

Writing Program Administration and the Title IX Controversy: Disability Theory, Agency, and Mandatory Reporting

Tara Wood

This article argues that writing program administrators have a role to play in the policies surrounding response to sexual assault on college campuses. By analyzing dominant discursive themes surrounding Title IX through the lens of disability theory, the article contends that WPAs should carefully consider the university-sanctioned practices to which they comply and must be willing to actively resist policies that may revictimize survivors and deny agentive control over their experiences.

Note: This article contains content referring to acts of sexual violence and may be emotionally disturbing or traumatizing to some readers.

In 2011, the United States Department of Education's (DOE) Office for Civil Rights (OCR) issued the now infamous "Dear Colleague" letter on the topic of Title IX, asking institutions to put initiatives into place to better address sexual assault on campus. The letter, which was signed by Assistant Secretary for Civil Rights Russlynn Ali, asked universities to require a "preponderance of evidence" (the lowest standard of evidence), and it also allowed for accusers to appeal when universities found the accused "not guilty." OCR further recommended that no adjudication process take longer than 60 days, and they strongly discouraged cross-examination of accusers. The 1972 anti-discrimination law Title IX provided the legal foundation upon which the "Dear Colleague" letter presumably rests, and yet legislators such as James Lankford of Oklahoma requested an explanation of the legal backing for the letter. OCR defended the letter on the grounds that it served as reminder and recommendation (Johnson and Taylor).

Universities, however, were paying careful attention to the letter because the precedence of institutional liability had been set. In 1994, in the case of *Davis v. Monroe County Board of Education*,

the Supreme Court held that institutions could be held liable, under Title IX, for alleged student-on-student sexual harassment—but only in unusually aggravated circumstances: where the schools “are deliberately indifferent to sexual harassment, of which they have actual knowledge, that is so severe, pervasive, and objectively offensive that it can be said to deprive the victims of access to the educational opportunities or benefits provided by the school.” (Davis, qtd. in Johnson and Taylor)

After the letter was issued in 2011, the ensuing efforts across colleges and universities have been fraught with complexity, resistance, and debates over interpretations of the letter and its requests. The American Association of University Professors (AAUP) issued a report in June 2016 articulating “The History, Uses, and Abuses of Title IX,” and various colleges have formed task forces to question the role and scope of administrative control over such high-stakes cases.

One abuse identified by the AAUP report involved the mandate to make all faculty mandatory reporters, and it is within this realm that my article is most particularly concerned. Because writing classrooms are often hotbeds of identity work, the chances for disclosure to writing faculty are arguably intensified. Thus, the violation of student bodies and the subsequent expectations for faculty in handling such reporting is worthy of examination. In the following article, I interrogate the agency that students, as well as WPAs, are able to enact in current Title IX policies on college campuses. I trouble and extend the Title IX conversation by integrating perspectives from disability theorists with research in writing program administration in order to contend that mandatory reporting perpetuates revictimization and masks misplaced administrative motivation for containing narratives of assault. Essentially, practices of mandatory reporting place institutional safekeeping over student protection.

WPAs are well positioned to question and challenge such practices, and our discipline’s social turn calls us to make intentional connections between the work of writing programs and broader society (see e.g., Sheridan, Bar-dolph, Hartline, and Holladay). The Title IX controversy is one kairotic site prime for such labor, and this essay aims to showcase how perspectives from disability studies provide a useful lens through which to frame such work. By synthesizing the emphasis within WPA scholarship on social action with

critical threads from disability studies, I hope to illuminate ways for WPAs to move within and through this controversial issue on their own campuses.

THE KAIROTIC MOMENT: TITLE IX TASK FORCE,
DISABILITY DISCLOSURE, AND #MeToo

My work in this article and my interest in the intersections suggested by my title stems from a collision of my identities and the emergence of a realization. During the past few years, I myself have served on a Title IX task force, and I have participated in several Title IX training sessions at multiple institutions, as well as followed both national and higher education attendance to this issue in the news. All the while, I volunteered with various sexual assault advocacy groups and rape crisis intervention centers. During this same time period, I was also working on research that examined the disclosure practices among students with disabilities in college classrooms; this work was included in the recent publication of *Negotiating Disability: Disclosure and Higher Education*, edited by Stephanie Kerschbaum, Laura T. Eisenman, and James Jones. The jacket description of *Negotiating* states that the contributors “use disability disclosure as a starting point to explore how disability is named, identified, claimed, and negotiated within higher education settings.” And finally, also during this same period, the #MeToo movement was exploding across various media; women were calling out perpetrators of sexual abuse and violence. Needless to say, these parts of my life, of my identity, were colliding and began to create a kairotic moment for me, an exigence: a moment to speak to my identity as an advocate/ally for survivors, a scholar whose academic life has been shaped profoundly by disability studies, and as a teacher/administrator who has some pretty serious qualms about Title IX’s administration on college campuses.

In September of 2017, controversial Secretary of Education and Trump nominee Betsy DeVos rescinded the “Dear Colleague” letter and offered considerable leeway for institutions to create their own policies. DeVos explained the roll-back by stating the 2011 letter was “flawed,” (Schneider) and her colleague, Acting Assistant Secretary for Civil Rights Candice Jackson issued a new “Dear Colleague” letter, one aimed much more at protecting the rights of the accused and promoting stricter due process (see Jackson). The evidentiary standard of a preponderance of evidence was raised to clear and convincing evidence (a much higher standard). The limit on case investigations was changed from the specific 60 days to the vague “promptly.” Whereas mediation was prohibited under the 2011 guidelines (due to the pressure that accusers may feel to participate), the 2017 guidelines encourage it. And in a press conference, it was revealed that the DOE

might “discontinue some of the 350 or so active investigations if those cases hinged on rules that have now been rescinded” (Saul and Taylor). Jackson also told the *New York Times* that 90 percent of sexual assault allegations “fall into the category of ‘we were both drunk’” (Green and Stolberg). Essentially, we may be on the precipice of some major political shifts in terms of the recommendations the OCR will make to institutions of higher education, and the spearheads leading these efforts appear entrenched in the myths of rape culture: that women frequently give false reports and that alcohol is often to blame.

Research in writing program administration has a deep history of investigating how instructor and university policy shape both faculty and student experience. For example, in her article “Contrapower Harassment in Program Administration” Julia K. Ferganchick writes that,

As WPAs and teachers, we simply cannot control the behavior of our students, and our culture is becoming an increasingly violent one. What we can do is educate ourselves and our students about university policies and create an environment in our writing programs that fosters open communication . . . (339)

And yet, other research perpetuates a type of lockstep complicity with university policy. In their article, “Legal Considerations for Writing Program Administrators,” Veronica Pantoja, Nancy Tribbensee, and Duane Roen state that, “As WPA, you are not charged with evaluating whether or not an allegation constitutes illegal harassment. You are responsible for promptly forwarding any report you receive to the appropriate office” (140). While the authors focus on sexual harassment (not necessarily on sexual assault), their advice for WPAs assumes the legitimacy of all university, state, and federal policies.

Elsewhere in WPA scholarship, active resistance and agentive efforts at change abound. In Linda Adler-Kassner’s *The Activist WPA*, she points out that much of the focus on activism and social action within writing studies’ scholarship centers on either assessment or labor issues. She points out that, “This is perhaps because both deal explicitly with questions of ethics, specifically the treatment of human beings” (7). Seth Kahn, for example, in his 2015 plenary address at the CWPA conference, argued that a cycle of despair often derails any progress on labor equity (114). He describes this cycle as follows:

Something happens that draws a reaction of moral outrage. In the wake of that moral outrage are calls to be “reasonable” or “rational.” Those calls invite “counter-arguments” or assertions that we don’t know enough and need to do more research and end up not only

defusing the moral outrage but also convincing us that nothing can really change. In the end, we get to feel okay about ourselves because we were and still are morally outraged, and that mitigates the frustration we feel at not changing anything while at the same time reinforcing our sense that we can't change anything. (114–15)

Although Kahn is discussing labor issues in his address, the resonance to Title IX is significant. Adler-Kassner frames *The Activist WPA* with a quote from Karl Llewellyn: “Strategies without ideals is a menace, but ideals without strategies is a mess [sic]” (5). Her engagement with the latter half of that quote, like Kahn’s engagement with the cycle of despair, applies to the Title IX controversy, calling to question what strategies WPAs might enact in their efforts to critically engage Title IX and mandatory reporting policies on their campuses and beyond.

The recent outpouring of scholarship on antiracist assessment practices also serves to demonstrate Adler-Kassner’s point about two recurring pockets of activism among WPAs and WPA scholarship. If the ideal is antiracism, scholars such as Vershawn Ashanti Young and Asao Inoue have persuasively demonstrated how such ideals can absolutely be articulated via strategic and intentional assessment practices (e.g. see Inoue; Poe, Inoue, Elliot; Condon and Young). I showcase these threads of activism and program administration as social action in an effort to prime my upcoming discussion of disability as a lens. Adler-Kassner writes that, “we can borrow strategies from people who are already engaged in the work of changing stories—not stories about writing per se, but other stories—and adapt them to our own needs” (86). Disability/writing studies scholar Amy Vidali argues for the power of such adaptations, suggesting that “we *disable* writing program work, which means knowingly and innovatively thinking through and with disability” (33). Following both Adler-Kassner’s suggestion to adapt other stories and Vidali’s suggestion to think “through and with disability,” this article aims to push back strategically against misguided complicity (via inaction) to Title IX policy by drawing on another group that has been disenfranchised by the state who claims to serve them.

DISABILITY THEORY AS A LENS: BENEVOLENCE, DISCLOSURE, DISBELIEF

All too often, disability and disability studies are seen as particular. They are often seen as relevant only as it pertains to individuals with disabilities or teachers trying to “help” students with disabilities. Many scholars have forcefully illustrated just how relevant, helpful, and profoundly compelling disability is as a theoretical and scholarly lens (see the work of Jay Dolmage or Lennard Davis, for example). Scholars in disability studies, alongside dis-

ability activists, have exposed the mask of benevolence for its condescension and ableist ideology (see Lane; Stuckey; Sinclair; Epstein). This critique, so well-articulated by those in disability studies, is a useful, apt lens for critiquing Title IX practices on college campuses. This is a methodology that disabled people have perfected: exposing the motivations behind so-called “benevolent” policies and practices. Take mandatory reporting for example. It is always narrated by universities as an effort to protect students. But in reality, these policies more often represent an effort to protect universities from damaged reputations, lowered enrollment, lawsuits, and liability. Moreover, as Nancy Chi Cantalupo contends in her article “Title IX’s Civil Rights Approach and the Criminal Justice System: Enabling Separate but Coordinated Parallel Proceedings,” expecting faculty/staff to provide

information sufficient for a truly informed decision by a survivor, especially in a moment of trauma, is susceptible to mishandling by schools, many of whose staff currently lack the broad-based, sophisticated understanding of sexual violence and the reactions to trauma that victims often experience. (140)

In other words, the very individuals that have been placed at the forefront of managing trauma and assault on college campuses have little working knowledge of how to do so (especially in terms of avoiding revictimization).

Disability theorists have examined the agentive control that people in subordinate positions are able to maintain on college campuses (Kerschbaum, Eisenmen, and Jones; Price; Flaherty). In the case of Title IX, when and under what conditions do students retain control over their bodily narratives? When is their control subordinated to the institution’s efforts to avoid liability? Just as disabled students face demands for disclosure in their efforts for institutional support, so too assault survivors must negotiate the risks and rewards for voicing their stories (and to whom).

In an effort to illuminate the strategic utility of disability as a lens within Title IX discourse, take the example offered by Sine Anahita, a sociologist at the University of Alaska Fairbanks. Although not a disability scholar, Anahita has written, researched, and advocated against practices of mandatory reporting persuasively and publicly, efforts that have been recounted by both the AAUP and within *The Chronicle of Higher Education*. She explicates the risks and realities of this policy in her article “Trouble with Title IX”:

I teach at a university that recently designated all employees as mandatory reporters. If a student confides that she or he has been raped, faculty are required to report the student to university authorities within twenty-four hours or face disciplinary sanctions that may

include dismissal. Even if the student pleads for confidentiality, we have to report the incident or risk our jobs. Okay, you might say, forewarn students that faculty are mandatory reporters and that they should not confide in us if they do not want to be reported. But it's not that simple. The student's e-mail is already in my inbox. The written assignment is already submitted online. The student has already confided to me in my office. It's too late. I already know. And I must report the student or be fired.

This particular scenario recalls Pantoja, Tribbensee, and Roen's advice that WPAs are, "responsible for promptly forwarding any report you receive to the appropriate office" (140). Anahita's anecdote, like many of the stories shared throughout Adler-Kassner's book, demonstrates the tension between the constraints of institutional policy and the ethical dilemma of simply handing over a student's disclosure of trauma. How can WPAs speak back strategically within the space of this tension? This is precisely where perspectives from disability studies can be tactically leveraged.

These interactional exchanges (such as the one Anahita puts forward) take their toll on both the student and the faculty member, not only in terms of emotional labor but also in terms of socio-material institutional risk (i.e., what happens when a faculty member refuses to comply with mandatory reporting because she herself identifies as a survivor of assault and thus would never impede a fellow survivor's ability to maintain control over their narrative?). Efforts to elicit and contain the disclosure of sexual harassment, abuse, and assault should not be motivated by an evaluation of the institution's risk; they should work to preserve the agency and dignity of students. In the following sections, I offer three threads from disability studies that can be applied to issues of Title IX policy: the mask of benevolence, agentive control over acts of disclosure, and the underpinnings of disbelief.

Altruism in Crip Times: The Mask of Benevolence

In one of my many Title IX training sessions, the facilitator was asked by one of my fellow faculty attendees, "Why are we going through all this training?" The response was something like "Universities have taken the initiative to help our students and ensure their rights are protected." (There was also zero trigger warning provided at this training, and facilitators obviously assumed they had no survivors in the audience.) When the facilitator/administrator was expressing the benevolence of the university, I felt overcome by a keen sense of obscuration. I interjected a comment that the reason so many institutions of higher education are addressing this has little

to do with good intentions and everything to do with the activism and legal action of survivors across the country (see the stellar and revelatory documentary films, Lisa Jackson's *It Happened Here* or Kirby Dick's *The Hunting Ground*). Along with Craig Meyer and Dev Bose, I have worked to critique the stubborn persistence of these benevolent notions of the able-savior (see Wood, Meyer, and Bose). I recognize that this training session story is only one anecdote, but it reveals what I perceive as one of the dominant themes surrounding Title IX, sexual assault, and college campuses: the benevolence of the university.

The 2011 "Dear Colleague" letter, along with interpretations of both the Clery Act of 1990 and Title IX, brought about an exponentially increasing practice among colleges and universities of making their faculty, all faculty, mandated reporters. This practice is often framed as ensuring that survivors do not get ignored, ostensibly a guarantee for investigation. The purpose of the investigation, however, is paramount to the institution avoiding risk of lawsuit for ineffectively handling an accusation of sexual assault on their campus. Title IX is positioned as the hero of advancing protections for students, but the implementation of Title IX is more about a response to massive critique of institutional processes (and the failure of existing institutional processes) that has only recently gained mass attention. Survivors themselves have reclaimed their stories, exercising their own strategies for exposing the mismanagement of protection on their campuses (e.g. Emma Sulkowicz's mattress project ["Emma Sulkowicz: 'Carry That Weight'"] or the youth-led organization Know Your IX ["About"]).

To be clear, my critical focus is not on the law itself, but rather on the discourse and deceptive logic that undergirds the policies and practices on our campuses, or what disability theorists might dub the mask of benevolence. In his recent book *Crip Times: Disability, Globalization, and Resistance*, disability theorist Robert McRuer works to analyze the "cultural logic of neoliberalism" (13) by focusing on the "complex ways that disability rights, representation, and identity currently function and circulate, and how they are, to stick with the language of positioning, *corralled*" (37, emphasis added). In thinking of the adjudication and reporting processes of sexual assault through the lens of disability, we might ask, how are the rights of victims corralled and managed by the institution? While the issuance of mandatory reporter policies might ensure students have the "right" to an investigation, such practices elide student's rights to their own narratives, their stories of assault, and how they choose to share them.

Jacob Gersen and Jeannie Suk, both professors at Harvard Law School, offer the term "bureaucratic sex creep" (881) as a means of critiquing the over-regulation of Title IX on campus and its function as enforcement of

sexual social norms. Bureaucratic sex creep, they explain, is “the enlargement of bureaucratic regulation of sexual conduct that is voluntary, non-harassing, nonviolent, and does not harm others,” (881–82) but they are also careful to note that:

At a moment when it is politically difficult to criticize any under-taking against sexual assault, we are writing about the bureaucratic leveraging of sexual violence and harassment policy to regulate ordinary sex . . . We worry that the sex bureaucracy is counterproductive to the goal of actually addressing the harms of rape, sexual assault, and sexual harassment. (882)

Although Gersen and Suk demonstrate some troubling reliance on notions of “ordinary” sex, their critiques of bureaucratic overreach are useful to consider for the purposes of exposing the motivations for institutional control over the narratives of sexual assault that are disclosed on campus (see also Yoffe). Policies for mandatory reporting and handling sexual assault (although espoused in a rhetoric of protection) are less benevolent and more a corralling of risk through regulatory function. And often the line between what is required of universities and what is recommended is unclear or left unsaid. Gersen and Suk explain, “The gap between what is legally required of schools and what schools have adopted demonstrates the dynamic of overcompliance that characterizes many schools’ actions” (934). Conveniently, an industry of oversight is created to accompany this “overcompliance;” the Association of Title IX Administrators (ATIXA) sells “Investigation in a Box” kits for \$1,500 to \$3,500 (Gersen and Suk 935). Indeed, as Professor of Law Katharine Silbaugh points out in her article, “Reactive to Proactive: Title IX’s Unrealized Capacity to Prevent Campus Sexual Assault” campuses “seem to put more resources into addressing assaults that have already occurred than they do into preventing sexual assaults from occurring” (1049).

Writing program administrators have a role to play in the benevolent, neoliberal reach of overcompliance. On the one hand, we have our administrative role, which requires we understand and ensure compliance in our program with all university policies and regulations. On the other hand, WPAs know that our classrooms are often the smallest freshman students will encounter. According to the Rape, Abuse and Incest National Network (RAINN), a higher percentage of sexual assaults occur in the fall semester and a higher percentage of new students experience sexual assault (see “Campus Sexual Violence”). In other words, those students enrolled in first-year composition courses are at an increased risk of experiencing sexual assault. To wit, WPAs have a significant responsibility to be thinking about

the ways in which our programs perpetuate or resist practices and policies that have tremendous consequence for the students in our classes. In some cases, being effective administrators may mean pushing back against administrative policy that focuses more on protecting the institution than the student. We should work to participate strategically in conversations with fellow administrators, staff, and faculty and to voice objections when such discourses and practices of containment are perpetuated. That said, some WPAs may have more access to participate strategically in such conversations than others. Tenured versus non-tenured or non-tenure-track WPAs may run less risk of backlash when engaging in campus-wide conversations about Title IX practice and policy. For WPAs with more privilege and protection, joining or even starting task forces aimed at interrogating Title IX policy might be a strategic option. For WPAs with less privilege, access, or protection, perhaps the idea of a collective statement from one of our discipline's national bodies (in similar fashion to the AAUP's abuse statement) might be more appropriate.

Disclosure and Agentive Control

A friend of mine told me that she never reported her history of sexual assault. The first person she ever told was a writing professor. She trusted her. And my friend was right to trust her professor. The only thing that professor ever did with my friend's story was let her keep it. She never took that narrative away from my friend. She knew, as I know, that a survivor of any type of sexual assault or abuse has experienced a complete loss of power and to exercise one more moment of taking power away is insult to profound injury. It is a compounding of injury, of powerlessness. I share this story in an effort to illuminate another dominant theme surrounding Title IX: the agency of the university, particularly as it trumps the agency of the student.

Just as with benevolence, disability theory is helpful to think through how Title IX practices of mandatory reporting construct agency, both the agency of the university and the agency of the victim/survivor. What control does a survivor have over their narrative? When do they lose that control? Yet another example of my frustration with Title IX practice is the murkiness and complexity of the various policies. Who is a mandatory reporter? Who is a campus security authority? Who is a responsible employee? If and when students disclose, to whom and for what purpose and to what end is the information reported? I struggle to figure that out. And if I can't figure it out (someone with a terminal degree in understanding language), how are students figuring it out? This level of understanding is as high stakes as it gets. If a student reports to any agency on campus,

even counselors, their disclosure statements can be subpoenaed (note that statutes on subpoenas vary by state, see “Victim”). In many states, the only full protection students get, the only guaranteed agency of their story (i.e. complete confidentiality) is through a sexual assault advocacy center in the community, not on campus (it may differ across state lines, see “Victim”; see also RAINN's "Confidentiality Laws"). Do students know that? Are community victim advocacy centers listed as a “reporting option?” That little word: report. What’s the difference between disclosing and reporting? Well, that’s the problem: on college campuses, there is no difference when it comes to sexual assault because (thanks to mandatory reporting practices) disclosure is always trumped by reporting.

I myself, drawing on the perspectives of disabled students I interviewed for a qualitative study, have argued about the importance of agency when it comes to disclosure (Wood). Although on a different note, the politics of disclosure run along such similar fault lines for both of these groups: survivors and students with various disabilities. Take the theme of disbelief; the oppressive notion of authenticity and proof is something disabled students know all too well. In the chapter “Bodyminds Like Ours” from the collection *Negotiating Disability*, Angela M. Carter, R. Tina Catania, Sam Schmitt, and Amanda Swenson have a conversation about the “politics of authenticity,” and they remark that:

It’s not just the policies. It’s not just some individuals. Thankfully there are some understanding professors who put their “critical/social justice theory” into practice through action. But there are also those who force us to disclose, who question our experiences of ableism. (104)

Rebecca Sanchez’s article “Doing Disability with Others” argues that “framing disclosure as a singular communicative exchange carries with it a great deal of communicative ideological baggage that is counterproductive to the very goals of many disclosures” (211), and she goes on to reconsider silences—those things unsaid—and the complex factors that mediate the choices we all make when we say, or rather do not say, certain things, certain words, certain stories.

The resonance is powerful. Disability theory is a useful lens to speak back to and act against practices that take away the agency of sexual assault survivors. In some ways, we are especially agentic in this discourse in that we are all writing teachers. And we all know and recognize that writing classrooms (and writing itself) are spaces of ideological work and, as Kevin Roozen states, “possibilities for selfhood” (50). Smaller enrollments suggest that students are more likely to form closer trust-based relationships with us

than with other professors where they may share classroom space with far more students. And we all have a role to play here and a stake to claim. We must ask ourselves: Are we complicit in a system of institutional oppression when we obligingly adhere to these practices? As rhetoricians, as professors, as writing program administrators we have to be versed and vested in these policies so that we can speak back to them, critique them, and if need be—resist them through collective social action.

Considerable research has explored the strategic action WPAs are able to undertake (see Adler-Kassner; McLeod; Hansen and Janangelo), but Title IX policy remains under-investigated. This is likely due to the assumed gains and protections that Title IX provides, as well as its scope of protection. In many ways, this masking is the most insidious aspect of institutional management of sexual assault disclosure, and, as I've stated previously, relies on a full-scale belief in the benevolence of Title IX policies. Laura Micciche's article "Slow Agency" provides a helpful way to initiate critical analysis of the Title IX policies WPAs are expected to enforce. She compares and contrasts "big agency" and "slow agency." Big agency involves "actions that intend structural results and effects" (73). Micciche characterizes slow agency, on the other hand, as a "radical recommendation to slow down and delay arrival" (76) and as a strategy that "requires deliberate thinking and slight alterations to how we orient ourselves in particular contexts" (78). One approach for us as writing program administrators might be to take heed of Micciche's recommendations: to slow down, to critically examine Title IX practice/policy, and to make thoughtful, deliberate decisions regarding the strategic action we may wish to undertake as WPA change agents (McLeod).

Disbelief, Protecting the Accused, and the Future of Title IX

DeVos's rollback of the "Dear Colleague" letter should not be seen as a victory for reducing the "mandatory reporting" initiatives that have emerged in the past five years or so, and the rescission is certainly not a roll back of bureaucratic control. On the contrary, if the 2011 "Dear Colleague" letter is seen as making flawed attempts to protect survivors, the 2017 statement makes the opposite effort: to provide protections for the rights of the accused. I mentioned Emma Sulkowicz's story earlier in this article, and I return to it here to elucidate this point. During the same week that DeVos was meeting with men's rights groups to discuss due process and protections for accused perpetrators, Columbia University settled a lawsuit with Emma's accused perpetrator, Paul Nungesser (Taylor). In an article for *Inside Higher Education*, Jeremy Bauer-Wolf points out that,

Nungesser to many serves as an example of a man wrongly accused, his reputation destroyed. But while the narrative DeVos and others discuss is about colleges denying due process rights, Columbia in fact never found him responsible for anything. And the university stood by its decision despite a public campaign that had many questioning the university's approach to sexual assault accusations.

Bauer-Wolf further works to debunk the rhetoric of the mistreated accused by citing research that shows “no more than 8 percent of rape accusations are false . . . [and] only a slim number of rapes that occur are actually reported.”

DeVos's choices represent a shift in protective efforts and may threaten the agency survivors are able to embody on their campuses. Nicole Einbinder, in an article for *Bustle*, writes that,

While the future of the Title IX sexual assault guidelines remains uncertain under DeVos's tenure, what is clear is that the secretary cozied up with groups with a track record of minimizing the experiences of sexual assault survivors. And, for survivors and their allies, that's pretty scary.

Efforts to finally protect and believe victims (having the “preponderance of evidence,” the lowest possible standard of evidence) are now experiencing a backlash, protecting the accused, which is a ripple effect of protecting the university from the new increase of lawsuits filed by alleged perpetrators (see Cantalupo).

One of the most powerful myths undergirding rape culture is the notion of belief, or rather disbelief, the girls who “cry rape.” The documentary film, *The Hunting Ground*, purposefully and powerfully features many, many survivors telling their stories and also sharing how university administrators and professors responded to them. Here are some of the responses the survivors share in the film:

“Rape is like a football game . . . and if you look back at the situation, what would you do differently?”

“Well, you know, were you drunk?”

“What were you wearing? Did you pregame?”

“Did you say no? How did you say no? How many times did you say no?”

“You should just drop out until everything blows over.”

“You don't know what he's going through right now and neither do I.”

Caroline Heldeman, an associate professor at Occidental College, notes in the film that, “There’s a lot of victim blaming with this crime, which has a silencing effect on survivors.” Research shows that “88 percent of women sexually assaulted on campus do not report” (Fisher, Cullen, and Turner), and those that do are often faced with reactions of disbelief or blame.

Claire Bond Potter, former professor at Wesleyan, remarks in the film that “It’s not as if the administrator wants the student to be harmed; it’s not as if the administrator wants the harm to be perpetuated, but their first job is to protect the university from harm, not to protect the student.” This is, of course, related to the theme of benevolence, or the idea that universities have good intentions. However, good intentions for whom? As Kenneth Burke reminds us, “a way of seeing is also a way of not seeing” (70).

The Brock Turner case captivated our nation, and Emily Doe voiced a powerful letter when addressing her rapist. Three years after the rape took place on the Stanford University campus behind a dumpster, the university (with Doe’s permission) constructed a memorial garden, a place for reflection and healing. A decision was made to have a plaque with a quote from Doe’s victim impact statement (the letter that was widely circulated on social media). Doe offered Stanford University two different selections of quotes for the plaque, both of which the university rejected. They offered the out-of-context quote, “I’m OK; everything’s OK” instead of what Doe wanted (Kerr). Doe decided to no longer be involved in the project. The benevolent university essentially denied her voice in the very space designed to honor her.

In March of 2021, President Biden issued an executive order charging the Secretary of Education to reconsider Title IX guidance, including possible rescinding of the 2017 Dear Colleague letter. This conversation is unfolding at the national level as this article prepares for publication. Ultimately, as I hope I have argued throughout this article, writing program administrators have a role to play in the adjudication and response to sexual assault on college campuses. We have to think carefully and deliberately about the university-sanctioned practices to which we comply, and we have to be willing to actively resist policies that may revictimize survivors and deny them agentive control over their experiences. We have to be well versed in the bureaucratic mechanisms to which we are subject. And we must critically evaluate and unpack the motivations that drive these policies and make sure we comfortably identify with those intentions.

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Tara Wood is associate professor of English and WPA at the University of Northern Colorado. Her research interests include disability, writing pedagogy, and writing program administration. Her work has appeared in several essay collections and journals, including *College Composition and Communication*, *Composition Studies*, and *Open Words: Access and English Studies*. Her scholarship has been honorably recognized by the Committee on Disability Issues in College Composition, by the Coalition of Feminist Scholars in Rhetoric and Composition, and by Computers and Composition Digital Press.

