woman that legislators who opposed these laws feared.⁵⁰ Between 1910 and 1920, in seventy-two percent of the cases in Alameda County in California and seventy-seven percent of cases in Los Angeles, the young women involved said that they had consented to sexual activity. The majority of defendants were young, working-class men, rather than the older-middle class men that the purity reformers depicted in their political campaigns.⁵¹ In Alameda County, seventy-three percent of defendants during these years were between the ages of eighteen and twenty-nine, with the majority being eighteen to twenty-four years old.⁵² Additionally, young women themselves challenged the views of reformers that deemed them ‘sexually innocent’ and vulnerable to exploitation. Working-class girls began to exercise and explore their sexual autonomy through numerous pathways. While still denouncing prostitution, they engaged in behaviors that were often associated with prostitution, such as going out alone and taking an active role in their romantic and sexual lives prior to marriage, be it in dating towards marriage or simply out of a desire for pleasure. Such displays of female sexuality contradicted the ideas that middle-class women tried to impose on working-class girls through their purity campaigns.

Age of consent laws became a way to monitor working-class girls’ sexual behavior both for parents and the state. As age of consent laws rose and working-class girls’ behaviors shifted, the number of cases of premarital sex brought to court increased. However, the person bringing the cases to court was often a girl’s parent, rather than the girl herself. In Los Angeles, California, the draw of economic opportunities led to a rapid increase in population and expansion of the city. Working-class people immigrated from both other parts of the country, as well as many other countries. In particular, there was a large emigration of people from rural

⁵⁰ Zipf, *Bad Girls at Samarcand*.

⁵¹ Odem, *Delinquent Daughters*.

⁵² Odem.

Mexico to the western United States.⁵³ The influx of immigration created larger cities with a diverse population, where the majority of communities held the same value of female purity. In these larger cities, “earlier methods of regulating the sexuality of youth through family, community, and church were far less effective than they had been in small villages and towns,”⁵⁴ leaving parents with concerns about their daughter’s sexuality and the fear of a pregnancy out of wedlock. A teenage pregnancy or pregnancy out of wedlock carried stigma and fear, both as a loss of social reputation with the loss of a daughter’s purity, as well as the fear of the financial burden. As a result, parents began turning to the court system to either force a marriage due to an unexpected pregnancy or to attempt to restrict and regulate their daughter’s sexuality. Between 1910 and 1920 in the counties of Alameda and Los Angeles, approximately half of the prosecutions of statutory rape—sexual intercourse with someone under the age of consent—were brought to court by working-class parents.⁵⁵

The implementation of age of consent law for this policing of women’s bodies throughout a trial depicts the divergence of the law’s implementation from its intended protection of young girls’ purity and innocence. Looking at statutory rape prosecutions in California as these laws passed, many of the male court officials working in the legal system remained largely ambivalent about the change in laws and the protection of young girls from male vice and exploitation; however, they were interested in maintaining female purity as a means of controlling female sexuality.⁵⁶ Such policing of female sexuality once again attempts to restrict women’s sexual citizenship within society. While implemented in the name of protection, policing sexuality as a form of protection enacted another form of violence in the inability to

⁵³ Odem.

⁵⁴ Odem.

⁵⁵ Odem.

⁵⁶ Odem.

recognize female autonomy and women's capacity to develop their own sexual projects. The sexual geographies of the Progressive Era during these reforms were heavily dictated by the double standard of sexual behavior for women compared to men and the moral value of "purity" for unmarried women and girls.

Age of consent laws became a way of monitoring the sexual behavior of working-class women and girls, as well as that of their partners. The prosecution of statutory rape cases became a punitive process for both male defendants and the women or girls with whom they engaged in sexual activity. Women were often placed in the county detention centers before their hearing and were subjected to compulsory pelvic exams to look for evidence of sexual activity. While male defendants were not required to testify, women were usually questioned by both the prosecution and defense about their sexual relationship with the accused, as well as about their past sexual history. This interrogation is just one way the state attempted to not only regulate women's sexual behavior, but to punish or shame women for any sexual behavior outside what was deemed socially acceptable. A California judge, Judge Mortimer Smith, once explained the rationalization behind such implementation as follows: "the country depends upon its women to produce good citizens, and a woman who is debauched, that has its effect upon the mind of every child that is born to her," and if a man engaged in sexual behavior with a woman before marriage, "he interferes with the well-being of the community."⁵⁷ While suggesting that men are responsible for their behavior, it is without consequence or social repercussion, whereas Smith asserts that women are responsible for maintaining their chastity for the good of future generations in the community. Under this implementation of the law, young girls' sexuality becomes a risk to the community, not an expression of their social and bodily autonomy.

⁵⁷ Odem.

The white middle class women who had pushed for raising the age of consent across the country were appalled by this perceived misuse of the law. The WCTU, American Purity Association, and many clubwomen, among other organizations, tried to pressure the courts to better enforce age of consent laws, but within the male-dominated legal system, they had little political power. Thus began a push for increased female participation in the justice system. In California, women advocated for the right to sit on juries, and, in 1917, the Woman Jury Bill was passed.⁵⁸ The juvenile court system that had just been established in California in 1903 became a tool for judges who believed in purity reformers' efforts to establish a singular moral standard for sexuality, but they were limited in their ability to punish young men for statutory rape because they were not able to incarcerate as easily within the juvenile court system, as the power of the juvenile court system to detain individuals was limited. Despite these efforts, the implementation of age of consent laws largely failed to align with the intention of the women who had pushed for their reform. Rather than a tool for the protection of young girls, age of consent laws became a mechanism for the protection of the interests of parents and the state.

“Delinquent Girls”—the other side of reform

As these reformers and their national purity campaigns succeeded in raising the age of consent, another wave of Progressive Era reformers also began to emerge with the turn of the 20th century. While still middle-class and white, these reformers were now primarily college educated women with a new perspective on female immorality. Unlike reformers emphasizing purity campaigns who portrayed men as predatory and exploitative of young women, this group of reformers shifted their focus and their assignment of responsibility. These reformers now

⁵⁸ Odem.

acknowledged female agency in their sexuality and viewed female sexual behavior as “delinquent” or “deviant,” as a product of young working-class girls’ upbringing, and the ‘delinquent girls’ as in need of guidance.⁵⁹ While before women were viewed as “fallen,” helpless victims for engaging in sexual behavior, putting the onus on men’s undeterred lust, this title of ‘deviant’ permitted the idea that the women acted of their own volition. The Progressive reformers advocated for broader programs of state intervention directly focused on controlling working class women’s and girls’ behavior and social environments, ignoring the role of their male partners almost entirely. Looking to societal and family environments through new methods of social analysis to evaluate sexual delinquency, Progressive Era reformers pushed for more women enforcing sexual social norms for working-class girls and overseeing new institutions that were constructed to provide treatment and care—education and rehabilitation to restore to ‘purity’ and other values of ‘white womanhood’—to delinquent girls.

While much of the momentum for purity reforms came from the Midwest and Northern states before spreading out west to California, southern states began to take on similar campaigns for social purity in the 1890s. In the South, the gendered ideals of purity centered around characteristics of “southern white womanhood” as “naturally pure, pious, domestic, and submissive.”⁶⁰ The passivity of these characteristics was deemed desirable, but also left young girls vulnerable to “the most sexually aggressive and unscrupulous of the opposite sex.”⁶¹ However, acknowledging that many teenage girls were consensually engaging in sexual activity, such sexual self-determination challenged the gender hierarchy and threatened white supremacist associations of chastity and whiteness. Rather than view these young girls as vulnerable or as

⁵⁹ Odem.

⁶⁰ Zipf, *Bad Girls at Samarcand*.

⁶¹ Zipf.

fully sexually autonomous beings, Progressive reformers viewed these girls as “deviant” or “delinquent”; their actions were the results of impoverished conditions, but with education and reform they could be restored to the ideals of Southern white womanhood.⁶² Still concerned about the impact of industrialization and unchecked capitalism, these reformers aligned themselves with the task of alleviating the consequences of industrialization for those living in poverty. From this emerged the creation of numerous reformatories for young girls, usually segregated by race. Samarcand Manor in North Carolina was one of the more prominent reformatories designed for young, white working-class “delinquent girls” to receive an education that would, according to the reformers’ values for womanhood and female sexuality, return them to the preferred characteristics that would make them ideal women eligible for marriage. It was suggested that the only hope for these girls who had become sexually deviant due to the conditions of poverty was to “remove her entirely from influences that threaten destruction and to place her in an institution until the critical years are past.”⁶³ In order to fund Samarcand, among other reformatories that aimed to temporarily remove girls from their precarious living conditions, the women leading these efforts turned to government resources.

With the emergence of reformatories as a solution to the “girl problem” beyond implementing age of consent laws, the policing of female sexuality now incorporated a new form of state intervention and control: the welfare state. At the same time that social reforms were being implemented for ‘delinquent girls,’ there were pushes to strengthen the power and resources of the welfare system. In North Carolina, the reformatory Samarcand Manor was being promoted while people were simultaneously lobbying for improving the State Welfare

⁶² Zipf.

⁶³ Odem, *Delinquent Daughters*.

Commission.⁶⁴ Social work was viewed as a means of reform in tandem with the law. In tying welfare to girl's sexual behavior, female sexuality became a fiscal issue for the state, making state regulation of their bodily autonomy not only acceptable, but necessary. While the court system already policed female sexuality, advocacy for the use of government resources for reformatories produced a new layer of state control, giving the government a stake in not only the deterrence and restriction of sexual behavior outside socially accepted standards, but also the reformation of 'deviant' girls who behaved outside these norms in an attempt to reestablish their reputation and reformers' standards of womanhood.

The role of Samarcand Manor in controlling female sexuality quickly expanded; the fear of prostitutes spreading venereal disease in military training camps during World War I—despite a lack of evidence to support this fear—resulted in a massive wartime program of incarceration and compulsory examination.⁶⁵ In September 1917, the Committee on Protective Work for Girls was created, focused on eliminating venereal disease and vice on military bases while social workers emphasized the prevention and rehabilitation of female delinquency. With Samarcand Manor wanting government funding, they were able to access support from the welfare state with the stipulation that they also house adult women charged with prostitution as an alternative to incarceration, still addressing social workers' focus on reform and rehabilitation of any deviant sexual behavior. Such dual use of the Samarcand ties the increased role of government control and regulation to the policing of female sexuality. With venereal disease deemed a risk to military manpower, placing the responsibility for the spread of such disease on women engaging in sexual activity outside of the 'appropriate' social norms permitted a justification for policing female sexuality through state regulation and intervention through these reformatories. In the

⁶⁴ Zipf, *Bad Girls at Samarcand*.

⁶⁵ Odem, *Delinquent Daughters*.

midst of preparing for World War I, while responding to demands for greater welfare state nationally, the United States government was attempting to wage war both abroad and at home on 'deviant' girlhood. As seen through the perspective of those who approved of Samarcand's role as a reformatory for delinquent girls, one journalist praised Samarcand for "returning the state's financial investment manifold in the salvation of the fallen womanhood."⁶⁶ This opinion of the white girls' reformatory in North Carolina portrays the government and welfare system's stake in female sexuality and citizens' sexual activity.

From 1910 to 1920, twenty-three new reformatories were established across the country.⁶⁷ Reformers' push for the use of state resources to establish and maintain these facilities led to a dramatic growth of state institutional and legal networks for the surveillance and control of young female moral offenders.⁶⁸ Disguised under the designation as "protective work," this state policing was now being directly enforced by women. In the creation of these reformatories, reformers asserted that women should be in charge in order to provide the female guidance that was lacking from the lives of delinquent girls, but also because allowing men to hold positions in these reformatories could leave these girls more vulnerable to the possibility of sexual deviancy. Reformatories increased the power of middle-class women in policing the sexuality of working-class women and girls while also increasing the role of the state in the policing of female sexuality.

These increases as a result of reformatories were similarly apparent in reformers' response to the mis-implementation of age of consent laws. For many reformers, the solution to such misuse of the law was to increase the role of women in the judicial system and in social

⁶⁶ Zipf, *Bad Girls at Samarcand*.

⁶⁷ Odem, *Delinquent Daughters*.

⁶⁸ Odem.

work. In addition to reformatories and the passage of the Woman Jury Bill in California, reformers began pushing for women to have roles as social workers for these young girls, as well as advocating for the hiring of women to handle these young, working-class girls' legal cases. During this time, reformers also succeeded in opening up the role of police to be available to women as well; the first female police officers were given the primary function of “protective work for women, children, and the home.”⁶⁹ All of these efforts expanded the possible power of the welfare state and, as a result, the level of state policing of working-class female sexuality.

Policing Sexuality: Assigning Value through Age of Consent Law

In many ways, the use of age of consent laws by the state worked to define ‘normal sexual activity’ as activity that did not require welfare involvement. Many relationships that would have been considered illegal under age of consent law continued without state intervention due to their lack of value or relevance to the state. If an act of sexual activity fell outside the law, but remained closer to the socially accepted norms of ‘normal sex,’ they were far less likely to be prosecuted, so long as they did not trigger a parental response or one from the welfare state. State regulation worked from the idea that “society must condemn to protect,”⁷⁰ that they must condemn certain forms of sexual activity and establish a “hierarchical system of sexual values” as to what was deemed appropriate and socially acceptable sexual behavior and what was deemed outside the limits of ‘normal sexual behavior.’ During the Progressive Era, the realm of appropriate sexual behavior was sex within married, heterosexual, monogamous relationships for the purpose of reproduction between ‘healthy’ individuals.⁷¹ This type of sexual behavior was deemed safe and therefore did not receive social or state intervention, as it did not

⁶⁹ Odem.

⁷⁰ Rubin, “Thinking Sex: Notes for a Radical Theory of the Politics of Sexuality.”

⁷¹ Rubin.

threaten state power or the existing social structure. However, any form of sexual behavior that was outside of marriage, non-heterosexual, for money, or that was cross-generational—when premarital—was deemed a threat to social order and therefore required some form of state regulation.⁷² The regulation of these forms of ‘deviant’ sexual activity is apparent in sodomy law, anti-prostitution law, and age of consent law. While sexual behavior deemed to fit within the accepted norms of sexual behavior went unrestricted, the range of behaviors outside of those deemed ‘normal’ experienced a range of regulation, based on how close they were considered to the norms. This established norm of acceptable sexual behavior was instrumental in both the reform and legal implementation of age of consent laws.

With the majority of cases being brought forward by parents or welfare officials, enforcement was selective based on the worth that these two groups assigned to the involved parties. Age of consent laws became a tool the state used to deter teenage pregnancy and any pregnancy that might depend on government support or resources and therefore become a financial concern for the state. Age of consent laws became a means to “prohibit or promote certain forms of sex, and [to] regulate the physical and economic conditions in which sex takes place.”⁷³ As a result, those with high enough economic status were often exempt or able to evade these laws, as well as those who were married or those who were able to avoid pregnancy. The failure to include sex-same sexual activity in the laws may have stemmed not only from upholding heterosexual social norms, but also because this form of sex could not result in a pregnancy. Sexual activity that might result in a pregnancy but was between wealthy individuals was also less of a priority to prosecute, as their existing wealth implied they would not need support from the state in the upbringing of the child. This is also why married couples were

⁷² Rubin.

⁷³ Sutherland, “From Jailbird to Jailbait.”

exempt from these laws; even if engaging in sexual activity would have violated age of consent laws, because they were married, the expectation became that the couple would be responsible for the upbringing of a child if a pregnancy occurred and would not require state financial involvement, with the exception of situations in which parents were deemed ‘unfit.’ Even if the sexual activity violated age of consent laws, it did not violate marriage laws and did not push against the social values of monogamous relationships in society. Additionally, this meant that protected sex between teenagers from middle class backgrounds, although considered illegal in the majority of states, went largely unprosecuted as it did not pose a threat or possibility of impact on the welfare system.⁷⁴ Under the guise of protecting female sexuality, the state was able to intervene according to their perceived value of the parties involved and the potential cost of a possible pregnancy.

While age of consent laws were written to “protect chaste young women,” there were conditions where the law was not enforced due to the perception of the complainant’s gender identity. The majority of age of consent laws’ language places a woman as the complainant and a man as the accused. They exclude the possibility of a female accused, as well as the possibility of a male complainant. There was a reluctance to see boys as exploitable by women, revealing a higher value of their autonomy and rationality, as well as a social expectation that men always initiated sex. As a result, sexual activity between a teenage boy and an adult woman was presumed to be so abnormal and out of alignment with gender norms that it was difficult to conceptualize and therefore less likely to be perceived as a threat to social norms or an act of sexual manipulation towards a young boy. Such perception left young men without social or legal support if they experienced any form of sexual assault or exploitation and also failed to

⁷⁴ Odem, *Delinquent Daughters*.

account for any form of non-heterosexual sex in age of consent law. Same-sex sexual activity stood outside the boundaries of the sexual norms that the law aimed to address, and therefore was often addressed under sodomy law, rather than through age of consent law.

While this appeared to be a lack of regulation, in reality it was an intentional lack of state intervention. State actors might refrain from regulating where they had power to intervene in certain regions, or fail to enforce existing regulation, thereby leaving the terrain to be sorted out according to existing power relations. These instances of non-intervention do not signal an absence of law; rather, they can be characterized as conscious decisions on the part of lawmakers.⁷⁵ Non-intervention existed as its own form of regulation. A lack of laws or policy, or a lack of enforcement, signifies a level of unspoken acceptance of a given sexual act as within the limits of “normal sexuality.” State intervention indicates that someone’s actions are harmful to society, while feigning ignorance or failing to attend to cases with wide age gaps suggests that even if the age gap is not the most conventional expression of sexuality, it aligns with this idea of normal sexuality. By not punishing the parties involved, it rather continues to push a normalized framework of teenage and young adult interaction to promote certain sexual values.

The divided, hierarchical structure of gender roles was backed by white supremacist ideology. With the class divide that had been exacerbated by industrialization, white supremacists needed a way to elevate lower class white girls to the reputation of ‘lady’ in order to maintain the racial segregation between poor white women and poor Black women. Women as a group were viewed as sexual objects, but while white women were portrayed as pure and representative of gentility, Black women were considered “naturally lustful and licentious.”⁷⁶ Sexual self-determination at this time challenged the existing gender hierarchy and contrasted the

⁷⁵ Sutherland, “From Jailbird to Jailbait.”

⁷⁶ Zipf, *Bad Girls at Samarcand*.

associations of white supremacist ideology that paired chastity with whiteness. With the idea of sexually deviant poor white girls as ‘fallen’ women, white supremacists could maintain their portrayal of even delinquent white girls as people who could be saved from their own sinful behavior, while Black girls were not afforded the same perception. Age of consent laws provided an opportunity for distinction between who could be considered ‘deviant but redeemable’ and whose actions would be considered crimes against the state.

Similar tactics influenced how age of consent laws were enforced across racial lines. During the early 20th century, whiteness was viewed as the norm, with the standards for “normal sexuality” following the lead of white supremacist ideology. Sexual activity between white women and men was perceived as normal, and, while the age of the involved parties might make their sexual behavior deviant, it remained closer to the norm than interracial relationships. The construction of race through white supremacy presented race and gender according to the following: first, the elevated white man who “possessed sexual exclusivity of white women,” but could also engage in sexual activity with any women; the “degraded Black man” who could engage in sexual activity with Black women, but not white women; the white woman who, while viewed as an object, was also deemed privileged and pure and therefore expected to not engage in sex outside of marriage; and the Black woman, who, while also objectified and held to the same standards of repressed sexuality as white women, was viewed as “sexual and servile,” and therefore sexually deviant behavior was deemed unsurprising.⁷⁷ As a result, the implementation of age of consent laws was more likely when the involved parties included people of color, particularly in relationships involving Black men and white women where people crossed the color line out of order with the white supremacist racial hierarchy. This color line was even

⁷⁷ Zipf.

articulated within some states' penal codes surrounding rape and carnal knowledge: in Georgia's Penal Code at the turn of the century, Article 4 on rape discusses the rape of a child of nine years of age in the same context as sexual engagement between a Black person and a white prostitute, as if the racial dynamic of the scenario increases its severity or implies sexual aggression.⁷⁸

Alabama more directly takes on a 'protective' stance with regards to the color line in which one case referenced in the penal code invokes age of consent law "in order to protect little innocent white girls from such black fiends and demons as defendant," taking on the language of the middle-class white women Progressive reformers while also dehumanizing and criminalizing black men.⁷⁹ These articulations of racial division in the law demonstrate the eugenicist ideologies that were interwoven with the policing of female sexuality. The degrading stereotypes perpetuated by these laws justified state policing of sexuality and racial hierarchy both with regards to criminalization and population control. Interracial sexual engagement or relationships threatened white supremacist values of purity and white womanhood, once again deviating from the socially—and now legally—acceptable norms of sexual behavior. The closer the sexual activity was to the normalized standard of sexuality and sexual behavior, the less likely it was for state intervention through age of consent laws to occur.

This policing of sexuality at social and state levels during the Progressive Era can be effectively envisioned as interconnected, from the interpersonal to the systemic levels using Bronfenbrenner's Socio-ecological Model for Human Development as it relates to the Socioecological Model of Sexual Violence. As seen in this model, efforts promoted with the

⁷⁸ Georgia et al., *The Code of the State of Georgia. Adopted December 15th 1895.* (Atlanta: Foote & Davies, 1896), <https://catalog.hathitrust.org/Record/008596092>.

⁷⁹ Alabama and James J. Mayfield, *The Code of Alabama, Adopted by Act of the Legislature of Alabama; Approved July 27, 1907, Entitled "An Act to Adopt a Code of Laws for the State of Alabama", with Such Statutes Passed at the Session of 1907 as Are Required to Be Incorporated Herein by Act Approved July 27, 1907 (Acts 1907, Page 499) ...* (Nashville, Tenn.: Marshall & Bruce company, 1907), <https://catalog.hathitrust.org/Record/008597549>.

intention to protect young girls also carried both overt and covert policing efforts backed by eugenicist ideologies rooted in racism, classism, and sexism. Age of consent laws failed to address the dominant forms of sexual and gendered violence in order to maintain the patriarchy structure of social order while instead criminalizing others based on race, class, and socio-economic status and isolating young girls considered ‘deviant,’ from the expected sexual social norms of purity and white supremacy. Figure 3 in the Appendix visualizes the actions taken during the Progressive Era surrounding age of consent and responses—of lack thereof—to sexual violence, from the individual and interpersonal experiences, to the macrosystem and societal values dictating the norms of every level of this model. This model also visualizes the parallels between the sexual social norms during the Progressive Era and those that persist today. Looking at the age frame in which people navigate the liminal space between adolescence and adulthood, the emphasis on protection and restriction still persist, transitioning to different contexts beyond young working-class girls in urban areas to college students predominantly ages seventeen to twenty-three. Although mostly above the age of consent, the space in which notions of adulthood are sorted out remains a commonality between age of consent law reform at the turn of the twentieth century and violence prevention efforts on present day college campuses. Ideas of restriction, policing, and control in the name of protection and prevention persist across the century gap between the Progressive Era society and modern college campuses, and contextualize many of the mechanisms through which sexual violence persists and is normalized.

Chapter 2: The ‘Rape Crisis’ on Modern College Campuses

Introduction

Walking around campus today, I passed by a lawn sign hurriedly staked into the ground with a QR code and a singular statement: “Compliance problems arise when people do the wrong thing because they don’t know what the right thing is. Know the code.” This campaign to raise awareness for the university’s Code of Organizational Ethics and Integrity aims to inform the community that there is a lack of knowledge regarding proper conduct among the members of the university community. Implied in this message is the assertion that if people had this knowledge, then this educational environment would be stronger, safer, and more secure. But safe and secure for whom? And what does it mean to be compliant?

In the United States, regulatory compliance is generally defined as the process of adhering to the laws, regulations, and specifications for a given industry or business.⁸⁰ The language of compliance comes from United States colleges’ and universities’ need to remain in accordance with national laws and regulations in order to continue functioning, as well as to maintain their given status or the perception of the school. In the realm of higher education, university compliance is an extensive undertaking, including everything from Dining and Catering Services to Emergency Management, from Financial Aid to Non-Discrimination and Harassment. Maintaining compliance with these regulations also includes addressing the possibility of sexual violence, termed Sexual Misconduct in most university compliance processes. For the University to abide by Title IX compliance standards, they are mandated to share information regarding students’ rights under Title IX and the processes of these regulations during orientation within students’ first week on campus. So, if students are informed of the right

⁸⁰ “What Is Regulatory Compliance? Why Regulatory Compliance Is Important?,” <https://www.metricstream.com/learn/comprehensive-guide-to-regulatory-compliance.htm>.

thing, why do we still find staggering evidence of sexual violence as a norm on college and university campuses across the United States?

Within the first week on campus, students simultaneously receive the messages that “rape is wrong” and “rape is inevitable.” During orientation, amongst the overwhelming flood of new information a student receives when they first arrive on a college campus is the mandatory presentation on Title IX and Sexual Misconduct.⁸¹ The presentation briefly outlines the college or university policies that prohibit sexual violence as a violation of both institutional values and of students’ rights to equal access to education. It also proposes the Title IX Resolution Process for, if, and when sexual violence occurs as the mechanisms for ‘resolving’ an incident of violence. By default of its existence, this presentation immediately asserts that sexual violence is bound to occur. The norms of the campus as a site for sexual encounters are immediately set on an institutional level—as social and cultural norms of the student body are still being learned and explored by the incoming class—with a message suggesting students must prepare for possible violence and violations, contradicting every promise of a safe living and learning environment depicted in their brochures, campus tours, and acceptance letters.

Women ages eighteen to twenty-four—typical college-age students—are at an elevated risk of sexual violence compared to any other age group.⁸² One in five women and one in sixteen men are sexually assaulted while in college.⁸³ At least twenty-three point one percent of transgender, genderqueer, and gender non-conforming college students have been sexually assaulted.⁸⁴ Despite the narrative placing sexual violence as a moral and legal wrong, somehow

⁸¹ Office for Civil Rights, “Title IX and Sex Discrimination,” U.S. Department of Education, August 2021, https://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html.

⁸² “Perpetrators of Sexual Violence: Statistics | RAINN,” <https://www.rainn.org/statistics/perpetrators-sexual-violence>.

⁸³ “Fact sheet - National Sexual Violence Resource Center • Info & Stats for Journalists.”

https://www.nsvrc.org/sites/default/files/Publications_NSVRC_Factsheet_What-is-sexual-violence_1.pdf

⁸⁴ RAINN.

the norms of sexual violence remain deeply seeded in campus culture, a culture of violence. In this chapter, I first apply Bronfenbrenner's Bioecological Model of Human Development in conjunction with the Socio-ecological Model of Violence, then incorporate the concept of sexual citizenship into the layered contexts in which sexual violence occurs on college campuses. I then articulate the sexual social norms on college campuses, including heteronormative sex scripts, the normalized denial of sexual citizenship, and their impacts on sexual violence.

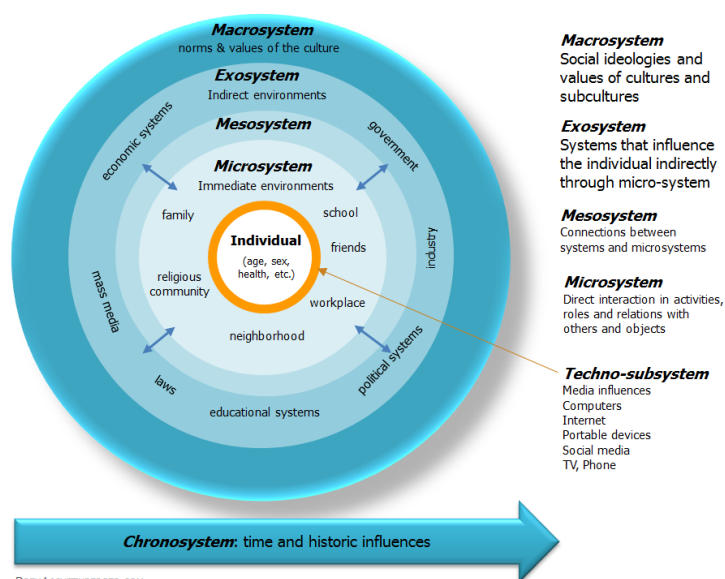
Theory Section

To portray the current functioning of sexual violence on college campuses and their sexual geographies, I use Bronfenbrenner's Bioecological Model of Human Development as it applies to the Socio-ecological Model of Sexual Violence.⁸⁵⁸⁶ In examining the experiences of college students on campus, during a transitional life stage falling between adolescence and young adulthood, this biological model provides a framework for understanding the ways violence functions across individual to system levels.

⁸⁵ Lichtenberger, "Shaping Influences—Human Development."

⁸⁶ Urie Bronfenbrenner and Pamela A Morris, "The Bioecological Model of Human Development," n.d.

Bronfenbrenner's Bioecological Model of Human Development



87

Applying Bronfenbrenner's model to the Socio-ecological Model of Sexual Violence, a singular act of violence is not an isolated event, but rather exists within a layered system that creates the conditions in which this violence can occur. One act of interpersonal violence occurs within Bronfenbrenner's microsystem level, the immediate environment of the individual—their student peers, their faculty mentors, their families.⁸⁸ The microsystem is the immediate site of violence. Beyond the microsystem is the mesosystem, the larger university community has a whole, that includes non-voluntary associates such as the students, faculty, and staff that one rarely or never directly engages with.⁸⁹ Within the mesosystem, certain community norms are established, such as established social networks based on social organizations expectations for and the reputations of different academic departments. The mesosystem encompasses the links

⁸⁷ Lichtenberger, "Shaping Influences—Human Development."

⁸⁸ Lichtenberger; Bronfenbrenner and Morris, "The Bioecological Model of Human Development." See Appendix Figure 3 for an applies model of the Socio-ecological Model of Sexual Violence for the Progressive Era and modern day college campuses.

⁸⁹ Bronfenbrenner and Morris, "The Bioecological Model of Human Development"; Lichtenberger, "Shaping Influences—Human Development."

between the microsystem and the exosystem.⁹⁰ For a United States college or university, the exosystem includes the national laws that regulate their operations and education structures, their relationships with other colleges in the country, their investors and economic standing, the political environment influencing the norms and expectations of the university, and their presence and reputation in the media as both an individual institution and part of a collection of higher education institutions. Each of these factors within the microsystem indirectly act on the individual as they influence the norms of the microsystem in which they exist. On the outermost level of Bronfenbrenner's model is the macrosystem: the social ideologies and values of cultures and subcultures.⁹¹ These social and cultural norms and values are what the structures within the exosystem adhere to in their decisions and functioning, which in turn impact the individual. A recent addition to Bronfenbrenner's model is that of the techno-subsystem. While I do not explicitly explore this system, it is crucial to understand the technological sphere as a source of influence on the individual that can be completely unique to each person based on their media intake and social media algorithms, and is also acting upon the individual in their engagement with their microsystem.⁹²

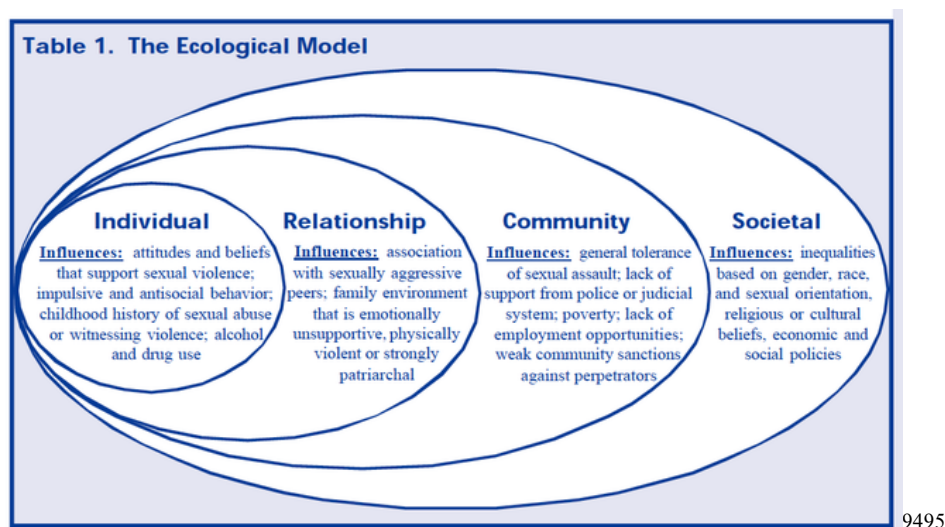
Bronfenbrenner's model translates to the Socio-Ecological Model of [Sexual] Violence as follows: the Individual maintains their title and focuses on the attitudes, behaviors, and experiences of the individual that impact their understanding of sexual violence; the microsystem is associated with the Relationship level, which includes the impacts of one's peers, family, and the ways in which their immediate environment upholds violent or patriarchal norms;

⁹⁰ Lichtenberger, "Shaping Influences—Human Development."

⁹¹ Lichtenberger.

⁹² Lichtenberger. While the technosubsystem has significant implications for the cultivation of the norms that perpetuate sexual violence, both in the Progressive Era and particularly present day with the impact of social media, to do so requires a deeper analysis that I have capacity to effectively engage with here.

Bronfenbrenner’s exosystem is associated with the Community level, where the response of the judicial system, poverty, and other economic, governmental, and social factors perpetuate the continuation of tolerance for sexual violence; the macrosystem aligns with the Societal level as the values and norms of inequity in society based on intersecting identities, cultural beliefs, and economic and social policies.⁹³ The mesosystem does not directly correlate to a specific level of the Socio-Ecological Model of [Sexual] Violence, but again can be incorporated as the connections between the Relationship and the Community levels.



Sexual violence on college campus remains ingrained within a larger context of sexual interactions and cultural norms. Jennifer S. Hirsch and Shamus Khan denote this context as ‘sexual geographies,’ which “encompass the spatial contexts through which people move, and the peer networks that can regulate access to those spaces.”⁹⁶ The construction of the physical and social spaces is linked to the norms and narratives that unfold in those spaces—who is

⁹³ Centers for Disease Control and Prevention, “Socio-Ecological Model – Prevent Connect Wiki,” Wiki Categories, accessed April 12, 2023, <http://wiki.preventconnect.org/socio-ecological-model/>.

⁹⁴ Centers for Disease Control and Prevention.

⁹⁵ Margaret Brome et al., “Sexual Violence Prevention: Beginning the Dialogue,” *Centers for Disease Control and Prevention*, 2004, 5.

⁹⁶ Hirsch and Khan, *Sexual Citizens: Sex Power, and Assault on Campus*.

present, what social capital they can access and control, and their attitudes and behaviors. The Socio-Ecological Model details the sexual geographies in which students engage. In the microsystem of the university, students develop their own individual sexual projects—“the reasons why anyone might seek a particular sexual interaction or experience”—and are simultaneously exploring their sexual citizenship, which denotes their individual right to sexual self-determination as well as the equivalent right of others.⁹⁷ One’s sexual projects begin to develop prior to college to varying extents, but are often more intensely scrutinized on a college campus where young adults gain a new sense of independence in leaving their caregiver’s home and hook-up culture is a prevalent norm. As one’s sexual projects become a more intense focal point, one’s sexual citizenship is also developing socially, based on the structures of the existing sexual geographies and culturally backed by the existing norms of dating, partying, and hook-up culture.

What are the Norms?

The cultural norms of college’s sexual geographies are so deeply seeded that the narratives surrounding sex and relationships almost become scripts for sexual interactions. A man and a woman flirting all night at a party implies interest in ‘going home’ together, which implies a subsequent sexual encounter expected to be initiated by the guy. This classic hook-up script follows a heteronormative narrative of implications and assumptions that leaves little room for considerations of autonomy or consent and includes starkly gendered social norms along the binary. Within this context, the man is assumed to want sex, while the woman must navigate the space between the expectations to participate in sexual activity and simultaneously have no or little sexual desire. Despite almost a century before these narratives on college campuses, the

⁹⁷ Hirsch and Khan.

parallels with Progressive Era age of consents laws remain visible. With laws intended to protect the expected and valued purity of young girls, the 'sex scripts' of the time period influencing reform at this time necessitated that men always wanted sex while women could have no sexual desire, but yet also expected to engage in sexual activity in particular contexts.

Heteronormative Sex Scripts

Traditional-aged college students are navigating several elements of spatial and social development during this time, falling into an uncertain gray area between adolescence and young adulthood, between dependence on their parental figures and complete independence and autonomy. This stage parallels Progressive Era discourse surrounding age of consent law, and their narratives about young girls' sexuality. The concern remains the dynamic between 'young, vulnerable girls' and 'older predatory men.' In college we see this reflected in the jargon used for relationship dynamics between older male students and younger female students. "Cradle-robbing" is a 'joking' term employed to describe when an older student, usually male-identifying, starts to engage with a younger student, usually female-identifying, sexually or romantically, implying a distinct and significant power dynamic dominated by the older male student and infantilizing the young female student. While the age gap between an older and younger student may not always numerically be drastic, the developmental range of students from first years to seniors makes these gaps influential for their social interactions and relationships.

Just like the Progressive Era moral panic surrounding the sexuality of young girls, young female students are seen as vulnerable, incapable of both refusing sexual advances and of having any sexual desire. In this narrative, they become passive subjects in sexual relationships and are ascribed limited agency. At the same time, there is also the very real presence of power dynamics

at play in sexual violence on campus. Known as the Red Zone, the period between mid-August and Thanksgiving Break is the period of the academic year in which statistically more than fifty percent of sexual assault incidents occur on or near college campuses.⁹⁸ Called pre-exposure—the time when new students are still developing knowledge of campus, both geographically and socially, as well as building comfort in their new environment—this period is when students are considered more vulnerable to sexual violence.⁹⁹ The common narrative is that older male students prey on younger new female students during this Red Zone period. A great amount of attention is drawn to the Red Zone in violence prevention programs and awareness campaigns on campus, during the brief—if at all existent—sex education presentation during orientation regarding practices for keeping oneself safe, as well as in administrative preparations for the start of the new year, occurring cyclically every year with the incoming new class of students. Invoking language of Progressive Era reform, the Red Zone is presented as a pervasive “rape crisis” that demands change in the protection of students through broad administrative measures. This panic that comes with the expectation of sexual violence from the start of the academic year reflects the sexual and social norms of college’s microsystem for women—the denial of sexual desire, the projection of women as sexually passive, and the fear of possible and eventual violation of autonomy—that inhibit and control the development of her own sexual project.

The other side of this narrative depicts the social and sexual norms for male college students. Cisgender and heteronormative by default, constructions of masculinity place the responsibility to initiate on men, to engage from a position of dominance. Despite the message of

⁹⁸ Madison Campbell, “What Is the Red Zone on College Campuses?,” HigherEd Jobs, September 19, 2022, <https://www.higheredjobs.com/Articles/articleDisplay.cfm?ID=3188&Title=What%20is%20the%20Red%20Zone%20on%20College%20Campuses%3F>; PAVE, “Shattering the Red Zone — PAVE,” Promoting Awareness | Victim Empowerment, accessed April 12, 2023, <https://www.shatteringthesilence.org/red-zone>.

⁹⁹ Campbell, “What Is the Red Zone on College Campuses?”

“rape as [morally and legally] wrong” shared during orientation, the social norms and treatment of male-identifying students implicate a necessity for the capacity to hold the role of ‘predator.’¹⁰⁰ Definitions of masculinity center toughness, dominance, aggressiveness, and power.¹⁰¹ Carrying the expectation of these traits into their sexual projects, men seek to dominate women. The objectification of women, and, subsequently, femininity, makes engaging in any behaviors possibly coded as “feminine” a flaw or failure of their masculinity and an indication of weakness. Even for women and femmes who do not identify with the heterosexual narrative, their association with characteristics outside the norms of masculinity result in similar pressures imposed on the sexual projects of heteronormative women. A common narrative is that of a straight man telling a lesbian woman that he could ‘turn’ her straight, pressing male dominance onto her sexual project. These expectations placed on sexual projects demonstrate how any deviations in sexual orientation from heteronormativity are perceived as “feminine” and therefore failures of masculinity and vulnerabilities.

In such a context where to stray from the norms of masculinity and dominant behavior is to be considered ‘other’ and vulnerable, the expectation for all men to want sex with women becomes the expectation for men to strive to dominate women in their sexual interactions.¹⁰² According to a University of Florida administrator in the mid-1980s in a comment regarding gang rape on college campuses, “the men almost cannot say no, because if they do their masculinity will be in question.”¹⁰³ This also increases men’s vulnerability, since for those who experience sexual assault, it diminishes their power to say no; they are expected to always want

¹⁰⁰ Hirsch and Khan, *Sexual Citizens: Sex Power, and Assault on Campus*.

¹⁰¹ Sarah R. Edwards, Kathryn A. Bradshaw, and Verlin B. Hinsz, “Denying Rape but Endorsing Forceful Intercourse: Exploring Differences Among Responders,” *Violence and Gender* 1, no. 4 (December 2014): 188–93, <https://doi.org/10.1089/vio.2014.0022>.

¹⁰² Hirsch and Khan, *Sexual Citizens: Sex Power, and Assault on Campus*.

¹⁰³ Buchwald Emily, Pamela R. Fletcher, and Martha Roth, *Transforming a Rape Culture* (Minneapolis, MN: Milkweed Editions, 2005).

to have sex, so they could not possibly have not consented. The sexual geographies of the college campus demand a heteronormative culture that necessitates the sexual dominance of men over women so as to perpetuate the objectification and violation of women. These norms play out in men's attitudes towards sex and their perceptions of sexual violence.

When Rape is Not Rape?—Sexual Projects Denying Sexual Citizenship

While the word rape carries a heavy weight of moral wrongdoing and horrendous violation, it is not necessarily the act of rape itself, but the connotations of the word that are undesirable. More men will admit to sexually coercive behaviors when they are not labeled “rape” or “assault,” but rather are phrased as: “have you ever coerced somebody to intercourse by holding them down?”¹⁰⁴ In fact, research indicates that these ‘callous’ sexual attitudes—ideals of masculinity that place value on sexual aggression and domination and which objectify women—serve to justify rape myths and perceive violent sexual behavior as an acceptable expression of masculinity.¹⁰⁵ A 2014 study of male-identifying college students’ attitudes towards women and their willingness to admit to sexually coercive behaviors found that a significant number of respondents indicated that they might “use force to obtain intercourse, but would not rape a woman.”¹⁰⁶ These respondents also indicated high levels of callous attitudes towards women, but an inverse of hostility toward women, meaning having a nonreactive and trusting affect towards women.¹⁰⁷ The results of this study indicate that while rape is more likely to be accepted as wrong, its description of “forceful intercourse” might be seen as an acceptable sexual behavior aligned with values of masculinity, and that in fact these behaviors would not be perceived as rape or sexual violence. While some men responded as being willing to rape a

¹⁰⁴ Edwards, Bradshaw, and Hinsz, “Denying Rape but Endorsing Forceful Intercourse.”

¹⁰⁵ Edwards, Bradshaw, and Hinsz.

¹⁰⁶ Edwards, Bradshaw, and Hinsz.

¹⁰⁷ Edwards, Bradshaw, and Hinsz.

woman and also use force to obtain intercourse, the sizable number of respondents who indicated being unwilling to rape but willing to use force to obtain sex indicates that men may not see their actions as rape or another form of sexual violence, but as normal objectification of women as a part of their sexual projects.

Much like the disparity between the discourse and reality of sexual behavior during the Progressive Era, the college institution's response misses the spaces in which sexual violence is occurring regularly. The perception of sexual violence on college campuses follows the narrative of young women attacked in the dark by a stranger, a forceful incident against a vulnerable subject by a disturbed man. It is a hidden violence that is deemed horrendous and inconceivable for the average person. Meanwhile, the frequency with which a Timely Warning about sexual assault carries the words "the individuals were known to each other" tell us just how ingrained sexual violence remains in the sexual geographies of a college campus, not between strangers, but among friends and between classmates. The number of college-age men willing to condone and even desire 'forceful intercourse' normalizes rape culture within the campus microsystem and individuals' sexual projects. The fears driving changes to Progressive Era age of consent laws and the presentation of Title IX during freshman orientation result in the message that this violence is unavoidable, attempting to call out the issue of sexual violence, but instead normalizing its existence and perpetuating the subordination of women.

The reality of sexual violence—despite the predation narrative that has dominated discussions of the topic since before the Progressive Era—is that very few people want to assault another person. As discussions around sexual violence have grown and shifted, such as with the #MeToo Movement, there is greater awareness of the importance of not assaulting others. Rather, the ground being laid for such acts of violence centers not on the intention to violate

another person, but on the failure to recognize another's sexual citizenship.¹⁰⁸ The common narrative of sexual assault focuses on the stories of intentional erasure of another's bodily autonomy and sexual citizenship as an individual behavior and choice, but the lack of consideration stems from the macrosystem social norms for sex and sexuality that diminish the humanity of a sexual partner and fail to recognize their sexual citizenship.

One blatant example of the failure to recognize a sexual partner's sexual citizenship is the orgasm gap. In 2008, a study of 800 undergraduate students found that ninety-one percent of men reported usually or always experiencing an orgasm during partnered sex, compared to only thirty-nine percent of women.¹⁰⁹ Studies since this first coining of the term "orgasm gap" have continued to reflect this dynamic in cisgender, heterosexual sexual partnerships in which men's sexual desire seems to be prioritized, while women's desire and pleasure is diminished if not denied altogether. Such gendered dynamics portray the way that, even in consensual heteronormative sexual engagements, the sexual citizenship of women is minimized and therefore women's desire, pleasure, and even autonomy are ignored. Such devaluing of women's sexual projects portrays how their sexual citizenship might be denied to the point of violence against them; men always desire sex and have a right to fulfill this desire, while women's sexual desire is considered unimportant or non-existent. Rather, women are a means to men achieving sexual satisfaction. The development of these heteronormative achievement-oriented sexual projects that ignore the capacity to experience pleasure and the sexual citizenship of another provides the groundwork for potential sexual violence—rather than a deliberate move against someone's sexual autonomy, sexual assault in these contexts results from a social education that

¹⁰⁸ Hirsch and Khan, *Sexual Citizens: Sex Power, and Assault on Campus*.

¹⁰⁹ Elizabeth A. Mahar, Laurie B. Mintz, and Brianna M. Akers, "Orgasm Equality: Scientific Findings and Societal Implications," *Current Sexual Health Reports* 12, no. 1 (March 1, 2020): 24–32, <https://doi.org/10.1007/s11930-020-00237-9>.

by default does not value the sexual citizenship of a sexual partner. This is reflected in the gendered dynamics of the orgasm gap, as well as the study in which a significant number of men responded that they “might use force to obtain sexual intercourse,” despite saying they would not rape someone. It is through the perpetuation of these social norms and traditions that the landscape opens up to sexual violence.

Opportunity Structure of College Sexual Geographies

Gender alone does not define the failure to recognize another person’s sexual citizenship; deeply ingrained—and harmful—social stereotypes, race, sexual orientation, socio-economic status, age, and disability status—among other intersecting identities—all contribute to this devaluing of a sexual partner’s autonomy and personal sexual projects. An important element of the sexual geographies in which sexual interactions occur at college is that of “opportunity structure,” which is the socially organized and unequal allocation of opportunities.¹¹⁰

Heteronormative penetrative sex takes the spotlight in the majority of discussions around sex and the social scenes in which sexual interaction are considered possibilities. The people most likely to have access to spaces where sexual interaction is a possibility are those with the privileges to take on certain social risks. This brings up questions about who has access to social scenes to meet people they would be sexually interested in—for queer-identifying students, college may open up many possibilities for meeting other LGBTQ+ students in platonic, romantic, and sexual ways, however, the opportunity structure of many colleges means that a greater percentage of spaces with these opportunities occur within a very heteronormative context. Meanwhile, in a college setting where weekend social activities like partying are viewed as a main, if not ideal, social location to meet or look for sexual partners and hook-up culture is heavily woven into

¹¹⁰ Hirsch and Khan, *Sexual Citizens: Sex Power, and Assault on Campus*.

notions of college life, the social groups that orchestrate these opportunity settings are predominantly fraternities. Predominantly white fraternities are commonly led by wealthy, white upperclassmen controlling these high-valued spaces and access to alcohol—yet another component often expected to be a part of college life and the sexual landscape of a college campus.¹¹¹ The students able to utilize these spaces for sexual interaction are those who hold power within the construction of this opportunity structure and those who can conform to or navigate within it. As a result, the sexual projects that tend to be prioritized are the ones of those with power in these social spaces—wealthy, cisgender, straight, white men—diminishing the respect for the sexual projects of others.

The devaluing of sexual projects of others stems from deep-rooted racial, class-based, gender, and age-related hierarchies just as present today as in the Progressive Era. Social risks—the good social reasons we have for doing things that open us up to risk—pair with this backdrop opportunity structure to explain the role of power in sexual interactions.¹¹² Today, in these white and heteronormative spaces, people who do not hold these identities are less likely to engage in types of sex that carry such social risk, because they are mindful of the greater level of social risks and more extreme consequences to which they might be subjected. From lack of access to sexual opportunity that fits within their sexual projects to the heightened vulnerability to discrimination and dismissal of their sexual projects, students with identities are considered marginalized on campus—students of color, LGBTQ+ students, students of lower socioeconomic class, first year and younger students—struggle to find spaces in the sexual geography of campus to safely explore their sexual projects.¹¹³ Students who control social

¹¹¹ Hirsch and Khan.

¹¹² Hirsch and Khan.

¹¹³ Hirsch and Khan.

spaces on campus and have greater access to resources—the aforementioned wealthy, cisgender, straight, white fraternity brothers, for example—are able to take on greater social risk with less concern for consequences.¹¹⁴ Predominantly white Greek life organization structures that frequently dominate social life, particularly fraternities at predominantly white institutions, design spaces riddled with social norms of power and hierarchy based on race, class, and gender, that prime these spaces to devalue the sexual citizenship of those that do not hold economic or social capital in these spaces. And despite being responsible for the opportunity structure of the space, they are less likely to incur consequences should a social risk result in harm to someone in their spaces because they have the resources to avoid them, be it financial backing or social pressures and norms that protect them.

Predominantly white Greek life fraternities provide a unique space of power and control to investigate the sexual geographies of a college campus. The subcultures of primarily white Greek-letter fraternities incline the construction of these spaces to provide not only opportunities for sexual engagement, but to create opportunities for sexual violence. Research suggests that sexual victimization occurs at higher rates at fraternity parties and other fraternity social events, and that men in fraternities are more inclined towards rape-supportive beliefs and attitudes.¹¹⁵ As a result, these spaces are controlled within a subculture that, whether or not the individuals controlling the space maintain these values and behaviors, prioritizes the sexual projects of the fraternity brothers over the sexual citizenship of others in these spaces, primarily women. Additionally, members of these fraternities, who are often wealthy, are therefore protected from the consequences of a failure to recognize the agency of a sexual partner both through financial

¹¹⁴ Kristen N. Jozkowski and Jacquelyn D. Wiersma-Mosley, “The Greek System: How Gender Inequality and Class Privilege Perpetuate Rape Culture,” *Family Relations* 66, no. 1 (2017): 89–103, <https://doi.org/10.1111/fare.12229>.

¹¹⁵ Jozkowski and Wiersma-Mosley.

and social power. However, such power does not extend to all fraternities. Historically Black fraternities and other fraternities that are predominantly students of color, are navigating not only gendered expectations, but also racial stereotypes that impact their experiences of social risk. Black fraternity brothers are subjected to stereotypes that suggest Black men to be more sexually aggressive and aggressive in general in their treatment of women, despite existing research on gender attitudes that indicate Black men to be more supportive of gender equality than white men.¹¹⁶ Such stereotypes increase the social risk of sexual engagement for Black fraternity brothers and Black male students in general.

These racialized dynamics of sexual opportunity structure and social risks parallel the norms of the Progressive Era in response to interracial sexual engagement, in which many state contained criminal laws specifically outlining rape as defined according to the racial lines in which Black men were viewed as predators to young white girls, while white men were not subject to consequences for having sex with young Black girls or Black women. Black men were more likely to face legal punishment for interracial relations with white women, while white men were able to engage in sexual relations, even those that would be considered rape, with black women with little to no consequence. This results in a lack of recognition of their sexual citizenship and sexual projects and promotes norms in which Black men are fetishized or feared and Black women's agency and sexual citizenship are denied. Today, there remains a hypersexualization of Black people that stereotypes Black men as predatory and aggressive and Black women as hypersexual.

¹¹⁶ Rashawn Ray, "Sophisticated Practitioners: Black Fraternity Men's Treatment of Women," *Journal of African American Studies* 16, no. 4 (December 2012): 638–57, <https://doi.org/10.1007/s12111-010-9156-8>.

While there is little research on Black college men's perceptions of sexual violence, considering this context is significant to understanding the intersections between racism and sexual violence. Black men are 3.5 times more likely to be convicted of sexual assault in comparison with their white counterparts.¹¹⁷ This is a direct result of the racist stereotypes imposed on Black men as more sexually aggressive. While this does not negate the existence of sexual violence or gendered violence within Black communities, it describes the ways in which microsystem level responses to sexual violence differ as a result of macrosystem social norms and stereotypes. Within Black communities, including communities of Black men such as historically Black fraternities, there is a concern about the actions of one Black man impacting the broader perceptions of Black men as a whole.¹¹⁸ Historically Black fraternities still maintain certain sexual opportunity structures common in white fraternity social scenes, in terms of fraternity access to social capital and space that allow for sexual violence. However, Black male college students and men in historically Black fraternities also carry this increased social risk in which they are subjected to these heightened social and legal consequences. As a result, Black male students and groups on campus may hold a shared understanding that any issues, such as accusations of sexual violence, should be addressed internally rather than through 'outside' mechanisms to avoid the risk of increasing stereotypes against Black men. Such silencing rooted in racism is a form of self-protection on both the individual and community level, but also contributes to the silencing of victims and survivors who experience sexual violence.

Black women on college campuses are affronted with distinct experiences in campus sexual geographies that are rooted in forms of gendered racism. Subject to the objectification and

¹¹⁷ Nelson O. O. Zounlome et al., "I'm Already Seen as a Sexual Predator From Saying Hello': Black Men's Perception of Sexual Violence," *Journal of Interpersonal Violence* 36, no. 19–20 (October 1, 2021): NP10809–30, <https://doi.org/10.1177/0886260519877942>.

¹¹⁸ Zounlome et al.

dehumanization of women, Black women students experience higher levels of sexual objectification and fear of crime than white women.¹¹⁹ Rooted in the historical legacy of racialized trauma for Black women that continues today on college campuses, Black women are affronted with racial stereotypes that depict them as hypersexual and sexually aggressive.¹²⁰ As a result, engaging in sexual interactions in the social spaces available to them, the denial of their sexual citizenship is backed by these stereotypes, furthering restricting the development of their sexual projects. This long history of gendered racism predisposes men, particularly white men, to assume Black women to be more interested in sexual activity than they may be, leaving Black women more vulnerable to sexual violence. There is both an increased expectation for and a simultaneous erasure of the sexual projects of Black female students that uniquely shapes the sexual geographies of the college campus and the presence of sexual violence.¹²¹ Black women students also struggle with the dynamics of intra-racial sexual violence on a college campus as Black people and other people of color already experience other forms of racist and sexist victimization. Black women are less likely to report sexual violence in general due to the likelihood of not being believed, but also to avoid harming the reputation of any member of their community and causing any harm to the Black community on campus, and more broadly, as a result—yet another example of silencing rooted in racism.¹²² They recognize that the social risks of being accused of sexual violence are higher for Black men, and, as a result, may struggle to navigate the desire to voice and oppose sexual violence while also wanting to support and find support in the community on campus.

¹¹⁹ Nelson O. O. Zounlome et al., “No One . . . Saves Black Girls’: Black University Women’s Understanding of Sexual Violence,” *The Counseling Psychologist* 47, no. 6 (August 1, 2019): 873–908, <https://doi.org/10.1177/0011000019893654>.

¹²⁰ Zounlome et al.

¹²¹ Hirsch and Khan, *Sexual Citizens: Sex Power, and Assault on Campus*.

¹²² NBWJI, “Black Women, Sexual Assault, and Criminalization,” National Black Womens Justice Institute, accessed April 12, 2023, <https://www.nbwji.org/post/black-women-sexual-assault-criminalization>.

This parallels the large disregard for the protection of and respect for young Black girls in Progressive Era legal reform of age of consent laws. Despite a century passing since the Progressive Era, Black women students are still subjected to sexual geographies that fail to incorporate or consider their sexual citizenship or humanity, both an erasure and a violation of their sexual projects. As white, middle-class women Progressive Era reformers worked to raise the age of consent and secure funding for reformatories for white girls, the burden of attempting to protect young Black girls fell on Black women with minimal support from others, in the same way that Black women students in college today are provided limited support from the campus community due to a disregard for their sexual citizenship in the name of progress and the social implications of voicing their experiences to friends and family.

When Sex is about Your Friends, not your Sexual Partner

Power and privilege in social groups tied to sex and sexual behavior create a sexual geography in which “Some people feel entitled to others’ bodies, and others do not feel entitled to their own bodies.”¹²³ Sex and sexual interactions are commonly a point of conversation in college friendships: who someone has been interested in, who made out with someone at a party, who is the most experienced person in the room. Away from one’s home life and the community they grew up in, friends, classmates, and roommates quickly become students’ new community and can even take on similar roles to family and kin. As a result, one’s individual sexual projects can quickly become defined by peers and the social implications for a given sexual project. The politics of social desirability and social reputation weigh heavily on students’ sexual projects as they move through college. Sex can be used as a signifier of status, and the social response after any sexual interaction can have as much an impact on one’s sexual projects and sexual

¹²³ Hirsch and Khan, *Sexual Citizens: Sex Power, and Assault on Campus*.

citizenship as the act of sexual engagement itself. When one's sexual project becomes focused on the resulting impact from the group, the intentions behind sexual interaction can result in a decline in focus on one's sexual partner.¹²⁴ Being a member of a certain Greek-life organization, athletics team, or social club can provide someone certain benefits of status that make engaging with them sexually appealing to others as a means of raising their own status within their social group. Conversely, having a sexual encounter with someone who was otherwise pleasant or desirable can become a point of shame if one's friend group determines the sexual partner to be of lower social status than them. When status becomes the priority of a sexual project, it may produce a lack of consideration for another person's sexual citizenship, once again paving the way for the possibility of sexual violence. Such violence is not inevitable in these situations, but they do lend themselves to the development of opportunity structures for violence.

Someone may also begin to deprioritize their own sexual citizenship due to external social pressures. Someone may become more likely to do things they do not actually want to do when there are fears of social repercussions. Feeling the pressure to maintain a good relationship with a particular group on campus might lead an individual to feel greater social pressure to give in to the requests of an individual within that group, despite not wanting to, such as a first-year student attending a party hosted by upperclassmen, where she is asked to 'go upstairs to hang out' by a senior fraternity brother. On college campuses, the dynamics of power and privilege that can impact one's own sexual projects and others' treatment of their sexual citizenship include age, levels of comfort in the campus setting, disparities in social status, race, gender, sexuality, wealth, ability status, and control over campus spaces.¹²⁵ However, the cisgender, white, and heteronormative narrative that is commonly shared with regards to power and control

¹²⁴ Hirsch and Khan.

¹²⁵ Hirsch and Khan.

in sexual interactions can make invisible many of the other forms of sexual violence and power dynamics occurring on campus. With cisgender straight men often being cast as ‘always wanting sex,’ this neglects the situations in which men experience sexual violence enacted by women and harms their ability to receive support from their social spheres or community out of fear of not being believed or of being emasculated. Additionally, power can show up in dynamics where the dominating narrative cannot articulate the given power dynamics between sexual partners. For example, for LGBTQ+ students who come to campus looking for a community, refusing to have sex with one person in the community may cause a rift in an already often small community on campus. The group’s impact on one’s sexual project becomes a pressure to have sex so as to not split apart a community, and so as not to possibly lose to a large portion of one’s community support group. The role of social status in students’ decision-making around sex can deeply impact one’s sexual projects in such a way that can either bolster or diminish their reputation and community acceptance. Additionally, LGBTQ+ students also face the unique experience of their sexual orientation or gender identity being ‘out’ or not. Within a friend group or partnership, some people may be out, while others or not, while others are only out to certain people. Exploring one’s sexual project with another person as a hook-up or other form of relationship when not ‘out’ comes with additional risks and fears of being ‘outed’ and thus exposed to increased risk of violence and discrimination based on sexual orientation or gender identity. Being out can mean greater access to community and support, but also greater risk of discrimination, creating an added level of social risk and restriction to LGBTQ+ students’ development of their sexual projects.

In the same way that the decision to engage with another person sexually can be impacted by group reputation and social status, so can the aftermath of instances of sexual violence. More

than ninety percent of students who are sexually assaulted do not report, and many people who experience sexual violence will not share their experiences with family, friends, or peers for extended periods of time or at all.¹²⁶ With eight out of ten rapes committed by someone known to the person assaulted, navigating the aftermath of sexual violence becomes yet another question of social status and impact on one's friendships, daily social practices, and larger social networks.¹²⁷ Pre-occupied with the implications of labeling a sexual experience as assault and naming someone considered a friend as the 'assaulter,' and the implications of being seen as someone who was assaulted, some may end up having to weigh the social impact of sharing spaces with someone after an assault compared to possibly 'demonizing' a peer and dividing or losing their current social connections and community.¹²⁸

Looking at the types of assault that were silenced and went unreported and un-tried in the Progressive Era helps frame why students choose not to report or share their experiences of assault with their peers, even those they see as their support system. During the Progressive Era, the types of assault missed by purity reformers' narratives of the predatory adult man violating the purity and innocence of the young, working-class white girl were those of intrafamilial assault. Sexual violence within a family—the immediate family unit or extended family—was the least likely to be reported or brought to court through age of consent or other laws against rape. This was often due to the patriarchal nature of the household structure in which those enacting these forms of violence—predominantly men and boys in the family either married to or older than those they were assaulting—held the greatest level of social power and control in the

¹²⁶ Hirsch and Khan.

¹²⁷ Hirsch and Khan; NSVRC, "National Sexual Violence Resource Center • Info & Stats for Journalists: Statistics About Sexual Violence" (NSVRC, 2015), https://www.nsvrc.org/sites/default/files/publications_nsvrc_factsheet_media-packet_statistics-about-sexual-violence_0.pdf.

¹²⁸ Hirsch and Khan, *Sexual Citizens: Sex Power, and Assault on Campus*.

family, and therefore it was unlikely for someone to report them and upset the hierarchy of power. Additionally, the result of a report and conviction could mean the loss of an important family member—a family could lose someone who provided monetary income, social status within the broader community, and someone with deeply established relationships with the family despite their acts of violence.

Paralleling modern college campuses, knowing the most common types of assault are committed by people known to the person assaulted, the existence of campus social networks portrays why students may not want to report or even share with their friends. In a college setting where students are moving away from their families and previously established communities, they must seek out new support networks and relationships. Among fraternities, sororities, and some honor societies, members even take familial language to describe their communities as ‘brotherhoods’ or ‘sisterhoods.’ They even take on familial roles within these groups as ‘Bigs’ and ‘Littles,’ sibling-like mentors and mentees that enact hierarchical community structures. The close friendships students develop can take on the form of family while at college. As a result, when someone is assaulted by a person known to them, the social risk of sharing your experience may be the loss or division of our current support network, but not sharing leaves open the risk of having to engage with this person and be re-traumatized. People who have experienced assault navigate labels such as “victim” and “survivor,” as well as “liar,” “slut,” and “attention-seeker”—among other misogynistic and derogatory labels—depending on if people choose to believe them. Uncertainty of the social group’s reaction creates yet another struggle to navigate beyond the initial violence.

Again, one’s sexual projects and social identity become socially determined; the social impact of one’s sexual behaviors falls not just between the parties involved, but on their wider

social networks, or the individual is forced to isolate themselves emotionally and even physically in order to avoid disrupting the existing social order. For those who do share their experiences, the peers who now share this knowledge must grapple with their response to it and their own relationships to both the person harmed and the person who committed such harm. Sexual assault does not only impact the person assaulted or the person who committed assault. As depicted by the Socio-ecological Model of Sexual Violence, one act of sexual violence can impact the whole community.¹²⁹ Yet this goes unrecognized and, as a result, means that existing support structures are rarely sufficient to address the needs of the person harmed, the person who enacted such harm, or the broader social impact on the larger social circle or even community. The options for someone who experiences assault currently place the burden on the person harmed and fail to recognize the possible impact on the community or capacity for community care for this person.

Isolated Incidents: The University's Response to Sexual Violence

Isolate. Mediate. Resolve. Erase. Despite the social nature of the existing narratives around sex, despite the way that sexual violence is both enacted by and can weigh on the broader campus community, this is exactly the way the university addresses sexual violence on campus. The option for students who experience sexual violence to receive support from the school requires a report to be submitted to Title IX. This report can result in a Timely Warning sent out to the entire campus, notifying the students, faculty, and staff that an act of sexual violence occurred on campus with no further discussion of the issue and the expectation that students continue about their normally scheduled activities. These Timely Warnings maintain sexual violence as an everyday norm, while also presenting it as an individual act of violence. This

¹²⁹ Lichtenberger, "Shaping Influences—Human Development"; Centers for Disease Control and Prevention, "Socio-Ecological Model – Prevent Connect Wiki."

again minimizes the recognition of sexual violence on campus as systemic while still managing to extend the impact on the broader campus community and reinforce the message of sexual violence as inevitable.

Despite the social construction of the sexual geographies and narratives that so heavily dictate the normalization of sexual violence on campus, as well as the possible malleability of such social norms as a means of violence prevention, the university aims its efforts at conflict management and resolution. While the norms of our sexual geographies play out on a social level, the university is also implicated in culture of violence as the macrosystem within Bronfenbrenner's Bioecological Model of Human Development and as the site of this violence. Legally bound by United States civil anti-discrimination laws, the college takes on a level of responsibility for the campus climate in the form of compliance. Within these civil anti-discrimination laws sits Title IX of the Education Amendments, implemented in 1972 to prohibit "discrimination on the basis of sex in education programs and activities," which can include "sexual harassment or sexual violence, such as rape, sexual assault, sexual battery, and sexual coercion."¹³⁰ Under Title IX, a school's responsibilities are to "respond promptly and effectively," as a completely separate process from any criminal investigation, and regardless of the wishes of the student or their parent, to investigate, determine what occurred, and "take appropriate steps to resolve the situation."¹³¹ Schools must have a policy against sex discrimination, a Title IX Coordinator, and must have and make known their procedures for students to file complaints of sex discrimination, and make public their reporting statistics.

Under Title IX, the college's responsibility becomes compliance: to obey the law to determine not if violence has occurred, but if someone's right to equal access to education has

¹³⁰ Office for Civil Rights, "Title IX and Sex Discrimination."

¹³¹ Office for Civil Rights.

been violated. Title IX is intended to protect students and their access to education, and to allow greater social mobility for more people, but their implementation perpetuates the message that there is always the possibility of violence and defines the college's potential vulnerabilities of being non-compliant.¹³² For the university and its administration, compliance becomes the standard to adhere to, to avoid non-compliance and the possibility of being in-violation of the law in such a way that would open the school to liability and lawsuits.

However, there is an important distinction to be made between the goal of compliance and the goal of a safe, harassment and assault-free campus. Under Title IX, sexual violence is a conflict to manage and resolve, hence the immediate emphasis on the isolation of the incident. For students who choose to go through the Title IX process beyond just reporting, the process includes strict confidentiality agreements, intended to protect the identities and privacy of those involved in the case, but the consequential side-effect is an inability to speak to peers or one's support system—save speaking to a professional counselor for those who are able.¹³³ Title IX makes each case seem separate and independent from the broader campus culture, further isolating the people involved in the case and denying the impact on students and community members beyond the immediately involved parties. Isolated incidents are easier to manage and conform to the existing process for the university, but fail to provide any community support. Title IX is a truly reactionary process—only initiated after sexual violence has already occurred. While it may serve as a means for discouraging non-consensual behavior, it does little to incentivize others to practice consent and to avoid violent behaviors, and the majority of

¹³² Jennifer Doyle, *Campus Sex Campus Security* (Semiotext(e), 2015).

¹³³ Williams College, "Confidentiality in Sexual Misconduct Cases: Information for Respondents – Title IX," Williams Title IX, accessed April 12, 2023, <https://titleix.williams.edu/confidentiality-privacy/confidentiality-in-sexual-misconduct-cases-information-for-respondents/>.

disincentivizing behaviors that air towards sexual violence come from social pressures and the fear of ‘being accused’ or ‘having their lives ruined.’

For someone who goes through the Title IX process, it can feel eerily similar to a legal procedure. The Title IX coordinator gathers evidence from the complainant—the person harmed—and the defendant—the person accused of harming the respondent—then presents it to a board of selected and trained faculty and staff to determine if the respondent is responsible. Stories are heard from each party, who then can be questioned by the other party or the support person chosen to essentially defend them, similar to a lawyer in a courtroom. The process forces the parties to detail and recount their experiences multiple times over an extended period of time, which can be incredibly retraumatizing. Finally, the group elected to hear the proceedings must make a final decision on the likelihood that the defendant could have harmed the other. The outcome of such cases assigns responsibility or determines that responsibility was unlikely, and, depending on the result, the defendant can receive sanctions or consequences such as suspension or expulsion.

Yet despite the knowledge available regarding the extreme underreporting of people impacted by sexual violence, and existing data that says that only 2-10% of rapes are false reports, the number of people found responsible each year is rather minimal. According to a 2022 study of over 56 colleges in the United States, half of the tens of thousands of cases reported resulted in no discipline. 1 of every 12,400 students enrolled at these universities each year were suspended for sexual misconduct. 1 in 22,900 were expelled.¹³⁴ How is this possible? The Title IX Office is regularly understaffed for the overwhelming number of cases and the

¹³⁴ Kenny Jacoby, “Despite Men’s Rights Claims, Colleges Expel Few Sexual Misconduct Offenders While Survivors Suffer,” USA Today, November 16, 2022, <https://www.usatoday.com/in-depth/news/investigations/2022/11/16/title-ix-campus-rape-colleges-sexual-misconduct-expel-suspend/7938853001/>.

intensity of investigating each case, often with only one person staffing the whole office at a college. This makes addressing each case much more difficult and requires a much greater level of labor for the staff that is hard to maintain across cases, both emotionally and physically, throughout each academic year. On top of investigating each case, there is the added obstacle of effectively interpreting complex federal mandates that have changed significantly in the past several years, from Obama's 2011 "Dear Colleague Letter" calling for more rigorous Title IX procedure to provide greater resources to survivors, to Trump's 2020 "Final Rule" that effectively undid much of Obama's letter. Additionally, Sexual Misconduct covers a wide range of forms of sexual violence from rape to verbal sexual harassment, and schools may view some offenses as less severe "learning opportunities that do not merit suspension or expulsion," or other forms of more intensive consequences.¹³⁵

However, beyond the well-intentioned efforts of Title IX staff and a lack of resources, the University has additional incentives to keep the number of outcomes of responsibility, suspension, and expulsion in Title IX cases low. The reality is that the dynamic between students and administrators is heavily divided, and Title IX is not a process for students. It is not a process that centers the well-being of students and rarely finds justice for survivors. It is a process for the university to maintain compliance.¹³⁶ The university takes on its own identity beyond its students, faculty, and staff, and compliance is what defines the expectations for this entity. As its own entity, the University is concerned with the possibility of being "in violation" of state or federal law.¹³⁷ To be in violation means the university is liable if something goes wrong on

¹³⁵ Jacoby.

¹³⁶ Doyle, *Campus Sex Campus Security*.

¹³⁷ Doyle. It is important to note that Title IX as it pertains to sexual violence was introduced as guidance, and therefore each institution has some flexibility in how they choose to implement it. This results in colleges having slightly different processes, and also permits each institution to cater towards their own needs, whether that be to the benefit of the students and community, or the institution as its own entity. See the appendix for examples of three colleges' Title IX process flowcharts to depict these distinctions.

campus. And the liability is not about the safety of the student within the microsystem of the school; it is about the institution's law-prescribed responsibilities. People who experience sexual violence report because they need help, are looking for support, or want justice, while colleges receive reports because they are legally obligated to do so.¹³⁸ With two completely different intentions, the process of Title IX cannot serve them both, nor is it designed to.

Title IX exists as a structure dictated by the relationship between the college institution and the government's legal regulations. As a result, it caters more towards the needs of the institution than the community members who utilize the process. But to prioritize the needs of the institution, the college must be recognized as holding its own personhood and autonomy. Having both internal and external responsibilities—to the law and to the university community, the institution takes on its own identity beyond that of the identities of its community members and the social dynamics and norms of campus life. According to Imani Perry's "Producing Personhood," personhood entails the capacity for possession and the right of authority from the founding of the United States, as exemplified by the three-fifths clause in the Constitution.¹³⁹ This construction of personhood still rings true in many ways; the institution is therefore able to access this form of personhood through its control of property, and design and control of administrative structures, including Title IX.

By maintaining the Title IX process as an isolating process that results in limited outcomes of responsibility or severe punishment for individuals, the institution is able to maintain control of the microsystem structures and reinforce social norms, while also appearing

¹³⁸ Doyle.

¹³⁹ Imani Perry, "Producing Personhood," in *Vexy Thing: On Gender and Liberation* (Duke University Press, 2018).

(I want to note that constructions of personhood are incredibly relevant to the existence of sexual violence, but this is not what I intend to investigate here)

to remain compliant and not in violation of its legal obligations. The university can restrict the sexual citizenships of its community members by nature of the structures that exist to address when someone's sexual citizenship is denied. The Grievance Process of Title IX is a process through which the institution determines whether or not someone's sexual citizenship was denied—i.e., whether or not there is 'sufficient' evidence to say that sexual violence occurred—and then may subsequently determine a form of carceral punishment that is deemed 'equal' to the act of sexual violence.

Title IX is a process intended to “protect the integrity of a campus,” but, in practice, it produces and communicates the message that the university is “a zone of conflict” in need of management, because the university sees sexual violence as inevitable and cannot imagine a higher standard of ensuring student safety than compliance. To center student and community well-being, constructing a safer campus environment with less violent social norms goes beyond the expectation of anti-discrimination laws like Title IX. To not experience discrimination—in this case in the form of sexual violence—does not ensure a safe and healthy environment for learning. And yet, even this cannot be achieved, compliance cannot be met, and rape culture continues to be the norm on college campuses.¹⁴⁰ Compliance and the administrative process of Title IX remains designed to protect the university, not the students, driven by the fear of violence occurring while the institution is in violation, rather than fear of such violence occurring in the first place.

Despite a century between then and now, much of the same sexual geographies persist for these students as they did for adolescents and young adults during the Progressive Era. Well-intentioned administrations raise concerns about the pervasive nature of sexual violence through

¹⁴⁰ Doyle, *Campus Sex Campus Security*.

orientation crash courses in sex education and Title IX procedure, just as purity reformers worked to raise the age of consent to address fears of sexual violence against young girls, and yet both fell short of actually preventing the spectrum of sexual violence that occurred. The process for changing the age of consent laws in the early 20th century and the process for enacting Title IX procedure continues to center the larger implications for society. Intrafamilial sexual violence during the Progressive Era was less likely to be reported, as acknowledging it might impact the patriarchal family structures in place, or would result in further isolation of the people harmed. Today, sexual violence on college campuses is incredibly underreported, leaving the majority of people harmed without any forms of support. Despite the changes made to the policy and law in the past several years, this incredibly flawed system that caters towards the institution over the individuals persists with little difference in its approach. The university maintains its personhood as a business and corporation whose autonomy is considered of greater value than that of those living and existing within the university. Both time periods share the fear of younger girls or women holding less power being attacked, coerced, or assaulted, and view this as an inevitable fact. And yet Title IX remains unsuccessful, just like age of consent laws, in addressing the communities most impacted, but highly successful in maintaining its business reputation. Compliance is the standard we cannot reach, but also the norm that fails to meet the needs of the community or prevent sexual violence.

Chapter 3: Centering Care—Alternatives to Existing Violence Prevention

Introduction

As seen in both the Progressive Era and present day, the modern model of social organization upholds values that still permit sexual violence, even within prevention efforts, centering restriction, policing, and management over care for the community. Age of consent laws reform was enacted with the intention of protecting young, working-class girls leaving their homes and families to work, but only to the point at which they were able to maintain gendered norms and without disrupting the patriarchal family structure and governmental hierarchy. Today, colleges and universities employ mechanisms for meeting the needs of community members only to the point of institutional compliance and avoidance of liability, addressing the impacts of sexual violence through measures that maintain the norms of rape culture without critiquing or dismantling the structures on campus that perpetuate this violence. The functions of these measures within these structures normalize organized neglect within “uncaring states and communities.”¹⁴¹ The lack of care within society permeates all its structures on a global scale, creating a “world that *is itself in crisis*.”¹⁴²

From an emphasis on maintaining or restoring the values of “purity” and “white womanhood” in the Progressive Era to the construction of social spaces that permit sexual violence and response processes of Title IX that are more linked to preventing liability for the institution, there persists a culture that prioritizes maintaining certain norms or standards at the expense of those most impacted by sexual violence, even amidst panic at the potential and

¹⁴¹ The Care Collective et al., *The Care Manifesto: The Politics of Interdependence* (New York, United States: Verso Books, 2020), <http://ebookcentral.proquest.com/lib/richmond/detail.action?docID=6342322>.

¹⁴² The Care Collective et al.

perceived inevitable violence. These reinforced structures of violence amidst attempts at prevention and intervention require consideration of what is lacking in these spaces: a lack of care within systems, societal structures, and social norms in these crisis points.

The concept of ‘care’ encompasses not only the direct, ‘hands-on,’ physical caretaking that immediately comes to mind, but it is also a social capacity and activity focused on the nurturing of all necessities of human welfare and flourishing.¹⁴³ Care is a practice of both giving and receiving, of recognizing and addressing the needs of others and ourselves, and acknowledging and embracing our interdependencies. Care is emotional, physical, sociocultural, contextual, and community based. To encompass this multifaceted concept, I turn to *The Care Manifesto* and the Care Collective, who articulates care as “our individual and common ability to provide the political, social, material, and emotional conditions that allow the vast majority of people and living creatures on this planet to thrive — along with the planet itself.”¹⁴⁴ In this articulation, care work becomes all efforts to center care as a value and an action at all levels of society, as well as a method of recognizing the intrinsic value of beings and working to provide, create, and redistribute resources.

In this chapter, I define the processes of care and articulate the importance of care work in addressing sexual violence and rape culture. The reality of existing uncaring structures is that they not only permit, but also normalize sexual violence, enabling and encouraging the existence of rape culture. Centering care, which is inherently antithetical to sexual violence, provides a means of resisting and combatting the perpetuation of rape culture on a college campus. I then explore the gendered nature of care work and how the devaluation of care closely aligns with the perpetuation of sexual violence. I explore how this shows up in a collegiate setting and is

¹⁴³ The Care Collective et al.

¹⁴⁴ The Care Collective et al.

reinforced by the existing lack of care within college institutions. I then turn to the Socioecological Model of Human Development to explore alternatives to the responses of the Progressive Era and present day colleges to sexual violence that instead center care and care work. I recognize the limitations of these alternatives within existing structures and offer more liberatory frameworks that aspire to move beyond existing mechanics of systemic oppression. Finally, I return to the concept of a crisis point and consider how care and care work show up in this context.

Why Center Care?

Care inherently combats systemic forms of violence. On an interpersonal level, to care within the context of sex and intimacy requires recognizing our sexual citizenship as well as that of others, and recognizing someone's sexual citizenship is antithetical to sexual violence and rape culture. On a macrosystem level, centering care completely re-imagines our cultural and societal norms of violence. Currently, uncaring states and communities base their sense of solidarity and shared identity on exclusion and hatred. In this section, I offer two examples of these exclusionary structures that neglect care, first in Progressive Era reform, then in college campus social life norms. Both of these examples demonstrate the ways in which uncaring communities that center a 'normal' way of existing that meets certain societal expectations about addressing systemic violence and inequalities by investing in policing and surveillance instead of providing social provisions that cater to human flourishing.¹⁴⁵

Progressive Era age of consent laws in many states articulated the distinct groups that could benefit from the laws' protection. Under these age of consent laws, those whose capacity to consent was granted and respected had to be of a certain age and deemed mentally and

¹⁴⁵ The Care Collective et al.

physically capable of consent, often evaluated and determined in court proceedings. While intended to protect young girls from sexual violence, these laws inherently excluded many people by denying their autonomy, defining capacity to consent by what people were not. Additionally, the implementation of the law maintained gendered and racialized standards. All age of consent laws specifically refers to ‘young girls’ as potential victims, denying the existence of violence against men and boys, effectively silencing these experiences. In many states, language specifically focused on the protection of young white girls from Black men effectively perpetuated the steep racism of stereotypes of Black men as aggressive and even violent, while erasing the disproportionate impact of sexual violence on Black women and girls. Progressive Era reformatories were another intended care measure that was implemented and accepted ‘inmates’ based on mental capacity, race, gender, and age. These racially segregated reformatories for girls claimed to provide care and rehabilitation for ‘delinquent girls.’ Although the stated intention of these reformatories was to provide governmental resources for care, these reformatories provided a means of governmentally approved exclusion and isolation in the name of care, alleging to remove and isolate these ‘troubled’ girls from society for their own protection and rehabilitation in the name of care, while in reality perpetuating the structures of an uncaring state.

Turning to today’s college life, predominantly white Greek life, specifically fraternities, engage in similar practices of exclusion and hatred to build their community and group solidarity. With a demanding and elitist recruitment and initiation process, fraternities rely on the construction of their group reputation as a component of their collective and individual identities, as well as a mechanism of separating themselves from the larger campus community. The exclusionary nature of this group can be enacted to maintain power or to organize social

opportunities for its members, such as social events in which they can assert their status, or by organizing sexual opportunities for their members that, while they can be consensual, also produce spaces in which sexual assault is more likely to happen.¹⁴⁶

These group dynamics contribute to a culture of sexual violence that is normalized—even expected—and remains largely unchallenged. Processes like Title IX is portrayed as intending to dissuade these norms and offer an avenue for reporting, but Title IX can only provide limited resources that may or may not meet the needs of the student impacted by sexual violence, if they even report to their institution’s Title IX office at all. Even then, Title IX only focuses on the individual event, the individual report, and the subsequent investigation if requested. The very process rooted in the law that prohibits discrimination on the basis of sex, including sexual violence, in no way addresses the needs of the individuals as community members in these spaces or the construction of these contexts that facilitate sexual violence. Title IX is a compliance process for managing the existence of sexual violence, not a process rooted in care. Truly centering care requires acknowledging needs and capacities to care through concepts of interdependence, and therefore cannot utilize exclusion and hatred in its processes and practices. There is no ‘other’ to be removed and isolated from society, but, rather, recognition of the capacities of different people and communities, of their needs for care and abilities to care for others.

It is important to acknowledge that care work is inherently filled with contradictions and inconsistencies as we attempt to reorganize existing uncaring states. Individual and community needs can hold contradicting or conflicting foci that are not easily resolved, and neither party’s rights to care or humanity should be diminished or devalued as a means of conflict resolution.

¹⁴⁶ Hirsch and Khan, *Sexual Citizens: Sex Power, and Assault on Campus*.

However, by utilizing care as an organizing principle, we inherently must value the humanity and presence of others, and therefore are directed away from mechanisms of violence. In particular, by recognizing the sexual citizenship of others, we move towards a culture of care and away from rape culture. While no state or community can fully eliminate human aggression, unequal power dynamics, or natural or human-made disasters, a caring state that centers care in its systems provides the conditions in which people can not only survive, but thrive.¹⁴⁷

Gendered Nature of Care Work

For all the benefits of building a framework of care, there first needs to be a consideration of who has developed and been deemed responsible for care work historically. This section emphasizes the implementation of ideas of care today and the gendered and racialized norms that exist, in particular, highlighting emotional labor and its importance to care work, specifically regarding sexual violence. Examining examples of what care has looked like in Progressive Era reform and college campus response to sexual violence exposes the shortcomings of such efforts that still emphasized restriction and management as prevention.

Care work is a highly feminized form of work, both in the categorization of this work and ingrained within the socialization of women.¹⁴⁸¹⁴⁹ In many ways, care work has been viewed as free labor. In the heteronormative nuclear family in which the man supports his wife and family, it is the wife who stays home with the children, a model that ignores the labor of mother as a caregiver, once again demonstrating a combination of the devaluation of women and femme persons while also demanding labor and the use of their bodies and knowledge. Care work is

¹⁴⁷ The Care Collective et al., *The Care Manifesto*.

¹⁴⁸ Piepzna-Samarasinha Leah Lakshmi, *Care Work: Dreaming Disability Justice* (Vancouver, BC Canada: Arsenal Pulp Press, 2018).

¹⁴⁹ The Care Collective et al., *The Care Manifesto*.

often praised as a “labor of love,” and while love can be an integral part of care work, often this phrase negates this labor and its value, perpetuating the assumption that these forms of work do not need to be valued in the same way as other forms of labor and work. The value of care is minimized, both in our social values and the low economic value it receives within the existing capitalist economic structure. Care work also inherently requires a significant amount of emotional labor—first defined by Arlie Russell Hochschild as “the management of feeling [...] sold for a wage” —a type of work that until recently has been constantly expected in many forms of labor while remaining non-existent in the conversations surrounding this labor.¹⁵⁰ This form of work follows the same pattern as care work more generally, in which jobs that involve more emotional labor are often held by femme people and people of color. Emotional labor is crucial to any work surrounding sex education, consent, education, and sexual violence prevention and intervention, and holds a prominent role in care work of this form. Given the systemic nature of sexual violence and the likelihood that those doing the work may also have been or will be impacted by sexual violence, rendering emotional labor invisible within the work environment makes the toll of emotional labor even more stressful, resulting in greater susceptibility to burnout and even less capacity for care.¹⁵¹ The current structures through which care work has been institutionalized and commodified—such as government run social work programs and many non-profit organizations—maintain structures that devalue the role of care work and emotional labor in defining their success, perpetuating this cycle of struggling to provide sufficient care work leading to burnout and subsequently a greater need for care for both

¹⁵⁰ Brenna Clarke Gray, “The University Cannot Love You: Gendered Labour, Burnout and the Covid-19 Pivot to Digital,” *Feminist Critical Digital Pedagogy: An Open Book*, 2022, https://edtechbooks.org/feminist_digital_ped/zXHDRJAq.

¹⁵¹ Brenna Clarke Gray.

those originally receiving care as well as those who were previously providing care. These assertions of value regarding care work extend to imposing a value onto the carer as well.

Care is highly feminized, racialized, and invisibilized work. This is evident in today's demographics of home care workers, the majority of whom are women and people of color. Care and care work, despite their essential nature to human survival, are placed on the outskirts of our daily responsibilities and capitalistic values. This permeates many of the misogynistic and femmephobic stereotypes and gendered expectations placed on women and femme persons through which "femmes get objectified two ways, one sexually, the other as Mommy."¹⁵² While the role of a mother is deemed essential to the nuclear household, to values of childcare, and as a societal role, its value is tied to social expectations and gender norms, and it does not receive the same economic value as other roles, jobs, or responsibilities. Looking at the nature of care and care work parallel to the disproportionate experiences of sexual violence against femme persons frames the normalized objectification of women for use, either sexually or as a means of production of care, or both.

These norms of care work have influenced past approaches to care work. Despite the nuances and harms detailed in Chapter 1, even prior to recognition of these forms of labor, care work played a significant role in Progressive Era reforms. Pressing for changing age of consent laws during the early 20th century in the name of the protection of young girls was its own form of care work. While these pushes for increasing the age of consent in several states were built on gendered stereotypes and expectations and were enacted with deep stigma against people of color and people with disabilities, they also carried care-focused intentions—a form of concern regarding safety against sexual violence—built into this work. From the raising of the age of

¹⁵² Leah Lakshmi, *Care Work: Dreaming Disability Justice*.

consent laws, to their enactment in the courts, to the development of reformatories for young girls, these were large-scale efforts that attempted to implement a form of care, and were, again, predominantly led by women and people of color. Amidst this perceived crisis point in which fear of sexuality, particularly women's sexuality outside of marriage, flourished, a limited framework of care was implemented, increasing resources for early social work efforts.

Likewise, college institutions today engage in limited forms of care work as well. Within the institution, administrators meet with students to listen to and provide options for addressing their needs, from academic to social realms. Health support services such as the health center, counseling services, and wellness programming are all implemented with the intention of meeting the health needs of students. Even Title IX is meant to provide support resources and a mechanism for mitigating the harm of sexual violence on students, and the people working in this office are regularly overworking in an underfunded office trying to process every case reported. Unfortunately, these ideas of care are contained within, and therefore help maintain institutional structures of oppression, treating the individual outcomes of the situations through responsive measures, rather than their position in the larger system of sexual violence. While there has been notable progress in the treatment and perception of women and femme persons, the outcomes of the existing structures to address sexual violence maintain parallel race and gender dynamics.

Looking at the site of the college campus as a location where personal, social, professional, and academic lives are deeply intertwined by its spatial and geographic composition, the concept of care must exist at all levels. And yet, the reality is that care fails to be an institutional priority, taken on more often by individuals in the community without acknowledgement of their world. These individuals in the community are often already

overworked in their official positions, not including the additional care work that they engage in—the singular Title IX Coordinator investigating all reported cases with limited resources trying to manage the intense emotional labor required of this work without minimizing these human experiences to data and reports—that continues to be left out of their job description and salary. Care and care work already exist, even within these oppressive institutions, but the reality is that care is viewed as an individual responsibility to be ‘managed’ outside of the professional space, and one that is not economically valued, and therefore non-essential. And so, in both the work environment of the college campus and Progressive Era reform, care work has often fallen to those disproportionately harmed or marginalized in society.

Care is Not a Value of the Institution

The struggle of applying these concepts of care work present day violence prevention is that the institutions enacting these efforts do not prioritize the value of care, but remain being the predominant structures that those impacted rely on for resources. In the care work outlined by the disability justice movement, one of the primary questions is that of access: who has access to certain resources, and how do we open these spaces and resources to others who currently cannot access them? What resources are completely inaccessible or even non-existent in a given space? Disability justice framings of care work emphasize access as “a constant process that doesn’t stop. It is hard and even when you have help, it can be impossible to figure out alone.”¹⁵³ As a result, care work in practice cannot be applied as a finite and static solution to inaccessibility and violence that disproportionately impacts disabled people and other marginalized identities.

¹⁵³ Leah Lakshmi.

The college institution's approach to safety and care for the community is based in compliance, not preventing events of harm nor meeting the needs of the community to avoid harm. Although efforts exist on campus to provide resources and opportunities to receive support, from the student health center to financial aid to Title IX, the foundation on which these options are built is one focused on minimizing the college's liability when events of harm or violence occur. The administrative structures that maintain this compliance are designed to "protect the integrity of a campus and produce the campus as a zone of conflict."¹⁵⁴ The campus cannot center access when the structures to ensure safety rely on the idea that the campus is in fact unsafe and therefore always inaccessible in some form, either due to actual barriers or the perceived threat of them. One of the primary resources for survivors that directly reinforces this zone of conflict is Title IX itself. Title IX serves as a responsive measure to sexual violence that depends on the existence of violence to be enacted. While response and support are essential elements of prevention given the current function of rape culture that produces sexual violence as ingrained in our society, Title IX maintains allegiance more to the needs of the university than to students' needs. In this way, the university is ascribed its own personhood whose needs and values are placed above those of community members. Existing support resources prioritize the university over its community of living, breathing people.

Title IX also reinforces the idea that care and healing occur within a finite period of time and then end. There is a report, an investigation, a hearing, and a verdict. Someone is found responsible or not and the report is closed, the case managed and deemed resolved. While survivors can often still access resources following this conclusion, the expectation is that the resolution of the Title IX case will be the resolution and closure the survivor needs. While this

¹⁵⁴ Doyle, *Campus Sex Campus Security*.

may work for some, many never wish to report, and for those who do, most grievance processes name the respondent “not responsible.” Even when the respondent is found responsible, this does not ensure that the needs of the complainant can or will be met. And in all grievance processes, the timeline of the investigation is often drawn out and draining on top of the direct impacts of sexual violence. This approach to secondary violence prevention reinforces a binary: those who are ‘fixed’ and those who are ‘broken.’¹⁵⁵ One either must be ‘forever changed’ and unable to move past it, or completely healed and no longer impacted by their assault and able to move on, never thinking about it again. If access and healing are constant processes, the emphasis on being ‘fixed’ cannot be compatible with this approach to violence prevention and care work. The institution cannot respond to the crisis of sexual violence occurring on its campus because its systems of support and resources are structured upon liability and compliance, and built on a binary understanding of survivorship as something that is either broken or fixed, sick or cured.

The current model for providing care in the form of support resources also relies on norms that place care as something only accessible to the privileged. Processes of healing are often dismissed in society both within and beyond college campuses as “irrelevant, reserved for folks with money, an individual responsibility, something you do on your own time.”¹⁵⁶ This norm is not without reason—with care placed as an individual responsibility, outside of the values of productivity and economic value, many forms of care are only available to those with the financial and time resources. During the Progressive Era, this was evident in the ways in which some of the most common forms of sexual violence—intrafamiliar—went unaddressed, and the ways in which age of consent laws in many states required the person harmed to be of fit mind, not deemed ‘mad’ or incapable of consenting. Those who did not fit the criteria to receive

¹⁵⁵ Leah Lakshmi, *Care Work: Dreaming Disability Justice*.

¹⁵⁶ Leah Lakshmi.

these resources remained without much of the support they needed. On modern college campuses, it is often the students backed by their parents' financial resources who are most likely to receive school support according to their actual needs. This also is apparent in Title IX cases in which a respondent with particular financial or social power may appear to avoid responsibility—resources and access based on class privilege permit certain options unavailable to others, seeming to take precedence over the actual needs of a larger population of community members. This constructs a hierarchy to who receives care and whose needs are met, sending a message of worth and value across the board.

Care is most accessible to the most privileged people in society and often least accessible to those with the greatest needs for care. Additionally, those who are unable to address their needs independently and do not have the economic resources to employ others to address their needs often report experiencing levels of shame or humiliation for needing to make claims on the state.¹⁵⁷ The deep-rooted capitalistic practices of valuing humans based on their capacities for production result in intimidation and discriminatory practices in work-place environments, including the academic settings of colleges, that expect people to provide labor that contributes to economic values of production and manage their care needs independently. There is greater investment in encouraging means of production through surveillance and data collection on production and profits than in the social provisions that meet people's basic needs. This invokes the idea that those who cannot conform to these profit-based structures are less worthy of care, perpetuating a cycle in which care needs are not met, limiting individuals' and communities' capacities for care and exacerbating the oppression and isolating impacts of these capitalistic structures. As a result, dependence on care has been pathologized as outside the norm and

¹⁵⁷ The Care Collective et al., *The Care Manifesto*.

diminishing to an individual or community's value, rather than recognized as part of the human condition.¹⁵⁸

Constructing a Culture of Care: The University as a Case Study

If the current university structures and practices still perpetuate rape culture, what does it mean to shift away from such deeply ingrained cultural norms? To move towards collective care is to move away from systems of violence. To shift away from norms of violence creates the opportunity to shift towards a culture of care, in which care is centered as the organizing principle of our societal structures. To integrate the values of a culture of care requires restructuring at all levels of society. Implementing Bronfenbrenner's Bioecological Model of Human Development can both articulate the structures that maintain the norms of rape culture and sexual violence, but also provide an exploration of alternative structures that center care. This model articulates the multi-level, interdependent nature of care and care work as a method of violence prevention and community building that emphasizes a culture of consent and community care. Applying care work to the college institution can serve as a microcosm, offering possibilities for greater systemic change, as well as directly offering options for shifting university norms. Here, I use Bronfenbrenner's Bioecological Model of Human Development to articulate the multi-level possibilities for centering care and consent in institutional practices.

Microsystem and Mesosystem

In looking at alternative measures for violence prevention, I combine the micro- and meso-system level responses, since they can become very interconnected in the centering of care, and because some support and prevention efforts can be enacted on both levels at different

¹⁵⁸ The Care Collective et al.

scales. In violence prevention that centers care, community organizing is crucial to care within one's immediate relationships, school life, living situation, and larger community network. This community building is about fostering spaces of safety that honor community members' autonomy while still holding members accountable. Working in a community can mean creating and reaching out to resources without defaulting to the authorities. While authorities such as administrators and campus police also exist as community members within the mesosystem, their jobs and roles tie them to exosystem-level structures which they then reinforce. They are individuals within the community as persons; however, within their campus roles they must act as university entities, inhibiting them from engaging with the community in the same ways as other community members. As a result, the actions available to them when they show up in these roles cross into the mesosystem, but remain rooted in the exosystem, and therefore cannot be part of immediate community responses in the same way—a loss in capacity for care for both these individuals and the broader community. Recognizing the ways in which policing and administrative processes can and have perpetuated or re-enacted sexual violence for survivors indicates that these resources can be more harmful and may not be the best equipped to provide a care-centered response. Therefore alternative resources, such as peers who can engage in trauma-informed support practices, hotlines that remain detached from the institution and institutional policies, educational information disseminated, and practices within social and academic networks help build community values, norms, and support without institutional and authoritative pressures. Students with certain privileges, such as older students on campus, can cultivate spaces that are safer for all students to engage, and all community members can commit to practices of bystander intervention and de-escalation—when safe—to help prevent sexual and intimate partner violence on an interpersonal level. The microsystem and mesosystem levels of

violence prevention focus on community spaces require cultivation with care and must prioritize care and safety for all participants in the space in order to create effective spaces for learning and living on a campus.

One practice from the Bay Area Transformative Collective is that of podmapping. A pod is “made up of the people that you would call on if violence, harm, or abuse happened you; if you wanted support in taking accountability for violence, harm, or abuse that you’ve done, if you witness violence; or if someone you care about was being violent or being abused.”¹⁵⁹ Pods can help us understand our community and our relationships and can help to reconstruct ideas of community; people often view community as larger numbers of people, and that may not resonate. Pods can be of any size and shape and can help break down some of the immensity that the word community can carry; pod-mapping can range from a couple people within one’s immediate microsystem, to larger network across the campus that can include roommates, friends, faculty members, or peers who share the resources they have that not everyone has access to, such as transportation. These practices help create a community-level framework that centers care and resists the state systems that perpetuate violence.

Exosystem

For the university itself to value care and care work would shift approaches not only to sexual violence but to the professional lives of those employed by the university. Faculty and staff at college institutions, particularly women, femmes, and people of color, often take on a high level of emotional labor in addition to their dictated responsibilities. For deans and other administrators, much of this labor can be in supporting students dealing with the impacts of

¹⁵⁹ Ejeris Dixon and Leah Lakshmi Piepzna-Samarasinha, *Beyond Survival: Strategies and Stories from the Transformative Justice Movement* (Chico, CA: AK Press, 2020).

systemic issues perpetuated by the institution on campus. This emotional labor and the act of showing care on an interpersonal and community level often “papers over structural failures” of the institution that are causing the harms that this emotional labor is regularly addressing in this cyclical lack of care.¹⁶⁰ If the university recognized and valued this added layer of labor, these acts of care would be seen not as addressing individualized experiences of harm requiring individual solutions, but would reveal the deeper-rooted norms that endorse violence on campuses. A value of care would also recognize the needs of both students and employees at the university. This could include alternative processes for addressing instances of violence, such as transformative justice that better centers the needs of those harmed and the need for accountability in order for people and the community to heal while acknowledging the humanity of all people involved in a given instance of harm.

Sex and consent education could be incorporated beyond a brief introduction during orientation and presented as an ongoing learning practice of care, rather than programming that meets compliance criteria. There must also be an accountability process for the Board of Trustees and other major stakeholders, as well as a strengthening of trauma-informed practices across health services, administrative practices, and department programming. Care must become a community concern to recognize the issues built into the university’s existing structures, rather than categorized as a private and individual matter.

Macrosystem

Moving beyond the microcosm of the university, it is important to acknowledge that the university cannot truly change if the systems it is tethered to do not change. The macrosystem

¹⁶⁰ Brenna Clarke Gray, “The University Cannot Love You: Gendered Labour, Burnout and the Covid-19 Pivot to Digital.”

level extends beyond the university, encompassing societal values at large, and therefore requires movements for change on much broader level. The construction of the institution is rooted in oppressive systems—namely capitalism, white supremacy, and patriarchy that contribute to the gendered, racialized, and class-based norms of sexual violence and devaluation of care work—and therefore cannot eradicate the violence of these norms within the exosystem of the university alone.¹⁶¹ Processes like Title IX still emphasize the policing and restriction of sexual citizenship on college campuses, and the campus's social values and dynamics normalize the neglect of others' sexual citizenship that exists as a macrosystemic value that goes beyond the university. Rape culture is a societal norm, not just a college issue.

However, while these oppressive systems inhibit violence prevention efforts and changing cultural norms, those of us existing within these systems are agents who can choose to engage with the system as it already exists, or we can act as responsive agents who work to understand and recognize its systemic flaws and engage with it according to our own morals and in our capacity for resistance. Dismantling these structures is a long-term process. It is not new. These systems took hundreds of years to build, and they will take more than changing university processes and norms to dismantle. This is all the more reason to strive towards more liberatory structures. Just as these systems are not new, neither is resistance against them. Enacting change necessitates recognizing and building on the existing history of resistance, acting within our present capacities, as well as envisioning new liberatory structures and world-making. Robin D.G. Kelley emphasizes the importance of this imagining and envisioning future possibilities within current movement building: “Without new visions we don't know what to build, only

¹⁶¹ Brenna Clarke Gray.

what to knock down...we forget that making a revolution is not a series of clever maneuvers and tactics but a process that can and must transform us.”¹⁶²

As individuals within the microsystem and mesosystem levels, we are able to act as responsible agents and work to center care in our communities. As an institution, the university has the power and capacity to challenge the oppressive systems that it is tethered to and to engage in resistance by centering care through its structures and processes. By applying these ideas of care, engaging with them, and listening to those voices of those already doing this work, we can move closer to the liberatory worlds that we dream of. The following sections outline movements that can inspire current efforts and challenge us to envision alternatives to current oppressive structures. They turn to two abolitionist frameworks that work to navigate the complexities of addressing sexual violence and recognizing the sexual citizenship of all individuals. I introduce these frameworks to offer possibilities for what we can learn from and continue to strive towards.

Care Work is not a Utopian Solution: Invoking Forms of Healing Justice in Care Work

While the articulations of care and care work thus far have posited many mechanisms for change ranging from individual to systemic, care work also must acknowledge that there is no perfect form of human engagement. Avoiding harm completely—both experiencing it and causing it—is unattainable. Rather, the point of centering care is to move away from the existing systems in place that perpetuate harm and suffering, meanwhile posing as protective and preventative mechanisms.¹⁶³ Care work will not remove harm from our world entirely, nor can it

¹⁶² Robin D. G. Kelley, *Freedom Dreams: The Black Radical Imagination* (Boston, Massachusetts: Beacon Press, 2002), <https://web.s.ebscohost.com/ehost/ebookviewer/ebook?sid=5b1ef3af-3ed6-43da-a0d3-f237e40ba8f6%40redis&vid=0&format=EK>.

¹⁶³ Dixon and Piepzna-Samarasinha, *Beyond Survival: Strategies and Stories from the Transformative Justice Movement*.

undo the harm that already exists or had existed historically. Care work cannot return people or communities to their state prior to the imposition of violence. However, centering care can provide mechanisms for addressing harm as it occurs in a way that respects the autonomy of both those impacted and those impacting, creating a process of accountability.

Healing justice strategies focus on holistic practices of care to build safety and to ensure that all community members' basic needs are heard and met.¹⁶⁴ This includes a range of practices, including reproductive justice, environmental justice, harm reduction, transformative justice, and disability justice.¹⁶⁵ Healing justice forms all center the idea that “no idea, practice, or tradition belongs to an individual person. Everything is created through our sacred interconnections and interdependence,” just as care work must be collaborative and collective-based.¹⁶⁶ Healing justice includes a host of efforts for equity, violence prevention, and combating the normalized structures that remain racialized, ableist, and hetero-capitalist. Focusing on transformative justice and disability justice as movements within healing justice can help to create more care-oriented processes for addressing sexual violence. According to healing justice (HJ), the curative models of “healing and health and the inaccessibility of our movement and care spaces replicates the harms of every other system of oppression and violence.”¹⁶⁷ HJ calls for the liberation of all living within these capitalistic structures by re-imagining and replacing infrastructures for capitalism that prioritize accessibility for all and promote life through caretaking. Within the context of a college campus, whose structures are ingrained in capitalistic values, implementing healing justice as it is intended is limited. However, by learning from

¹⁶⁴ Erica Woodland and Cara Page, *Healing Justice Lineages: Dreaming at the Crossroads of Liberation, Collective Care, and Safety* (Huichin, unceded Ohlone land (Berkeley, CA): North Atlantic Books, 2023).

¹⁶⁵ Woodland and Page.

¹⁶⁶ Woodland and Page.

¹⁶⁷ Woodland and Page.

healing justice, we can shift our focus from punitive solutions to sexual violence on campus and instead consider ways to center care and the needs of those harmed to begin the process of healing both for individuals and the larger campus community.

Within healing justice is the framework of transformative justice. Transformative justice is an abolitionist framework that challenges the norms of our current systems for addressing violence, such as the criminal justice system, and aims to center care, autonomy, and boundaries rather than punishment within healing processes: a community-led response to “interrupt, transform, and intervene on trauma, both individual and collective, to sustain our emotional/physical/mental/spiritual/psychic/environmental well-being” within the microsystem level.¹⁶⁸ The criminal justice system and its carceral strategies—punishment, retaliation, policing, surveillance, and prisons—are not about healing, just as Progressive Era age of consent laws and the implementation of Title IX are not focused on healing or care.¹⁶⁹ These structures cannot center care because they require tactics of blame, shame, and punishment, enacting additional violence both on the victim/survivor, who is asked to ‘prove’ their experience, and the respondent when found guilty or responsible by imprisoning or punishing the person causing harm. Transformative justice (TJ) offers a framework for addressing the harm that is caused and working with the person who caused harm to hold them accountable and take steps towards transformation. TJ works to change the mechanisms on the individual, microsystem, exosystem, and macrosystem levels, providing alternative processes for navigating interpersonal violence and systemic violence. While this provides a limited analysis of transformative justice, I hope to recognize its deep impact on sexual violence prevention, emphasizing healing and transformation while centering care on all levels for all people in its processes.

¹⁶⁸ Woodland and Page.

¹⁶⁹ Woodland and Page.

Transformative justice cannot occur within current state systems founded on capitalism, heteropatriarchal, white supremacist values. The systems and processes of the state can implement only a white supremacist-based model of safety that criminalizes in order to enforce its existing structures, which expand the powers and resources of the state to control and punish. Transformative justice moves away from the systemic standard practices to either ignore, erase, or isolate and punish the perpetration of violence when voiced. On an interpersonal level, it challenges the victim-perpetrator dichotomy, in which victims or survivors can never have imposed harm and perpetrators can *only* have enacted harm.¹⁷⁰ We all might be capable of enacting harm in varying ways given certain circumstances; there cannot be a separation between potential perpetrators and non-perpetrators. TJ acknowledges and makes space for the existence of those who can be both victims/survivors and perpetrators and maintains their humanity as autonomous people still deserving of care and respect for their boundaries. It opposes forms of accountability that view individuals as disposable and that have historically led to the imprisonment of people—such as those found guilty of violating age of consent laws in the Progressive Era. It also resists forms of accountability in collegiate settings that perpetuate violence through punitive measures such as isolation or the exile of people through expulsion for perpetrating sexual violence. It asks us to consider the larger systems that benefit from this isolation, aided by the tendency to isolate rather than engage in collective and community-based healing processes. Perpetrators cannot all be removed from society as a solution; there must be room for growth and transformation, for reflecting on the harm caused and working to meet the needs of both those who experienced harm and those who enacted harm. Building community accountability through transformative justice processes cannot succeed without “compassionate

¹⁷⁰ Dixon and Piepzna-Samarasinha, *Beyond Survival: Strategies and Stories from the Transformative Justice Movement*.

and collective responses to violence,” not by associating “accountability with the logic of criminalization.”¹⁷¹

Transformative justice, in centering care, requires recognition of the needs of both those harmed and those who enacted harm, when they are willing to work to address the harm they caused. On the microsystem and mesosystem levels of a college campus, we can learn from transformative justice what it means to address and confront someone who has enacted harm while respecting the needs of the survivor. Direct practices of transformative justice work to hold people who have perpetrated sexual assault accountable by striving for them to do the following: recognize the harm done regardless of intention and acknowledge the individual and community impact of the harm; make the “appropriate restitution” to the individual and the community; and “develop solid skills for transforming attitudes and behavior to prevent further harm and make contributions toward liberation.”¹⁷² If sexual violence occurs within a friend group or between members of a social organization, this may look like acknowledging the harm caused to the survivor as well as the impact on their social sphere and or organization and the resulting distrust and conflict within the group. It may require taking steps to ensure the survivor can still feel safe in that space if they want to, and setting boundaries for what level of engagement, if any, the survivor feels comfortable having with the person who harmed them; this can also involve the social group or organization helping to uphold these boundaries. Regarding developing skills, this can look like the person who enacted harm self-educating on consent and healthy behaviors or connecting with an external support resource to change their behavior. These processes rely on the willingness of both the person harmed and the person who harmed willingly engaging in

¹⁷¹ Dixon and Piepzna-Samarasinha.

¹⁷² Dixon and Piepzna-Samarasinha.

this process in order to ensure accountability and to resist the norms of isolation as a solution to sexual violence, either for the survivor or the perpetrator.

Such accountability processes demand other forms of healing justice, as well, in order to effectively address the needs of those engaging in transformative justice processes. Disability justice efforts provide greater insight into how to enact transformative justice as care work that emphasizes the needs of its participants. Drawing on lessons from disability justice work, transformative justice calls for a slower process, working against the white supremacist and capitalistic structures that press the values of production and efficiency over personhood and autonomy. Slowing the process takes a “flexible approach to normative time frames,” to slow down work in order to address and meet the needs of those involved in interpersonal conflicts and to oppose the impacts of burnout and create more sustainable processes and structures.¹⁷³

Care Work Amidst a Crisis Point

Age of consent law reform during the Progressive Era came as a mechanism attempting to protect a group and population deemed vulnerable during heightened fear around sex and sexuality as the economic make-up and familial structural norms shifted. The moral panic surrounding sexual autonomy and the subsequent surge in attempts to ‘fix’ and solve these perceived moral wrongs instead expanded governmental power as a protective measure. Instead, governmental power and control were increased due to this fear and attempt to control autonomy and sexual citizenship. The moral panic spreading throughout the country at this time did little to prevent rape or sexual violence against younger girls, and instead only encouraged the expansion of carceral strategies and resources, including the use of the legal system to enforce age of consent laws and secure government funding for reformatories for young white girls. Instead of

¹⁷³ Dixon and Piepzna-Samarasinha.

providing greater support to vulnerable populations, this period only expanded surveillance and isolation tactics.

On a campus that centers a standard of compliance, the concern is not about the occurrence of sexual violence, but, rather, being found in violation of compliance standards when sexual violence occurs, therefore risking liability. This concern comes at a time in which the undergraduate student-aged population is significantly lower than in previous years, resulting in many schools struggling to maintain their previous standards and functions for the student body, faculty, and staff.¹⁷⁴ Combined with the concern for the welfare of students in the past several years, this has resulted in a heightened panic over the state of higher education institutions and their capacity to provide safety and minimize their liability risks, while also maintaining their economic value and level of productivity. However, their efforts to promote student safety, particularly efforts such as Title IX in response to sexual assault and violence, prioritize the institution over its community members and perpetuate the norms of sexual violence in campus spaces, also heightening the use of the carceral strategies of surveillance, isolation, and punishment. Both these time periods struggle with a rising panic surrounding a perceived crisis point, resulting in efforts to ‘fix’ or ‘cure’ the symptoms of systemic issues, ultimately enhancing these existing structures that perpetuate sexual violence and carceral logics.

The crisis point has been a moment in which we double-down on existing institutional practices in the name of increasing safety for a few at the expense of many. However, by reframing the narrative and subsequent reaction to such a crisis, care and care work may offer an opportunity to address the crisis in such a way that challenges the perpetuation of punitive responses to sexual violence that still perpetuate the norms of rape culture. A crisis point, such as

¹⁷⁴ “Americans Choose Jobs over College : NPR.”

the state of college institutions today, could provide the opportunity to re-imagine these existing systems and engage in community-based efforts to hold one another. Centering care opens up the opportunity to start by acknowledging the harm of said crisis point, reflecting on the root issues backing this crisis, and then responding according to the guidance of healing justice practices without panic or confusion, or defaulting to hierarchical authorities that maintain power structures at the expense of community members' basic needs.

Care work is not simple or straightforward. Care work aims to consider the needs of everyone, and therefore must acknowledge the contradictions and conflicts that will exist between the different needs of different people and different communities. Centering care means that both the harmed person and the person who enacted harm are held as people deserving of care, autonomy, and respect. It means doing the community work of holding members and organizations accountable and creating space for the possibility of transformation. In a period of crisis, it means leaning into ways to move through the crisis, rather than control and restriction, or the imposition of hierarchical power structures. Guiding and leading movements while centering care must be a multi-level effort in order to recognize the autonomy and rights of all persons and must center the needs of those most impacted by the current institutions that maintain state violence. Care work requires engaging with complex, contradictory needs, values, and norms that take time to parcel out, are non-linear, and regular exist in process and not resolution. However, doing so enables the construction of a culture that recognizes the sexual citizenship of all individuals, can minimize the impacts and enactments of sexual violence and state violence, can better engage in community.

Beyond the Individual: Centering Care Work More Radically

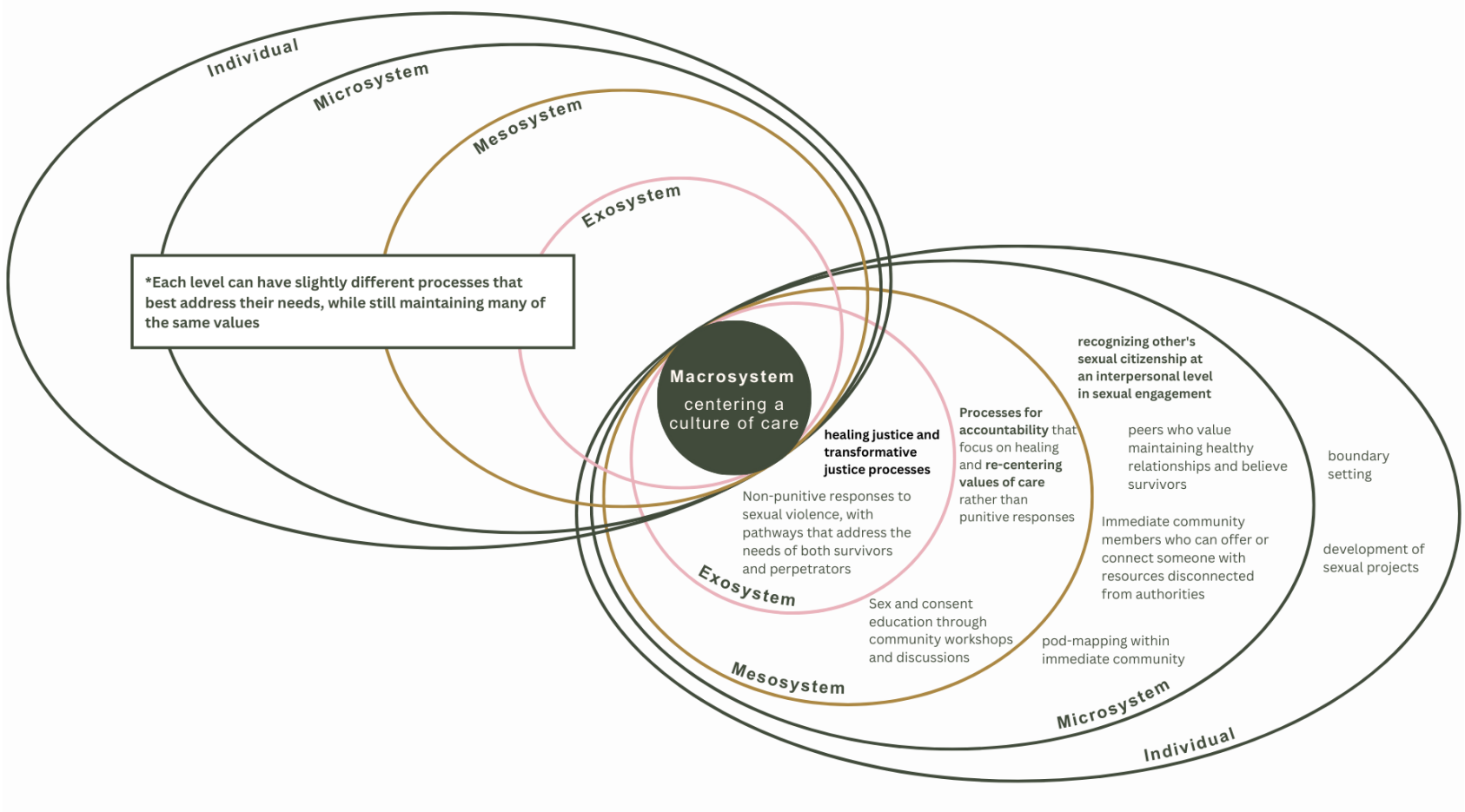
I want to take a moment at the conclusion of this work to extend the concept of care and its function in building a culture of consent. While recognizing that the methods and constructions of care presented fall short in their capacities, limited by their construction within institutions and systems that perpetuate sexual violence, I want to explore the possibilities for centering care when moving beyond these structures. Among their perpetuation of systemic forms of oppression, centering the individual can hinder a culture of care, and can contribute to many of issues previously discussed—from the construction of selfish sexual projects among college students that ignore the sexual citizenship of others, to the focus on the individual vulnerable working class white girl that resulted in either controlling her sexual autonomy in the name of protection, or in her isolation in the name of rehabilitation and restoring her ‘purity’ and ‘white womanhood.’ The focus in each of these efforts attempts to address individual situations rather than the larger norms at play. Even within the reconstructed Socioecological Model of Violence Prevention, modeled after Bronfenbrenner’s Socioecological Model of Human Development, the centering of the individual places shared cultural and social norms on the outside of our social structure, making the most intangible and unreachable levels, and therefore the most difficult to change. As a way of re-imagining the existing societal structures to deconstruct the systemic oppression engrained in current institutions, such as the college, I consider a model in which community falls at the center, and the individual at the outermost level.

By placing the macrosystem collective norms at the center, we would be able to interweave the value of care and care work into all our community, interpersonal, and individual engagements, even if we are not all existing within the same ecosystems, mesosystems, and microsystems. Societal values for a culture of care and the construction of sexual geographies

would set the foundation for cultivating individual sexual projects so that the sexual citizenship of individuals was recognized, and engagement between individuals would begin with a centering consent education and collective care, values antithetical to the perpetual of violence.

As seen in Figure 5, an inverted model enables people to overlay their own individual norms for their microsystem of immediate friends and family, their exosystem of the larger community they participate in, and the mesosystem layer without losing the integrity of the macrosystem as a communicable collective for the dinner. While de-centering the individual radically strays from much of the mainstream narrative about respect for each individual person's sexual citizenship and sexual project, centering the macrosystem dedicated to a culture of consent would allow such notions and values to inherently permeate society across levels of society and different social settings. Numerous exosystems, mesosystems, and microsystems can all co-exist and converge on a few similar core macrosystem values, while still upholding shared values of care. Placing care at the center of our society values has greater impacts than centering the individual, because even in the development of sexual projects or emphasis of our connection with a person, we are limited in our capacity to share a cultural or society norm. Collective community norms at the root of our societal structures and collective understanding of social engagements could have the potential to propel us towards to a culture of care, rather than a rape culture and a culture for sexual violence.

Re-imagining Structures to Center a Culture of Care:



Appendix

Figure 1: Age of Consent Laws 1900 and 1920

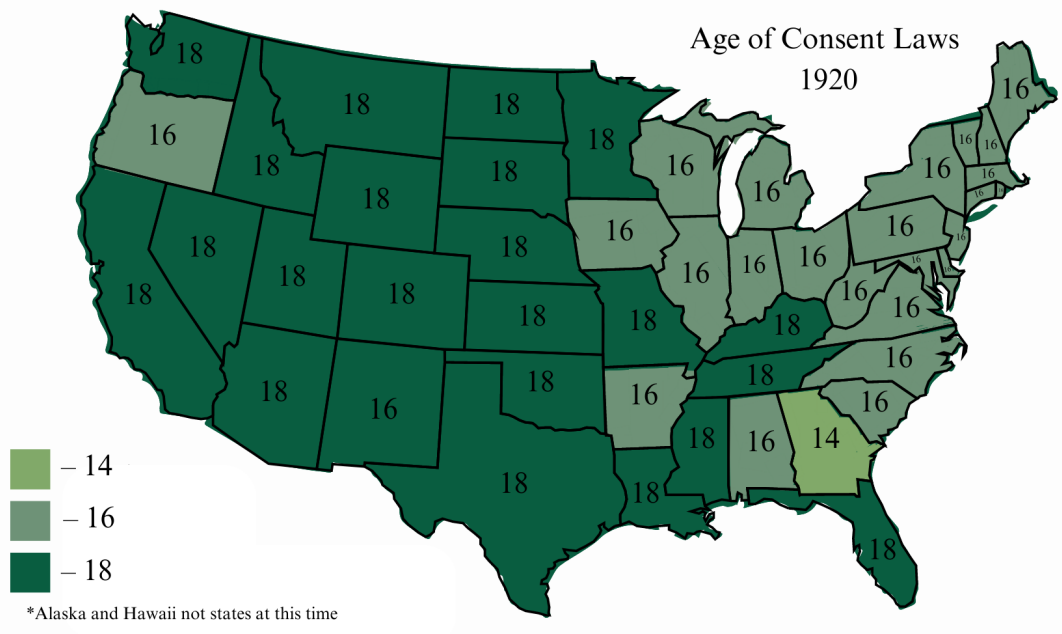
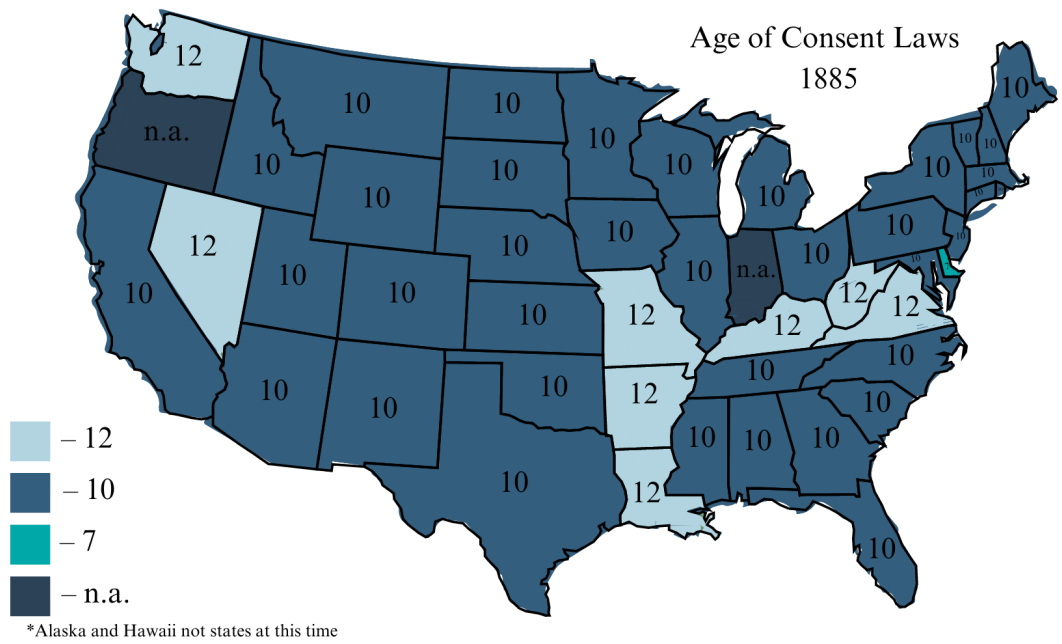
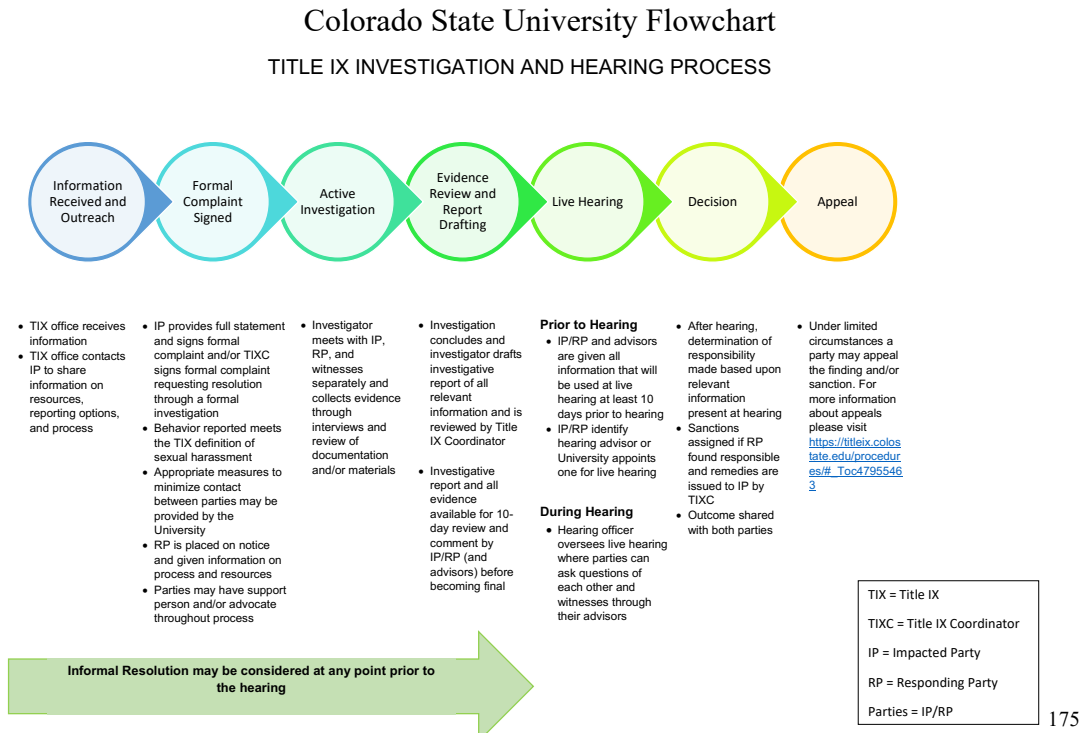
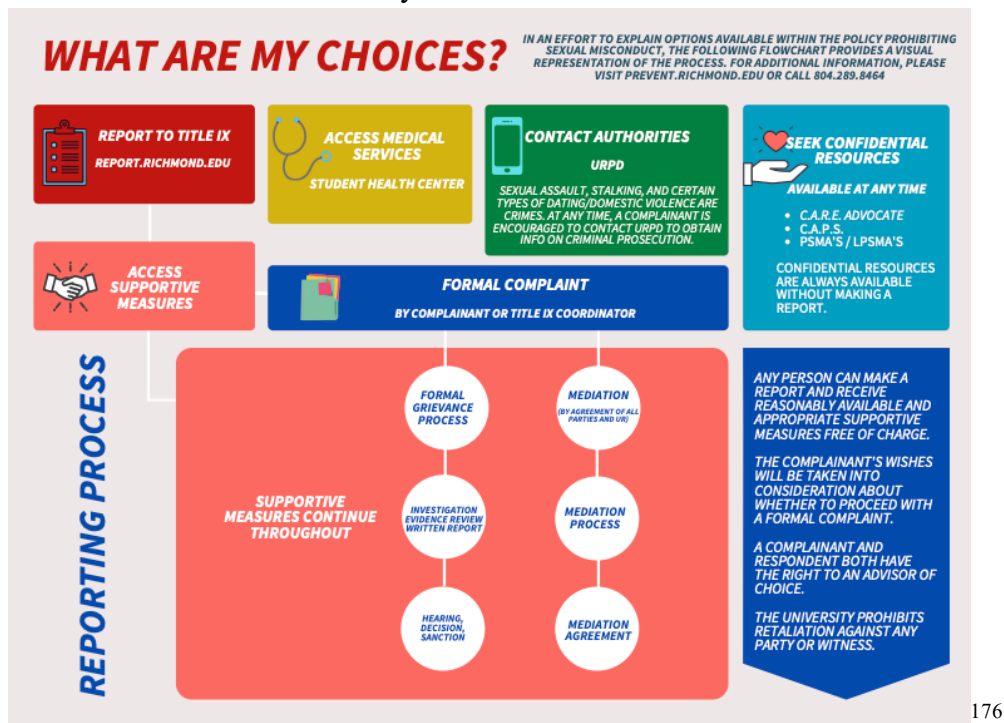


Figure 2: Title IX Processes

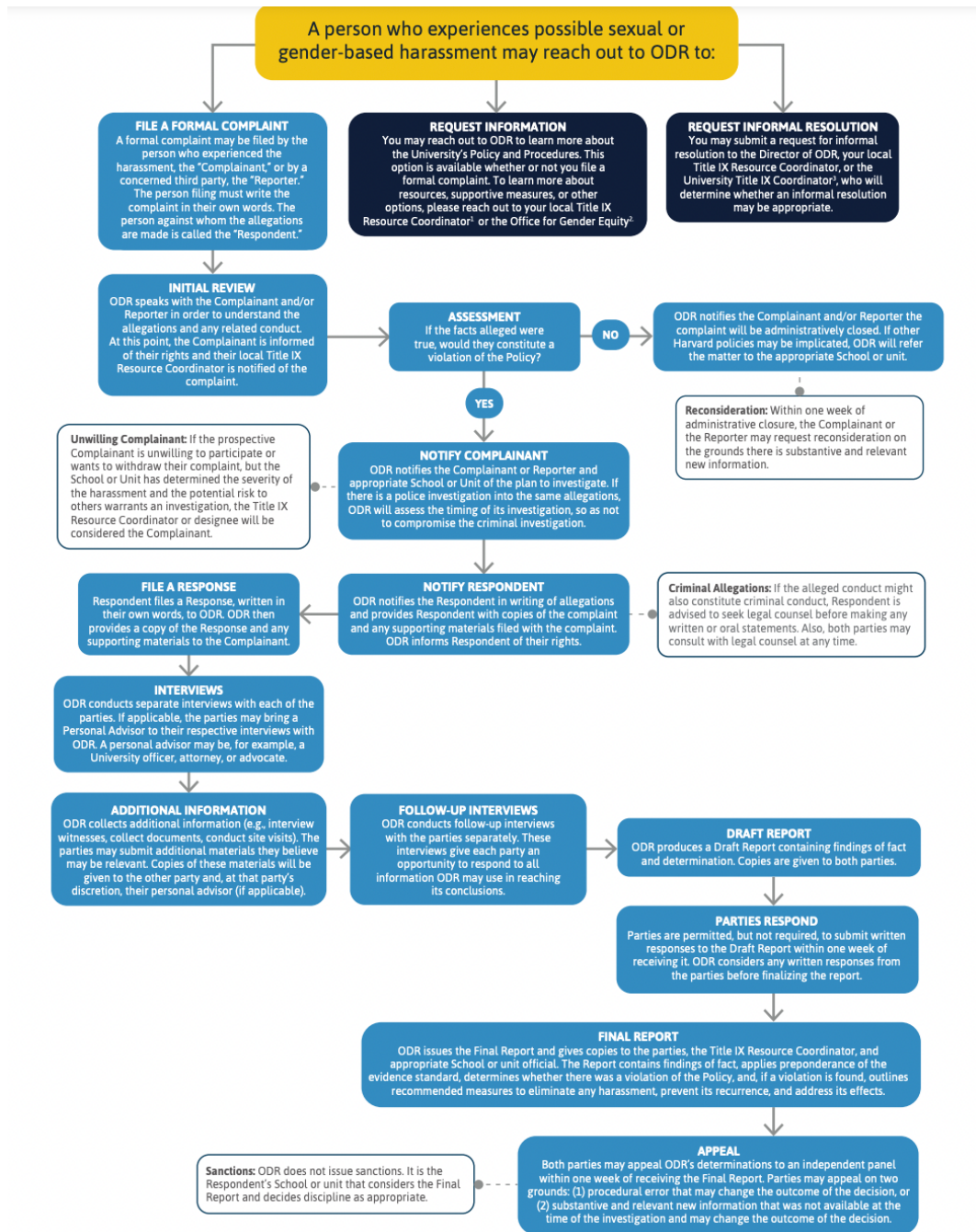


University of Richmond Flowchart



¹⁷⁵ Colorado State University, "Investigation and Hearing Process Flowchart," accessed April 27, 2023, <https://titleix.dev.colostate.edu/procedures-flowchart/>.

¹⁷⁶ University of Richmond Title IX Office, "What Are My Choices?—Title IX Flowchart," 2020, https://prevent.richmond.edu/_common/pdf/title-ix-flow-chart.pdf.



For a complete description of the process, please refer to the [University Sexual and Gender-based Harassment Policy and related Procedures](#).

The [Harvard Law School \(HLS\) Sexual Harassment Resources and Procedures for Students](#) will apply only when both the complainant and the respondent are HLS students. Otherwise, the [University Procedures](#) will apply.

The investigation may be completed ordinarily within six weeks of receipt of the complaint. There may be circumstances requiring longer timeframes, for example, in the interest of the integrity and completeness of the investigation, to accommodate party or witness availability, to comply with requests by or not to prejudice investigations or processes of external law enforcement, or for other legitimate reasons, including the complexity of the investigation and the severity or extent of alleged misconduct. Please note that the investigator may impose reasonable timeframes on the parties to ensure a prompt and equitable investigation. ODR will keep the parties informed of the progress of the investigation.

[Supportive measures](#), formerly referred to as interim measures, may be assessed at any time during the investigative process, including after a disciplinary decision is made. For more information on supportive measures, please contact your [local Title IX Resource Coordinator](#).

¹ Formerly known as Title IX Coordinator.

² Formerly known as the Title IX Office.

³ Formerly known as the Title IX Officer.

¹⁷⁷ Harvard University Office for Dispute Resolution, "The Investigative Process: For Alleged Violations of the University Sexual and Gender-Based Harassment Policy," n.d., <https://flowchart.odr.harvard.edu/files/odrip/files/harvard-odr-investigation-process-flowchart.pdf>.

Figure 3: Socio-ecological Model of Sexual Violence Applied

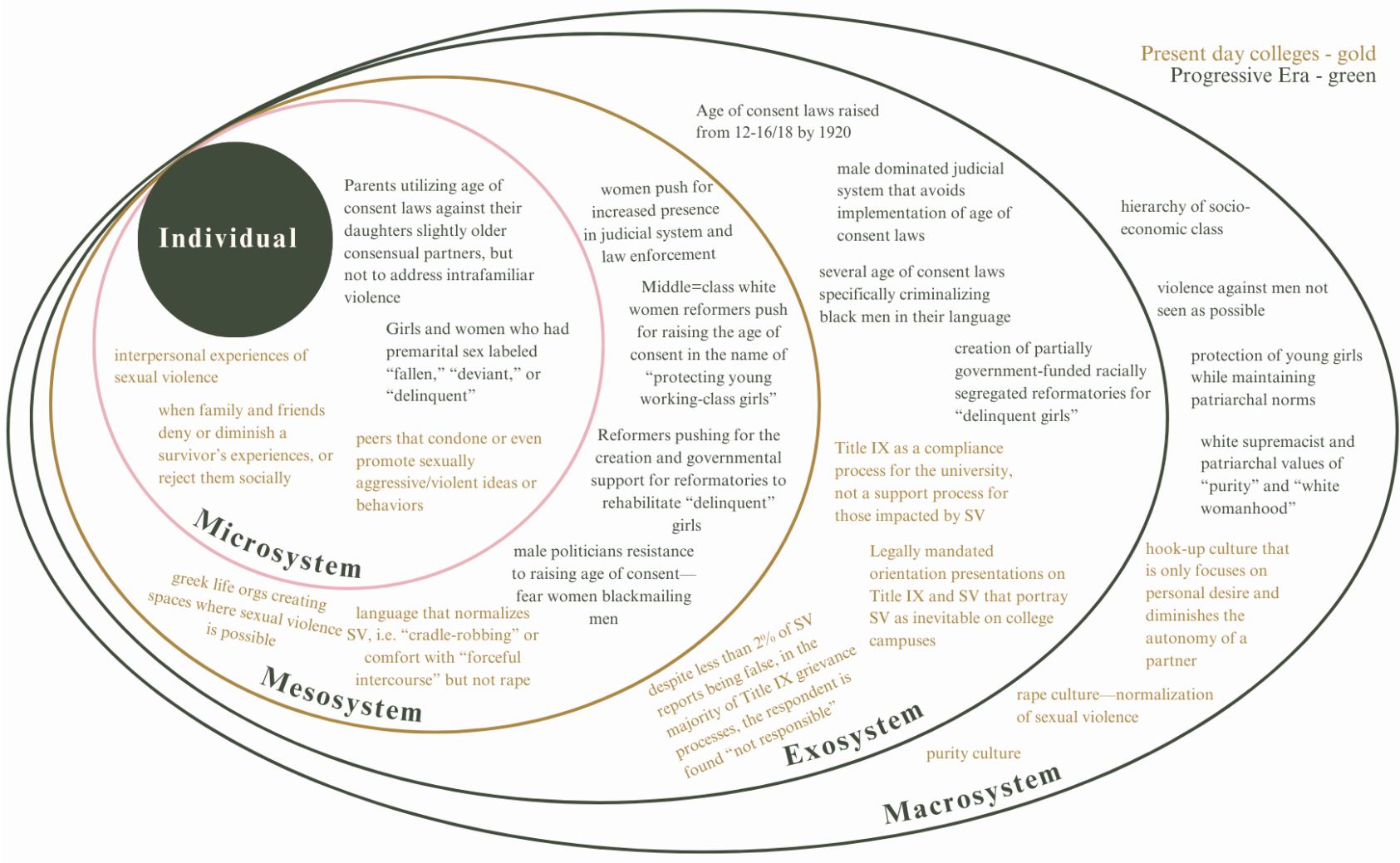
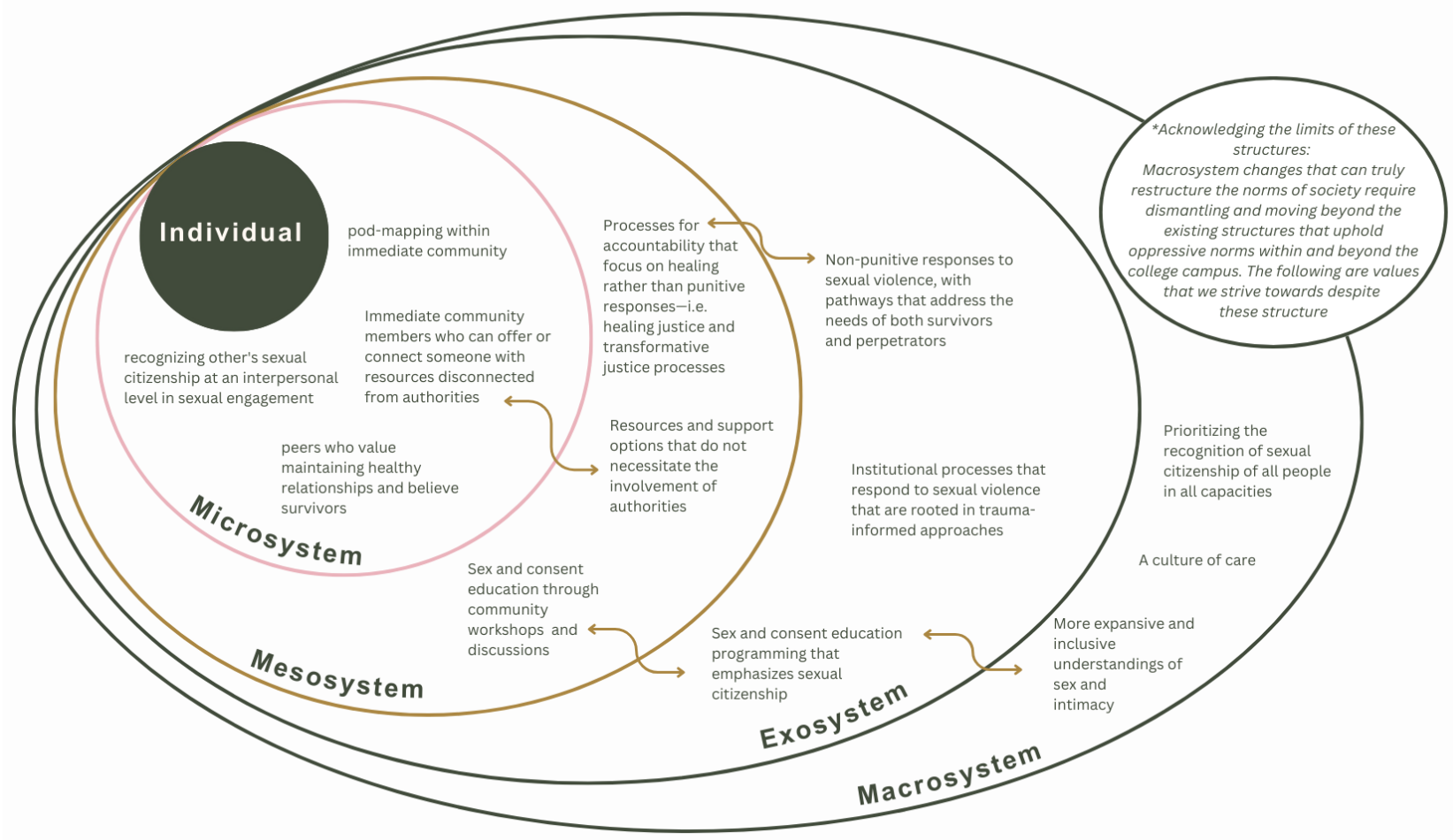


Figure 4: Socioecological Model of Violence Prevention



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