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Title IX Coordinators' Perspectives on Title IX Investigations and Due Process

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Arcetta S. Knautz

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Abstract

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by

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MEd, Concordia University Wisconsin, 2000

BA, Concordia University Wisconsin, 1998

Dissertation Submitted in Partial Fulfillment

of the Requirements for the Degree of

Doctor of Education

Walden University

February 2023

Abstract

Title IX Coordinators are responsible for implementing standardized procedures related to each component of Title IX procedures on college and university campuses. The problem this study addressed was the gap in practice regarding the ways colleges and universities implement standardized procedures to ensure equitable due process for involved parties in sexual misconduct cases. The purpose of this basic qualitative study was to explore perspectives of Title IX Coordinators regarding their challenges with implementing standardized procedures set forth by the Office of Civil Rights of the Department of Education, particularly related to sexual misconduct cases and ways to improve equitable due process for all involved parties. The conceptual framework stems from the adaptive character of thought theory to understand how Title IX Coordinators handle Title IX hearings and investigations based upon how they apply learning to application. The researcher used a basic qualitative design with a purposeful sample of 13 Title IX Coordinators with at least one-year experience in the position at a college or university with a 5,000-15,000 student population in the United States. The data were analyzed using Saldana's (2016) first and second-cycle coding process. Major themes were (1) gaining the trust of complainant or respondent to share with complete honesty; (2) availability of professionals for additional support and assistance in their work; and (3) needing increased training and awareness for investigators, advocates, committee members, and students. Social change implications of this study are mandatory training and ongoing practice of Title IX Coordinators in sexual misconduct hearings and investigations, and the need to instill confidence in complainants and respondents participating in Title IX sexual misconduct cases.

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Chapter 1: Introduction to the Study

On April 4, 2011, the Office of Civil Rights of the United States Department of Education presented policy guidance referred to as the *Dear Colleague letter* to educational institutions to help them meet their legal obligation under the Title IX Education Amendment of 1972. This letter placed colleges and universities on notice to review and update their policies and procedures related to sexual misconduct cases, which included sexual harassment, sexual violence, and sex discrimination (Vail, 2019). In response to the *Dear Colleague letter*, colleges and universities had to make decisions quickly to address sexual misconduct, which consisted (in most cases) of developing Title IX Coordinator positions and giving jurisdiction to these employees to address and investigate sexual misconduct incidents.

Title IX is one of the most significant higher education laws of the 21st century; yet coordinators are not consistently equitable in applying the law in sexual misconduct cases overseen by Title IX Coordinators (Reynolds, 2019b). Title IX Coordinators are campus designees for receiving reports of sexual misconduct and safeguarding due process of all parties involved in sexual misconduct investigations and hearings (Hargis & Roth, 2018; Kelly, 2019; Matthew & McClune, 1976; Wiersma-Mosley & DiLoreto, 2018). However, numerous colleges and universities have received grievances related to procedural matters of sexual misconduct cases (Grob-Lipkis, 2020; Harris & Johnson, 2019; McMullan, 2020; Newberry, 2018).

The purpose of this basic qualitative study was to explore the perspectives of Title IX Coordinators regarding their challenges with implementing standardized procedures

set forth by the Office of Civil Rights of the Department of Education related to sexual misconduct cases and ways to improve equitable due process for all involved parties. Findings of this study will provide information to senior campus administrators on challenges of Title IX Coordinators related to their role in sexual misconduct cases and potentially create an opportunity for additional training. Title IX Coordinators must have continuous training on policies and procedures to maintain awareness of best practices in Title IX investigations and hearings to avoid due process violations (Dixon, 2018).

In Chapter 1, I present the background and purpose of the study, which focuses on the expectations of Title IX Coordinators, as given by the Office of Civil Rights of the Department of Education, and their responsibilities related to due process procedures in sexual misconduct hearings and investigations. I also present literature regarding the study's core problem. Further, I discuss the conceptual framework to describe how Title IX Coordinators apply their learning to Title IX investigations, as well as definitions related to the nature of the study and research problem. I present assumptions, scope, delimitations, limitations, and significance of study constructed for research, along with the study's relevance and potential for positive social change to the higher education environment and students they serve. Chapter 1 concludes with its summary and a foundational transition to Chapter 2.

Background

Title IX Coordinators should understand and implement policies and procedures that are equitable, unbiased, and in line with federal law (Krastins, 2019). As students encounter incidents of misconduct, colleges and universities must ensure all parties

involved receive timely and impartial treatment throughout the investigation and hearings process overseen by Title IX Coordinators. Cruz (2021) and Dryden et al. (2018) shared that violations of due process in sexual misconduct investigations and hearings are most often related to non-disclosure of evidence, timeliness of meeting notices, inconsistent application of the evidentiary standard, failure of cross-examination by the accused or accuser, and biased or inadequately trained hearing boards.

Dryden et al. (2018) examined the prevalence of sexual assaults on college and university campuses and indicated how decision-making did not always include fair due process for the accused. Dryden et al. found shortly after the 2011 *Dear Colleague letter*, colleges and universities moved hastily and, in some cases, violated due process of the accused as a result. Gualtieri (2020) researched how higher education institutions responded to the 2011 *Dear Colleague letter* by reviewing 250 campus sexual harassment cases under the operation of the Title IX office, finding that Title IX compliance and the understanding of the intersectionality of law and policies varied among campuses, creating due process concerns.

Goldman (2020) explored the use of Title IX as a primary mechanism to adjudicate civil rights cases on college campuses related to sexual misconduct and significant concerns related to due process. Goldman found there are substantial concerns when accused students face allegations without procedure protections. Further, Davis and Geyfman (2019) investigated cross-examination protocol related to due process and the preponderance of evidence standard in sexual assault cases. Davis and Geyfman found the cross-examination protocol and preponderance of evidence standard harmed the

complainant and respondent in sexual assault cases. Similarly, Wiersma-Mosley and DiLoreto (2018) assessed the role of Title IX Coordinators and policies utilized related to investigations, finding that colleges and universities were inconsistent in their policies and procedures in sexual assault investigations of involved parties.

Title IX Coordinators are key in implementing standardized procedures set forth by the Office of Civil Rights of the Department of Education related to sexual misconduct policies and processes for colleges and universities, as well as choosing whether cases are investigated and the procedural structure for investigations (Edwards et al., 2019; Hargis & Roth, 2018; Kelly, 2019; Krastins, 2019; Pappas, 2018; Pino, 2019; Richards, 2019; Schreiber, 2018; Trachtenberg, 2021; Wiersma-Mosley & DiLoreto, 2018). However, some researchers believe Title IX Coordinators are not equipped to oversee sexual misconduct cases due to a deficit in legal education, lack of experience in courtroom proceedings, and evidentiary standards (Davis, 2020; Frier, 2020; Goldman, 2020; Gualteri, 2020; Harris & Johnson, 2019). This dissertation research study may suggest ways to improve the implementation of standardized procedures for Title IX Coordinators by the Office of Civil Rights of the Department of Education, as well as greater equity for parties involved in sexual misconduct cases.

Problem Statement

It was not until April 4, 2011, that the Office of Civil Rights Division of the Department of Education presented policy guidance known as the *Dear Colleague letter* to educational institutions. The *Dear Colleague letter* was intended to assist leaders in higher education in meeting their legal obligations under the Title IX Education

Amendment of 1972 related to sexual misconduct (Gualtieri, 2020). The *Dear Colleague letter* specifically requested Title IX Coordinators receive training and experience handling sexual misconduct complaints related to sexual harassment, sexual violence, and the associated grievance procedures. The *Dear Colleague letter* mandated Title IX Coordinators receive training in fact-finding, decision-making, and impartial hearing process, and procedures. However, clear procedural guidelines were unavailable. Researchers recognized a paucity of research on procedural knowledge of Title IX Coordinators that gave them expertise in overseeing Title IX operations, specifically hearings and investigations (Edwards et al., 2019; Trachtenberg, 2021; Wiersma-Mosley & DiLoreto, 2018).

College administrators believe the lack of structured processes and procedures in sexual misconduct hearings and investigations from the U.S. Department of Education has a role in procedural matters and numerous grievances from accusers and the accused against colleges and universities related to procedural processes of Title IX (Albrecht et al., 2022; Grob-Lipkis, 2020; Suski, 2020). Therefore, when examining procedures concerning sexual misconduct, Title IX Coordinators are responsible for implementing standardized procedures of the Office of Civil Rights of the Department of Education, eliminate any barriers for reporting complaints, and institute adjustments and updates that ensure campus support of all faculty, staff, and students.

Pappas (2018), reviewing sexual misconduct compliance responses of Title IX Coordinators from numerous large research institutions in each region of the United States, and Wiersma-Mosley and DiLoreto (2018), examining Title IX Coordinators at

six higher education institutions handling campus sexual assaults, suggested Title IX processes are not consistent, impartial, or reliable, and create instability in procedural protections. The failure to handle campus sexual assaults appropriately gives credence to grievances and allows for capricious interviews and hearings to ensue for complainants and respondents. Pappas also concluded Title IX Coordinators are representatives of higher education institutions and the noted contact person for the Office of Civil Rights of the Department of Education, carrying significant responsibility of lawfully executing policies and procedures. Considering the caliber of the institutions studied by Pappas (2018) and Wiersma-Mosley and DiLoreto (2018), along with the implications tied to the complaints, there seems to be a gap between procedural and process practice of Title IX Coordinators related to sexual misconduct cases.

Harris and Johnson (2019) shared that due to many lawsuits filed against colleges and universities, there are questions about the adequacy of Title IX Coordinators application of procedures in sexual misconduct cases. Application of procedures played a significant role in the University of Michigan's unsuccessful attempt to dismiss a Title IX lawsuit filed by an accused student as the case showed the respondent's due process was violated (Davis, 2020). Similarly, the University of Connecticut received notice of litigation because of the Title IX Coordinator's failure to follow due process by not allowing the respondent to face their accuser (Davis & Geyfman, 2019). Additionally, an accused student at Brown University experienced the impact of biased training where a panel member disregarded evidence due to outlined provisions presuming the guilt of male accusers (McMullan, 2020). The University of Cincinnati faced litigation for

violation of Title IX due process, alleging a student did not receive the opportunity to present a defense against the sexual assault claim (Frier, 2020). Goldman (2020) suggested individuals who investigate Title IX sexual misconduct cases receive training on due process procedures on civil and criminal law to understand how law governs disputes, which was in recognition of the facts that courts were experiencing an increase in Title IX cases presented in circuit and criminal courts.

There is a gap in practice regarding the ways colleges and universities implement standardized procedures by the Office of Civil Rights of the United States Department of Education to ensure equitable due process for involved parties in sexual misconduct cases. Title IX Coordinators have the responsibility to oversee these cases, as described by the Office of Civil Rights of the United States Department of Education (Goldman, 2020; Krastins, 2019; Pappas, 2018; Wiersma-Mosley & DiLoreto, 2018; Wiseman, 2020). Studying dynamics associated with this gap could lead to developing a Title IX training based on practitioners' perspectives to aid in the promotion of best procedural practices, thereby reducing variance in practices and violations associated with sexual misconduct hearings and investigations assigned to Title IX Coordinators.

Purpose

The purpose of this basic qualitative study was to explore the perspectives of Title IX Coordinators regarding their challenges implementing standardized procedures set forth by the Office of Civil Rights of the Department of Education related to sexual misconduct cases, as well as ways to improve equitable due process for all involved parties. Title IX Coordinators are campus designees coordinating all responses on behalf

of higher education institutions related to Title IX, but there have been instances where Title IX Coordinators did not meet the expectations of the Office of Civil Rights of the United States or the involved parties in sexual misconduct cases. By examining this problem from the practitioners' perspective, practitioners can develop enhanced procedures to ensure equitable due process for involved parties in sexual misconduct cases (Dryden et al., 2018).

Research Questions

RQ1: How do Title IX Coordinators describe their challenges implementing the due process in sexual misconduct hearings and investigations?

RQ2: What additional support do Title IX Coordinators perceive would enhance their ability to implement due process procedures in sexual misconduct hearings and investigations?

RQ3: What modifications to the procedures would Title IX Coordinators recommend enhancing equity for parties involved in sexual misconduct hearings and investigations?

Conceptual Framework

Anderson's (1996) adaptive character of thought (ACT-R) theory was the conceptual framework for understanding how Title IX Coordinators apply learning to application in Title IX investigations. Anderson's theory provided structure regarding how the application of information plays a role in how Title IX Coordinators execute their work. Anderson shared that declarative memory is actual knowledge, and procedural memory is execution. In application of Title IX procedures, declarative

memory shows how application of processes and procedures is the acquired information presented through semantics, ideas, symbols, and formulas based on theories, models, and environmental principles and procedural memory as a natural response, reflexes, and application of the processes and procedures.

In connection to Title IX litigation complaints filed against colleges and universities, I framed the qualitative research questions and interviewing instrument by utilizing elements of the theory of ACT-R. ACT-R shows how individuals learn, problem solve, make decisions, and perceive information, which aids in examining the responsibilities, challenges, needed additional support, and suggested changes to enhance the process and improve equity for involved parties of sexual misconduct hearings and investigations. Information points stem from the perspectives of practitioner experiences and needs, as there seems to be a discrepancy between what Title IX Coordinators receive and how they apply the information. Understanding the gap in practice could offer insight that may lead to improved practice.

Nature of the Study

Using a basic qualitative design, I obtained perspectives of Title IX Coordinators. Qualitative research allowed me to learn about direct experiences of participants and their viewpoints (Atkins & Wallace, 2012; Lichtman, 2012). To develop and change practices more effectively, gaining a qualitative understanding of practitioners' perspectives is necessary (Merriam & Tisdell, 2016). Choosing a basic design will allow research to develop in an individualized manner without a connection to a distinct qualitative methodology (Korstjens & Moser, 2018).

Participants consisted of Title IX Coordinators employed at colleges or universities in the United States with a student population of 5,000-15,000 students with at least one year of experience working as a Title IX Coordinator and experience investigating Title IX incidents. Communication with these participants included e-mails to direct offices of Title IX Coordinators and division heads of each respective college or university. Title IX Coordinators in the study participated in a semi-structured interview, which allowed me to ask follow-up questions based on interviewees' responses. These questions consisted of topics related to job responsibilities, challenges, needed additional support, and suggested changes to enhance the process and improve equity for involved parties of sexual misconduct hearings and investigations.

Additionally, a semi-structured interview protocol focused on common themes and allow room for individual participants' experiences to emerge (McIntosh & Morse, 2015; Seidman, 1998). Interviews were conducted in the calendar year of 2022, and I coded responses in a codebook to ensure consistency. Interviews were audio-recorded and transcribed by Rev Transcription services. I used a computer audio recording device for additional support with transcription when needed. I removed personal identifiers from the transcripts before coding and analyzing participants' data. I also checked the transcripts for accuracy, grammar, and punctuation.

Definitions

For a better understanding, the following terms are in the context of this research.

2011 Dear Colleague letter: Dear Colleague letter is a 19-page guidance document sent to all institutions receiving federal educational financial assistance that

outlined requirements pertaining to sexual harassment, sexual violence, and sex discrimination associated with Title IX Education Amendment of 1972 (Lindo et al., 2019).

Complainant: The complainant is the person who brought forth the complaint of sexual violence (Goldman, 2020).

Due Process: Due process ensures any member of the institutional community who faces official action adverse to their protected interests receives proper notice and a meaningful opportunity to present and respond to evidence (Stevens, 1999).

Hearings: Hearings occur when panel members review the evidence and allegations brought against the accused student. The panel then determines if the accused student violated the school code of conduct (Garner, 2019).

Litigation: Litigation is the process of contesting and resolving disputes in the legal system (Legal Information Institute, n.d.).

Office of Civil Rights of the United States Department of Education: The Office of Civil Rights of the United States Department of Education enforces several federal civil rights laws that prohibit discrimination in programs or activities that receive federal financial assistance from the Department of Education (U.S. Department of Education, 2020).

Respondent: A respondent is someone accused of sexual violence or harassment (Goldman, 2020).

Sexual assault: Sexual assault is sexual contact or behavior occurring without explicit consent from an individual (Garner, 2019).

Sexual harassment: Sexual harassment is unwelcomed sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature (Garner, 2019).

Sexual misconduct: Sexual misconduct is a broad term used in higher education to describe any sexual behavior that is unacceptable. It may consist of rape, sexual assault, sexual and gender-based harassment, stalking, and intimate partner violence (Holland et al., 2020). In this study, the term primarily refers to sexual assault but is interchangeable in this study.

Sexual violence: Sexual violence is an all-encompassing non-legal term referring to sexual activity when consent is not obtained or freely given. Examples of sexual violence are sexual assault, rape, sexual abuse, and sexual exploitation (Office of Civil Rights, 2011).

Survivor: Survivor is the preferred higher educational term used in place of *victim* to describe individuals who have experienced sexual misconduct (Holland et al., 2020).

Title IX Act: Title IX Act is an interchangeable term used in place of the Title IX Education Amendment of 1972 (U.S. Department of Education, Office of Civil Rights, 2011).

Title IX Coordinator: Title IX Coordinator is the designated employee who coordinates the college/university efforts to comply and perform all responsibilities associated with the regulations of the Title IX Education Amendment of 1972 (U.S. Department of Education, 2015).

Title IX Education Amendment of 1972: Title IX Education Amendment of 1972 provides protection for students against sex-based discrimination, including sexual harassment, in programs receiving federal financial assistance from the United States Department of Education (U.S. Department of Education, Office of Civil Rights, 2011).

Title IX Grievances: Title IX grievances are an assertion or claim that a policy or practice of an educational agency or institution is not in compliance with the Title IX regulation requirements of nondiscrimination on the bases of sex (Matthew & McClune, 1976).

Assumptions

There were assumptions for this study. First, participants will be honest and forthcoming with their perspectives of Title IX investigations and due process due to the awareness of confidentiality presented prior to participating in the study. Secondly, college and university leaders may find results of this study informative to enhance their institution's handling of sexual misconduct hearings and investigations, which may help to reduce the likelihood of complaints and grievances against their higher education institution.

Scope and Delimitations

The Title IX Education Amendment of 1972, known as the Title IX Act, requires higher education institutions to respond to and remedy discrimination, which encompasses sexual misconduct based on sex. The specific aspects of due process and hearings of sexual misconduct cases on college and university campuses this study addressed are under the umbrella of the Title IX Education Amendment of 1972. By

focusing on the perspectives of Title IX Coordinators responsible for addressing sexual misconduct on their respective campuses, I gathered data that provided a comprehensive understanding of their due process procedural responsibilities related to sexual misconduct hearings and investigations. The boundaries of the study were limited to Title IX Coordinators at public and private colleges in the United States. As such, the study's design could be transferrable to any higher education institution and provide information on due process and hearings of sexual misconduct cases through qualitative data from the perspective of those tasked with providing oversight of Title IX processes.

Limitations

This study's findings affected some limitations. The first limitation was time. The research took place during the summer, which for college and university administrators can be a challenging time to participate in a study. In terms of researcher subjectivity, there was potential for bias. I am a Deputy Title IX Coordinator at a university and have had professional conference relationships with Title IX Coordinators in one state in the Midwest. My role of Deputy Title IX Coordinator does not hold any direct or indirect supervisory authority over Title IX Coordinators. To minimize bias, bracketing and reflexivity aided in building credibility for my research. I ensured I did not become preoccupied with my emotions and experiences prior to, during the interviews, or in the analysis and interpretation of data to manage any biases and assumptions.

Significance

This study is significant because it will help fill a gap in practice regarding specific processes and procedures to ensure equitable due process for involved parties in

sexual misconduct cases by describing what Title IX Coordinators already know, as well as what they may not know (Goldman, 2020; Krastins, 2019; Pappas, 2018; Wiersma-Mosley & DiLoreto, 2018; Wiseman, 2020). Studying dynamics tied to this gap could lead to development of a Title IX training based upon practitioners' perspectives that would aid in executing responsibilities related to due process procedures in sexual misconduct hearings and investigations assigned to Title IX Coordinators. The study may also advance the practice of investigations in Title IX cases and affect Title IX policy development at higher education institutions. Positive implications for social change could motivate higher education administrators to mandate training of Title IX Coordinators in sexual misconduct hearings and investigations. This could encourage Title IX Coordinators to develop a continual practice of reviewing procedures related to sexual misconduct cases and inspire confidence in respondents and complainants participating in Title IX sexual misconduct cases overseen by campus designees.

Summary

Chapter 1 provided the background of this study on the perceptions of Title IX Coordinators regarding due process procedural responsibilities related to sexual misconduct hearings and investigations. This chapter also included the problem statement, purpose of the study, research questions, conceptual framework, nature of the study, definitions, assumptions, scope and delimitations, limitations, and significance. In Chapter 2, a literature review provides a judicious analysis and summary of the history of Title IX, followed by the conceptual framework of the study, the development of the Title IX Coordinator position, governing federal laws that have impacted the Title IX position,

and the litigation outcomes against universities and colleges related to Title IX sexual misconduct cases.

Chapter 2: Literature Review

It was not until April 4, 2011, that the Office of Civil Rights Division of the Department of Education presented policy guidance known as the *Dear Colleague letter* to educational institutions. The Department of Education developed the *Dear Colleague letter* to assist educational institutions in meeting their legal obligations under the Title IX Education Amendment of 1972 related to sexual misconduct (Gualtieri, 2020). The *Dear Colleague letter* specifically requested Title IX Coordinators receive training and gain experience handling sexual misconduct complaints related to sexual harassment, sexual violence, and the associated grievance procedures. Additionally, the *Dear Colleague letter* mandated Title IX Coordinators receive training in fact-finding, decision-making, and impartial hearing process, and procedures; however, the Department of Education did not outline clear procedural guidelines.

Title IX has received increased attention because of sexual misconduct cases in recent years. Numerous colleges and universities have received grievances from the accused and the accusers related to procedural processes overseen by Title IX coordinators on college and university campuses (Grob-Lipkis, 2020; Jessup-Anger et al., 2018). Recognizing that procedural methods on college and university campuses are under the purview of Title IX Coordinators, college administrators believe the lack of structured processes and procedures in sexual misconduct hearing and investigations from the Office of Civil Rights of the United States Department of Education has a role in procedural matters and lawsuits (Albrecht et al., 2022; Suski, 2020). Therefore, when examining processes and procedures concerning sexual misconduct, Title IX

Coordinators are responsible for developing fair and impartial methods, eliminating any barriers for reporting complaints, and instituting adjustments and updates that ensure campus support of all faculty, staff, and students. Researchers recognized a paucity in procedural practice of Title IX Coordinators, thus giving them expertise in overseeing Title IX operations, specifically hearings and investigations (Edwards et al., 2019; Trachtenberg, 2021; Wiersma-Mosley & DiLoreto, 2018).

These gaps are concerning because of the need for quick, effective responses regarding sexual misconduct within the university environment. Throughout this study, I investigated the gap in practice regarding how colleges and universities implement standardized procedures set forth by the Office of Civil Rights of the Department of Education to ensure equitable due process for involved parties in sexual misconduct cases (Goldman, 2020; Krastins, 2019; Pappas, 2018; Wiersma-Mosley & DiLoreto, 2018; Wiseman, 2020). Studying dynamics tied to this gap could lead to the development of Title IX training based upon the perspectives of practitioners, which could aid in fulfilling responsibilities related to due process procedures related to sexual misconduct hearings and investigation assigned to Title IX Coordinators.

The purpose of this basic qualitative study was to explore the perspectives of Title IX Coordinators regarding their challenges implementing standardized procedures set forth by the Office of Civil Rights of the Department of Education related to sexual misconduct cases, as well as ways to improve equitable due process for all involved parties. By examining this problem from the practitioner perspective, educational leaders could implement enhanced procedures to ensure equitable due process for involved

parties in sexual misconduct cases (Dryden et al., 2018). In Chapter 2, an introduction of the chapter is presented, along with literature review strategies, a conceptual framework for the study, the literature review related to key variables and concepts, a summary, and conclusions. The following section contains a description of the strategy used to identify literature relevant to this dissertation and the problem presented.

Literature Search Strategy

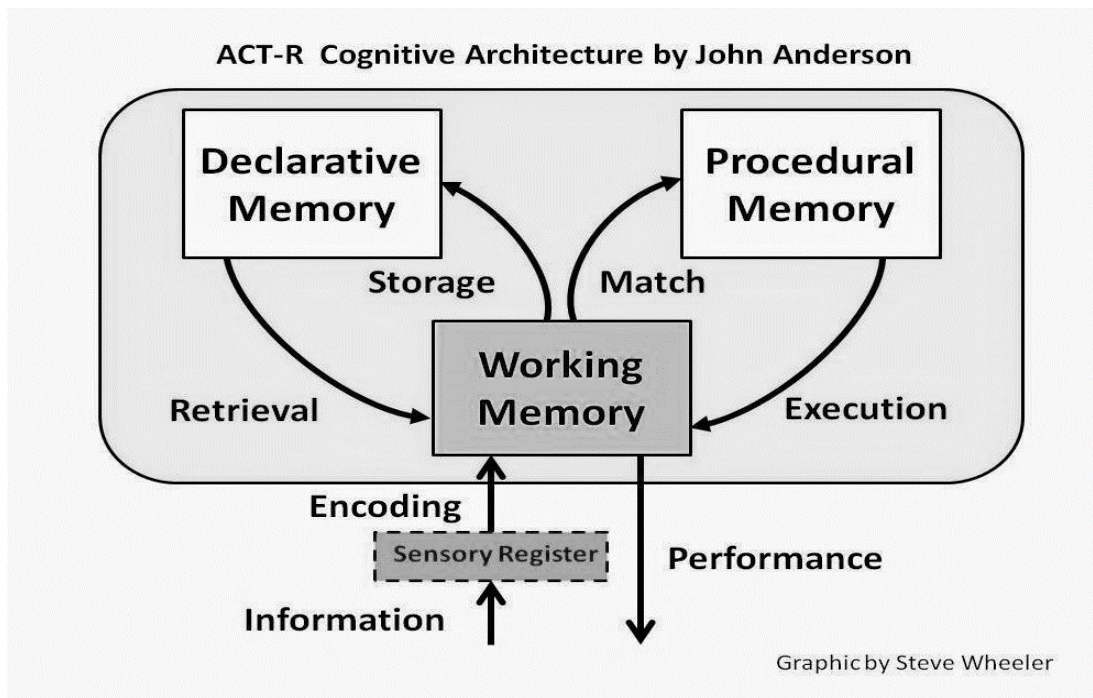
To identify literature relevant to this topic, publications and foundational articles on the subject included current, peer-reviewed literature from the last five years (2018 or newer). I used Academic Search Premier, Education Research Complete, Google Scholar, Scholar Works, and Thoreau databases. I selected databases based on their comprehensiveness, as well as their relevance to education and sports administration. When searching these databases, I used the following terms and phrases: *adaptive character of thought (ACT-R)*; *coordinator*; *due process*; *litigation*; *responsibilities sexual misconduct*; and *Title IX*. To connect search terms and phrases to expand or narrow the search, I used Boolean logic when needed.

The initial literature search also included many law reviews. Recognizing this study consisted of a qualitative methodology related to Title IX Coordinators and sexual misconduct, I continued researching until saturation occurred. I looked for studies consisting of Title IX Coordinators' perceptions, Title IX Coordinators, and investigators' training on Title IX sexual misconduct cases, and using a basic qualitative methodology, which supported research on my study. I also used seminal publications to

support the theory and framework dated before 2018, and relevant journal articles, law reviews, books, and dissertations published between 2018 and 2022.

Conceptual Framework

Anderson's (1996) adaptive character of thought (ACT-R) theory was the conceptual framework for understanding how Title IX Coordinators handled Title IX investigations. Figure 1 (Heick, 2021) illustrates how the relationship between declarative and procedural memory, through working memory, allows for the performance of what is learnt and when or if it should be performed. Similar research using ACT-R theory (Anderson et al., 1997, Anderson & Schunn, 2013, Taatgen et al., 2006) showed various ways learning influences the application of information. Anderson's theory provided structure regarding how the application of information plays a role in how Title IX Coordinators execute their work. Anderson shared declarative memory is the actual knowledge, and procedural memory is the execution. In application to Title IX procedures, declarative memory shows how application of processes and procedures is the acquired information presented through semantics, ideas, symbols, and formulas based on theories, models, and environmental principles. For example, Title IX Coordinators' understanding of policies, procedures, hearings, and investigations remains a foundation for how they implement their work and future applications.

Figure 1*ACT-R Theory*

Note. Steve Wheeler produced this model to show how the brain works when learning. Adapted from Heick, T. (2021, December 12). Learning theories: Adaptive control of thought. *TeachThought*. <https://www.teachthought.com/learning/adaptive-control-of-thought/>

In procedural memory, there is a natural response, reflexes, execution, and application of the procedures. For example, Title IX Coordinators may apply their approach to meeting with complainants and respondents according to what they believe is appropriate for the environment (i.e., when a student is in distress, find a place that minimizes the stress and brings comfort). Considering working memory, individuals decide whether to retain information and retrieve later (declarative memory), or execute in that moment (procedural memory). In connection to Title IX litigation complaints filed against college and universities, I examined responsibilities, challenges, additional support needed, and suggested changes to enhance the process and improve equity for

involved parties of sexual misconduct hearings and investigations. Understanding learning influences the application of information through the ACT-R model framed the conceptual framework for this qualitative research study because of the need for practitioners to apply and practice learned information. Without application, learning loss occurs, thus nullifying training. The following section contains a review of the literature related to key concepts and variables of interest relevant to the problem.

Literature Review Related to Key Concepts and Variable

Drawing on this conceptual framework, the remainder of this chapter contains a review of literature related to key variables and constructs of interest. Background literature that frames the historical context of this topic is first. I present a synthesis status of the literature pertaining to this topic. I then considered the gaps in the literature and research design/methodological issues leading to the rationale and justification for the current study. This chapter concludes with a summary and outline of key themes and points discussed.

Background and Historical Context

Before discussing current themes in the literature related to due process procedures related to sexual misconduct hearings and investigation assigned to Title IX Coordinators, this section includes background information associated with this topic and its historical context. A brief overview of Title IX and its development is first, followed by consideration of the evolution of this legislation and reform that has occurred since its original conception. Debates and controversies that have emerged throughout the history

of Title IX are then considered. This section concludes with a brief summary and outline of key themes.

Title IX Overview and Development

Title IX began in 1972 as part of a series of educational amendments intended to prevent discrimination in educational institutions associated with sexual orientation, gender identity, and pregnancy. Researchers often consider Title IX the most significant higher education law of the 21st century, yet there is limited information ensuring fair application of the law in sexual misconduct cases overseen by higher education administrators in these positions, which are Title IX Coordinators (Jessup-Anger et al., 2018; Reynolds, 2019a; Swan, 2020).

The law has had undeniably positive impacts on preventing multiple forms of discrimination in education, including college athletics and programs receiving federal financial assistance; however, some have questioned Title IX's current relevance and its ability to address contemporary issues encountered by students in higher education. For example, research indicated Title IX Coordinators are the campus designee for receiving all reports of sexual misconduct and the safeguarding of due process of all parties involved in sexual misconduct investigations and hearings (Laytham, 2020; Richards et al., 2021; Richards, 2019). Numerous colleges and universities have received grievances related to procedural matters of sexual misconduct cases (Walker, 2020). This is important to the study because of the feminist implications of sexual harassment and Title IX. These implications could affect training for Title IX. The following section contains a brief discussion of the evolution of Title IX and reform pertaining to the legislation.

Evolution and Reform to Title IX

Title IX has undergone some evolution and transformation since its initial conception. There are more than 40 years of history since the inception of Title IX, and there have been numerous guidelines presented from the Office of Civil Rights to colleges and universities (Druckman et al., 2018; Isaacs & Iuliano, 2021; Summer, 2021). In 1974, the Tower Amendment was proposed, which would have exempted revenue-producing sports from Title IX stipulations (Davis & Geyfman, 2019). In 1984, the United States Supreme Court Ruled that Title IX only applies to specific programs within an institution, which set back the legislation and the rights of women significantly (Meyer & Quantz, 2021).

However, in 1992, the Supreme Court ruled that anyone subjected to sexual harassment within a federally funded institution was entitled to financial compensation (Koon-Magnin & Mancini, 2022). The Equity in Athletics Disclosure Act soon followed, and revisions occurred to the legislation throughout the 1990s and early 2000s that made Title IX more far-reaching and generalized across institutions. However, in 2018, under the Trump Administration, litigation followed, and people accused colleges and universities of violating due process rights of individuals involved in sexual misconduct cases (Frier, 2020). Currently, there are many debates and controversies associated with Title IX, as discussed further in the following sub-section.

Debates and Controversies

Title IX has been controversial since its inception and there have been many debates throughout its history. Some of the debates and controversies associated with

Title IX include the potential for it to be discriminatory against men, the fact that it is no longer adherent to its original principles (e.g., anti-discrimination language), is perpetually misinterpreted, and is inherently biased (McGinley, 2018; Meyer & Somoza-Norton, 2018; Porter et al., 2022; Sun, 2019). These debates and controversies linked inextricably to the act since its development. This highlights issues linked to Title IX and the need for further exploration of this issue to support Title IX Coordinators in training and understanding the historical background of their work.

Another, more recent, debate or controversy to emerge is the link between Title IX and sexual misconduct. Several recent studies document this controversy and implications for sexual misconduct in the university environment (Buzuvis, 2020; Daggett, 2021; Richards et al., 2021). Title IX prohibits sexual harassment under section 1681, in which acknowledgement of federal civil rights law pertaining to sexual misconduct and sexual violence occurs (Moore, 2018). This includes rape, sexual assault, sexual battery, and sexual coercion (Richards et al., 2021). However, there have been arguments regarding the ability for Title IX to protect against sexual misconduct, and there has been confusion among coordinators of the legislation as to how to interpret some stipulations and language contained within the legislation. The implications for Title IX and the links with coordinators and their training are apparent.

Researchers have examined ways common violations pertain to due process and implications for Title IX. For example, Cruz (2021) and Dryden et al. (2018) discussed how shared violations of due process in sexual misconduct investigations and hearings are related to (in most cases) non-disclosure of evidence, timeliness of meeting notices,

inconsistent application of the evidentiary standard, failure of cross-examination by the accused or accuser, and biased or inadequately trained hearing boards. However, the literature pertaining to Title IX and its implications for sexual misconduct remains in its infancy and more evidence is necessary to guide administrators and coordinators in higher education institutions. Sexual misconduct is the theme of this study and within this section were trends within this topic and its implications for Title IX, specifically training and application of training.

Understanding the background information pertaining to Title IX and the historical context of the problem is necessary. I considered the history of Title IX and some major reforms that have occurred. Title IX has evolved considerably since its inception in 1972 and the legislation aligns with controversies and debates. This section outlined some major debates and controversies associated with this legislation. One of the more recent and controversial issues associated with Title IX has involved sexual misconduct. I presented a brief overview of this debate, as well as its implications for due process and the role of administrators and coordinators in higher education. The following section contains a discussion of the status of the literature pertaining to this topic.

Status of the Literature

This section contains a synthesis of contemporary themes and trends in the literature related to procedures for equitable due process investigations into Title IX complaints. First, I consider rulemaking and due process in higher education. Information regarding coordinator knowledge of Title IX follows. I then discuss sexual assaults on

college and university campuses and evaluate literature pertaining to this topic. I critically appraised Title IX and implications for intersectionality, based on evidence from the recent literature and then, consider the impact of lawyers on Title IX law and implications for colleges and universities. This section concludes with a brief summary and outline of key points.

Rulemaking and Due Process in Higher Education

The first major theme emerging from a review of recent literature pertaining to Title IX in higher education is regarding rulemaking and due process. Several studies have investigated rulemaking, due process, and implications for higher education. For example, Davis and Geyfman (2019) examined cross-examination protocol related to due process and the preponderance of evidence considered standard in sexual assault cases. Davis and Geyfman (2019) found the cross-examination protocol and preponderance of evidence standard harmed the complainant and respondent in sexual assault cases. Preponderance of evidence would not be considered in these types of cases outside of higher education, as this standard of evidence is more likely than not or 51% (Davis & Geyfman, 2019; Dryden et al., 2018; Krastins, 2019). The implications outlined for Title IX because due process related to cross-examinations in sexual assault investigations are significant (Dowling, 2020; Newberry, 2018). Studies pertaining to this topic appear to reflect cross-examinations are essential tools for establishing due process in sexual assault cases. There may be impacts of this literature on contemporary reform pertaining to Title IX, including and with respect to sexual misconduct, because of its reflection of the status of the literature pertaining to Title IX and sexual misconduct. The scope of the

Title IX literature seems to be an indication of how practitioners may interpret and apply training in the field.

Several high-profile cases have emerged pertaining to sexual misconduct that have implications for Title IX, and which have raised issues associated with discrimination and intersectionality. For example, Holland et al. (2020) examined the Doe vs. Baum case, the balance test (Matthews vs. Eldridge), the role of cross-examinations, due process, and the intersectionality of Title IX rulemaking and higher education. Holland et al. found the Baum case overextended the purpose of the Matthews case, related to the application of due process in higher education sexual misconduct cases. Each of these cases pertains to due process in the event of sexual misconduct and reflects the debates and controversies existing regarding the management of cases within universities. Through research, Holland et al. spoke about the foundation of due process and its intended use in higher education Title IX cases (Brubaker, 2019; Lason, 2020). Due process warrants that citizens be treated fairly via the normal judicial system, although there are certainly examples in which this has not been the case, including those involving Title IX in higher education. Controversy exists at various levels when learning institutions manage sexual misconduct in-house.

Cases pertaining to due process and Title IX have demonstrated continued debates and controversies existing regarding this topic. For example, Frier (2020) examined the 2018 proposed Title IX rules and the due process rights for individuals accused of sexual misconduct cases and found due process rights of the accused are more explicit and, in some ways, harm the victim. The comparison of regulations between the Obama

Administration (*Dear Colleague Letter*) and the Trump Administration, which set past and current structures is essential (Davis & Geyfman, 2019; Kidder, 2020). Various federal administrations can interpret and implement laws differently, as has been demonstrated by Title IX under the Obama versus Trump administration. The extent to which such controversies and debates will continue under the future Biden administration is unknown.

Additionally, some researchers have specifically examined the implication of Title IX in sexual misconduct cases in higher education, such as those on college campuses (Frier, 2020; Goldman, 2020; Newberry, 2018). For example, Goldman (2020) explored using Title IX as a primary mechanism to adjudicate civil rights cases on college campuses related to sexual misconduct and the significant concerns related to due process. Goldman found substantial concerns when accused students face allegations without procedure protections. Goldman provided credence to the necessity of training Title IX Coordinators related to due process and its impact when missing or not implemented correctly (McCarthy, 2021). Goldman also indicated the necessity of training coordinators to prevent legal controversies. The following section contains an in-depth discussion of Title IX Coordinator knowledge in higher education.

Coordinator Knowledge of Title IX

Another theme to emerge in the literature pertains to coordinator knowledge of Title IX. Title IX Coordinators are expected to understand and implement policies and procedures in line with federal law that is equitable and unbiased (Kelly, 2019; Krastins, 2019). However, evidence has been equivocal regarding the level of knowledge that

coordinators actually possess regarding Title IX (Richards et al., 2021). This section contains a discussion of the recent literature to emerge pertaining to this topic and its implications for the current study.

Several studies have emerged recently, which have offered insight into coordinator knowledge of Title IX. For example, Wiersma-Mosley and DiLoreto (2018) examined the role of Title IX Coordinators and policies utilized related to investigations. The authors found colleges and universities were inconsistent in their policies and procedures in programming, communication to stakeholders, availability of resources for victims, and sexual assault investigations of involved parties. The researchers explained multiple facets of the Title IX Coordinator position related to sexual misconduct investigations, policy expectations, and communication to higher education faculty, staff, students, and stakeholders (Dauber & Warner, 2019). This reflects the need to train and educate coordinators pertaining to these issues. As can be seen, Title IX coordinators fulfil many roles within universities, including understanding and adhering to the principles and stipulations listed within the Title IX legislation. Thus, they must be educated and trained with respect to sexual misconduct cases. However, coordinator knowledge of Title IX appears to vary widely between coordinators and institutions.

As students encounter incidents of misconduct, colleges and universities must ensure all parties involved receive timely and impartial treatment throughout the investigation and hearings process overseen by Title IX Coordinators. Several studies have emerged examining knowledge of Title IX among other faculty and staff within higher education institutions as well. For example, Edwards et al. (2019) examined the

knowledge of 319 Title IX Coordinators and 313 campus/safety officers on Title IX policies, sexual assaults, as well as their willingness to discuss rape myths. The authors found most Title IX Coordinators were aware of Title IX policies and willing to debunk rape myths. This research is vital to the understanding of issues pertaining to Title IX because it speaks to a significant population of Title IX Coordinators who share specific characteristics in responses related to investigations and hearing (Newins & White, 2018). Results from this literature demonstrate many coordinators are knowledgeable regarding Title IX, which is essential to the protection and risk management of higher education institutions. The researchers indicated the necessity to train and educate coordinators to reduce legal risk associated with sexual misconduct.

An additional topic to emerge in the current literature is in the areas of expectations of coordinators related to Title IX specifically pertaining to sexual misconduct cases occurring in higher education institutions. For example, Trachtenberg (2021) examined the expectations of Title IX Coordinators and Title IX investigators related to the questioning of respondents and complainants in sexual misconduct cases. Trachtenberg found college and university Title IX Coordinators and Title IX investigators are underprepared when these individuals do not have a legal education and experience in legal evidence, due process, and hearings. Trachtenberg posited investigations on college campuses have a significant legal lens and procedurally function similarly to court cases (Harris & Johnson, 2019).

Another connection these ideas have to the research is that they illustrate the controversies regarding managing sexual misconduct cases in-house. This may seem

intuitive, although it warrants mention because of the debates and controversies existing with respect to sexual misconduct cases and the assumption higher education institutions are private and governed by their own rules, laws, and policies that differ from the public sector and are different from the country's legal system (Dauber & Warner, 2019). The following section contains a discussion of sexual assaults on college and university campuses, as well as implications of this topic for Title IX and the supporting literature.

Sexual Assaults in College and University Campuses

An additional theme to emerge from the literature pertaining to this topic is regarding sexual assaults on college and university campuses. Several researchers have shared some colleges and university campuses are inconsistent in their investigations and create due process issues in Title IX sexual misconduct cases (Dryden et al., 2018; Holland et al., 2018; Richards et al., 2021). For example, Dryden et al. examined the prevalence of sexual assaults on college and university campuses and indicated how decision-making did not always include the fair due process for the accused; these are necessary elements in applying Title IX effectively.

Dryden et al. (2018) found that shortly after the 2011 *Dear Colleague letter*, colleges and universities moved hastily and, in some cases, violated due process of the accused. Sun (2019) indicated the foundation for interpreting due process and the negative impact when not applied appropriately. Quite intuitively, Title IX parameters must be adhered to prevent legal risk. Leadership in higher education institutions incurring sexual misconduct cases implement their own styles of governance and sets of

practices and procedures that differ from mainstream society, in which the federal or state legal system would apply.

From the literature, it appears many colleges and universities have their own policies regarding the management of sexual misconduct cases and sexual harassment, and recent evidence has examined how this variance has led to inconsistency and confusion regarding management of cases. For example, Albrecht et al. (2022) examined policies and definitions of sexual consent websites of colleges and universities across the United States and found inconsistencies in definitions and policies across many institutions, particularly at small-private institutions and those with a majority male population. Albrecht et al.'s research is essential to understanding this topic because it gives credence to the concept that inconsistent definitions and policies across campuses affect procedures and investigations of sexual misconduct cases (Porter et al., 2022).

College and university administrators implement their own policies and procedures regarding managing sexual misconduct, which are sometimes biased, inconsistent, discriminatory, and fail to adhere to Title IX and other federal laws (Graber, 2020; Gualteri, 2020; Meyer & Quantz, 2021; Ullman, 2019). The researchers indicated inconsistent practices among universities is a problem because it creates a series of inequities and confusion regarding how to handle sexual misconduct while protecting the rights of victims and the accused (Graber, 2020; Gualteri, 2020; Meyer & Quantz, 2021; Ullman, 2019). The value of consistency is that it allows for the coordination of activities and cohesion between professionals thus adding to professional training.

An additional challenge occurs for colleges and universities regarding sexual misconduct when it involves faculty, and researchers have examined the implications of such cases for Title IX in recent years. For example, Pappas (2018) examined sexual misconduct complaints involving faculty and the challenge of implementing Title IX policies compared to student processes. Pappas found faculty had greater due process rights due to Fifth and Fourteenth Amendment, but fewer procedural rights related to confrontation and evidence than students involved in sexual misconduct cases. Pappas theorized the understanding of the problem space gives perspective on how faculty and student due processes differ in sexual misconduct cases at higher education institutions. It is clear from existing evidence that colleges and universities experience additional challenges regarding due process and managing cases involving sexual misconduct when they relate to faculty members.

Several researchers have examined how universities and colleges do and do not comply regarding sexual misconduct cases, as well as the extent to which their policies relate to standards and stipulations within Title IX legislation (Pappas, 2018; Wiersma-Mosley and DiLoreto, 2018; Harris and Johnson, 2019). For example, Pappas (2018) reviewed sexual misconduct compliance responses of Title IX Coordinators from numerous large research institutions in each region of the United States. Additionally, Wiersma-Mosley and DiLoreto (2018), examining Title IX Coordinators at six higher education institutions handling of campus sexual assaults, suggested Title IX processes are not consistent, impartial, or unreliable, and create instability in procedural protections. These researchers found the failure of appropriately handling campus sexual

assaults gives credence to grievances and allows for capricious interviews and hearings to ensue for complainants and respondents.

The extent to which Title IX coordinators and university administrators can align in response to sexual misconduct cases depends largely on policies existing within a particular institution. Pappas (2018) also concluded Title IX Coordinators are representatives of higher education institutions and the noted contact person for the Office of Civil Rights of the Department of Education, carrying significant responsibility of lawfully executing policies and procedures. Considering the caliber of institutions studied by Pappas (2018) and Wiersma-Mosley and DiLoreto (2018) along with implications tied to complaints, there is a seeming gap between procedural and process practice of Title IX Coordinators related to sexual misconduct cases. This gap requires attention to achieve resolutions to many of the controversies and debates that continue to exist pertaining to sexual misconduct cases in higher education institutions.

Much literature pertaining to this issue pertains to students victimized by other students, and researchers have investigated the management of such cases within institutions and away from the mainstream court system. For example, Harris and Johnson (2019) examined the recent surge of litigation involving students accused of sexual misconduct and tried in campus courts. Harris and Johnson found sexual misconduct cases adjudicated on college campuses were solely due to federal courts believing higher education institutions were best suited to handle student conduct issues. This research is vital to understanding this topic because it gives the foundation of how judicial cases became part of the campus student and faculty sexual misconduct

adjudication process (Reynolds, 2019b). When sexual misconduct management occurs within the institution and away from federal or state courts, there is potential for institutional policies to miss alignment with laws and for victims and the accused to have rights breached in numerous ways, including not being entitled to due process as outlined in United States law.

The result of colleges and universities managing cases within the institution and away from the court system commonly results in lawsuits rather than incarceration. Harris and Johnson (2019) shared due to the many lawsuits filed against colleges and universities there are questions about the adequacy of Title IX Coordinators' application of procedures in sexual misconduct cases. Application of procedures played a significant role in the University of Michigan's unsuccessful attempt to dismiss a Title IX lawsuit filed by an accused student as the case showed the respondent's due process was violated (Davis, 2020). However, this was a controversial ruling and one with numerous implications for a variety of other cases.

Several universities have been impacted by controversies and debates associated with sexual misconduct and the implications for Title IX. For example, University of Connecticut received notice of litigation because of the Title IX Coordinator's failure to follow due process by not allowing the respondent to face their accuser (Davis & Geyfman, 2019). This failure to follow due process is largely due to the university opting to manage the case within the institution and failing to adhere to mainstream legal procedures that would typically occur in cases of sexual misconduct (Cintron et al., 2020). Similarly, an accused student at Brown University experienced the impact of biased

training where a panel member disregarded evidence due to outlined provisions presuming the guilt of male accusers (McMullan, 2020). This particular case is similar to that of the University of Connecticut and reflects the biases existing when cases of sexual misconduct occur within the institutional environment. Furthermore, the University of Cincinnati faced litigation for violation of Title IX due process alleging a student did not receive the opportunity to present a defense against the sexual assault claim (Frier, 2020). Each of these examples reflect that when cases of sexual misconduct strictly happen within the campus environment and away from the mainstream legal system, a lack of due process tends to occur.

Goldman (2020) suggested that individuals investigating Title IX sexual misconduct matters obtain training on due process processes in civil and criminal law in order to comprehend how the law governs disputes, recognizing that courts were facing an increase in Title IX legal cases in circuit and criminal courts (Buzuvis, 2020). However, because these individuals are employees of universities, bias can result in investigations, as they may be encouraged or coerced into minimizing the magnitude of severity of the case, failing to be transparent in the investigative process, or withholding certain information that may be relevant to the legal process (Dowling, 2020). Thus, sexual misconduct cases handled by universities and not the legal system are highly controversial and can have significant consequences for victims, the accused, and universities.

Researchers have begun to synthesize the evidence associated with Title IX, sexual misconduct cases, and their outcomes to gain an understanding as to patterns

pertaining to their management and outcomes. For example, Richards (2019) examined context, processes, and outcomes from annual security reports (ASRs) and Title IX cases related to sexual misconduct in a Mid-Atlantic state. Richards found ASRs underreported incidents of sexual misconduct, few incidents reported to Title IX Coordinators ended in hearings, and fewer outcomes of hearings resulted in suspension or expulsion of the respondent. Richards indicated the intersectionality of compliance expectations of Title IX Coordinators related to federal regulations and sexual misconduct reporting is necessary (Binder et al., 2018). Intersectionality presents unique challenges to the management of sexual misconduct and has specific implications associated with Title IX that are discussed in more detail in a subsequent section of this review.

An increasing topic of interest in the literature has been regarding Title IX Coordinators and their roles in guiding universities through sexual misconduct cases. Title IX Coordinators are key to developing sexual misconduct policies and processes for colleges and universities, as well as choosing whether cases are investigated and the procedural structure for investigations (Edwards et al., 2019; Hargis & Roth, 2018; Kelly, 2019; Krastins, 2019; Pappas, 2018; Pino, 2019; Richards, 2019; Schreiber, 2018; Trachtenberg, 2021; Wiersma-Mosley & DiLoreto, 2018). Each of these studies offered important insight into the valuable role Title IX Coordinators play in ensuring there is compliance with Title IX legislation in the midst of sexual misconduct cases, such as via adhering to procedures and shaping university policies to facilitate compliance and the protection of rights.

The evidence related to this topic has expanded, and reflects a promising trend regarding the value placed on the role of the Title IX Coordinator relative to compliance and adherence to internal and external policies associated with sexual misconduct. However, some researchers believe Title IX Coordinators are not equipped to oversee sexual misconduct cases due to a deficit in legal education, lack of experience in courtroom proceedings, and evidentiary standards (Davis, 2020; Davis & Geyfman, 2019; Frier, 2020; Goldman, 2020; Gualteri, 2020; Harris & Johnson, 2019). Therefore, more research is necessary regarding this topic. Another issue that has emerged pertaining to this issue is intersectionality, such as when gender and race intersect to expose some individuals to multiple sources of discrimination and the risk of breaching rights in the event sexual misconduct occurs (Richards, 2019). The following section contains a more detailed discussion of this issue.

Title IX and Intersectionality

An additional increasingly emphasized concern in the literature and within higher education institutions relates to intersectionality, or the state of being the member of two or more population sub-groups that traditionally face marginalization and discrimination in society. An increasing body of evidence has emerged pertaining to intersectionality relating to Title IX. For example, Gualtieri (2020) examined how higher education institutions responded to the 2011 Dear Colleague letter through reviewing 250 campus sexual harassment cases under the operation of the Title IX office and found Title IX compliance and the understanding of the intersectionality of law and policies varied among campuses. This research gives perspective regarding how leaders in higher

education may interpret and present Title IX policies and laws on college campuses (Cantalupo & Kidder, 2018). It is evident from the recent literature pertaining to this subject that women of ethnic minority backgrounds face dual sources of discrimination and face increased risks of having their rights breached because of the concept of intersectionality (Jones et al., 2021).

Gender discrimination in higher education is nothing new, although researchers are now more prevalently focusing on how gender combines with race regarding sexual misconduct and implications for Title IX. For example, McMullan (2020) examined the role of gender discrimination of those accused of sexual misconduct and the part of the court system post-campus decision. McMullan found courts recognized Title IX claims when evidence showed a plausible inference of gender bias in Title IX disciplinary proceedings. Jessup-Anger et al. (2018) showed the impact of narrow focus investigations and litigation post-campus Title IX decisions. When sexual misconduct cases involve the intersection of race and gender, within institutional settings and away from the traditional legal system, there is a significant risk that discrimination and a breach of rights will occur (Laytham, 2020). The following section contains a more in-depth discussion of the impact that lawyers have on Title IX law and the implications that these impacts have for higher education institutions.

Impact of Lawyers on Title IX Law and Implications for Colleges

Another theme emerging from the literature pertaining to Title IX and cases of sexual misconduct in higher education institutions is the impact lawyers have on shaping Title IX laws and the impacts lawyers can have on colleges and universities. For

example, Krastins (2019) examined whether there were specific steps Title IX Coordinators should take before issuing findings on an investigation. Krastins found Title IX Coordinators made subjective decisions related to investigations, which had a direct correlation to an increase in Title IX lawsuits on college and university campuses in a northeastern state. Richards (2019) spoke to the arbitrary nature of investigations by Title IX Coordinators and the impact on civil legal matters. Lawyers have significant impacts on Title IX and there are important implications of these impacts for colleges and universities – particularly relating to cases of sexual misconduct.

Lawyers employed by universities can help shape and influence those universities' policies, as well as their cultures and attitudes associated with compliance and the management of sexual compliance cases. Grob-Lipkis (2020) examined the impact lawyers have on Title IX law and the enforcement climate of policies and procedures on college campuses. Grob-Lipkis found lawyers making procedural and substantive decisions in Title IX cases are, in effect, responsible for creating or contributing to a discriminatory atmosphere against students based on sex. Walker (2020) indicated understanding how the influence of lawyers can significantly affect the higher education environment in Title IX investigations related to sexual misconduct. Lawyers can shape the policies of a university, as well as its culture of compliance and the protection of faculty, staff, and students from a violation of their rights.

Lawyers can also have significant impacts on procedures and policies of universities as they relate to the management of sexual misconduct cases. Recognizing procedural methods on college and university campuses are under the purview of Title IX

Coordinators, college administrators believe the lack of structured processes and procedures in sexual misconduct hearing and investigations from the Office of Civil Rights of the United States Department of Education has a role in procedural matters and lawsuits (Albrecht et al., 2022; Suski, 2020). However, lawyers employed by colleges and universities may impact the extent to which universities value and adhere to United States law or may modify and shape these policies and attitudes in distinct ways.

As can be seen from the literature, lawyers have significant impacts on policies and procedures of universities (Albrecht et al., 2022; Suski, 2020; Walker, 2020). Therefore, when examining processes and procedures concerning sexual misconduct, Title IX Coordinators are responsible for developing fair and impartial methods that withstand judicial scrutiny, eliminating any barriers for reporting complaints, and instituting adjustments and updates ensuring campus support of all faculty, staff, and students (Cantalupo & Kidder, 2018; Cruz, 2021; Reynolds, 2019b). The following section contains a summary of the current literature pertaining to Title IX Coordinators and their role in sexual misconduct cases.

I provided a synthesis of contemporary themes and trends in literature related to the topic of this dissertation. First, I considered rulemaking and due process in higher education followed by a discussion regarding coordinator knowledge of Title IX sexual assaults in college and university campuses, and the literature pertaining to this topic was evaluated. I then critically appraised Title IX and implications for intersectionality, based on evidence from the recent literature, the impact of lawyers on the administration of Title IX cases and implications for colleges and universities. Evidence from this section

reflected how debates and controversies have surrounded Title IX and its implications for sexual misconduct cases, the central role that Title IX coordinators play in the management of these cases, and the impacts lawyers can have on university policies and procedures. However, there are many literature gaps existing related to this topic, which are discussed in more detail in the following section.

Gaps in the Literature and Research Design and Methodological Issues

Although the research pertaining to this topic has expanded in recent years, there are many gaps in the literature; research design and methodological issues remain. Considering the caliber of institutions studied by Pappas (2018) and Wiersma-Mosley and DiLoreto (2018) along with implications tied to complaints, there is a seeming gap between procedural and process practice of Title IX Coordinators related to sexual misconduct cases. This gap is a concern because of debates and controversies surrounding the issue of sexual misconduct and the necessity for an aligned and just response of universities via the implementation of due process.

A lack of literature exists pertaining to specific practices requiring implementation by universities and colleges in cases of sexual misconduct as well. Specifically, there is a gap in practice regarding the ways colleges and universities implement standardized procedures set forth by the Office of Civil Rights of the Department of Education to ensure equitable due process for involved parties in sexual misconduct cases (Goldman, 2020; Krastins, 2019; Pappas, 2018; Wiersma-Mosley & DiLoreto, 2018; Wiseman, 2020). This gap is a problem because a failure to implement

procedures that equitably place victims and the accused at risk will eventually result in litigation against the university.

Gaps exist in the literature pertaining to the role and knowledge of Title IX Coordinators as well. Researchers have recognized a paucity of research on procedural knowledge of Title IX Coordinators giving them expertise in overseeing Title IX operations, specifically hearings and investigations (Edwards et al., 2019; Trachtenberg, 2021; Wiersma-Mosley & DiLoreto, 2018). Title IX Coordinators play important roles in compliance pertaining to sexual conduct cases, and there is a perpetual need to understand their knowledge levels to improve their abilities to facilitate an effective response on the part of the university when such cases occur.

There are also research design and methodological issues emerging from the literature. Specifically, much of the existing literature pertaining to this topic has been quantitative, including cross-sectional, cohort studies (Brown & Mangan, 2018; Newberry, 2018; Summer, 2021). While such literature may be beneficial in examining seeming trends and correlations associated with this topic, it fails to capture lived experiences of individuals impacted by the phenomenon or to demonstrate why such trends and correlations exist (Brubaker, 2019; Isaacs & Iuliano, 2021). Thus, qualitative research is necessary to expand on this research topic.

The problem this study addressed was the gap in practice regarding the ways colleges and universities implement standardized procedures set forth by the Office of Civil Rights of the Department of Education to ensure equitable due process for involved parties in sexual misconduct cases (Goldman, 2020; Krastins, 2019; Pappas, 2018;

Wiersma-Mosley & DiLoreto, 2018; Wiseman, 2020). Studying dynamics tied to this gap could lead to the development of a Title IX training based upon the perspectives of practitioners that would aid in implementing standardized procedures set forth by the Office of Civil Rights of the Department of Education that ensure equitable due process for involved parties in sexual misconduct cases.

Rationale and Justification for the Current Study

Based on these gaps in the literature and research design and methodological issues, the purpose of this basic qualitative study was to explore the perspectives of Title IX Coordinators regarding their challenges with implementing standardized procedures set forth by the Office of Civil Rights of the Department of Education related to sexual misconduct cases and ways to improve equitable due process for all involved parties. By examining this problem from the perspective of practitioners, ways to improve the process to ensure more standardized procedures for Title IX Coordinators as well as greater equity for the parties involved in sexual misconduct cases could be developed (Dryden et al., 2018; Porter et al., 2022). Results from this study led to improved insight regarding Title IX Coordinators' knowledge and improving their roles within sexual misconduct investigations.

Results from this study are socially significant in several ways. In the context of sexual misconduct situations, I intended for this study to show information from the lens of practitioners to improve equitable due process for all involved parties of sexual misconduct cases (Goldman, 2020; Krastins, 2019; Pappas, 2018; Wiersma-Mosley & DiLoreto, 2018; Wiseman, 2020). Studying dynamics tied to this gap could lead to the

development of a Title IX training based upon practitioners' perspectives. This may aid in executing responsibilities related to due process procedures related to sexual misconduct hearings and investigation assigned to Title IX Coordinators (Lindo et al., 2019). Findings of this study provide information to senior campus administrators on challenges of Title IX coordinators related to their role in sexual misconduct cases and potentially create an opportunity for additional training. Title IX Coordinators must have continuous training on policies and procedures to maintain awareness of best practices in Title IX investigations and hearings to avoid due process violations (Dixon, 2018). Therefore, further research is necessary regarding existing Title IX Coordinators' gaps in practice and ways to improve these areas. The following section contains a summary of this chapter.

Summary and Conclusion

This chapter included a review of the literature related to key variables and/or constructs of interest. The conceptual framework was first, followed by a review of the literature related to key variables and/or constructs of interest. Then, background and historical literature related to this topic, followed by the status of the literature.

Title IX has received increased attention because of sexual misconduct cases in recent years. Numerous colleges and universities have received grievances from the accused and accusers related to procedural processes overseen by Title IX Coordinators on college and university campuses (Grob-Lipkis, 2020; Jessup-Anger et al., 2018). Recognizing procedural methods on college and university campuses are under the purview of Title IX Coordinators, college administrators believe the lack of structured

processes and procedures in sexual misconduct hearing and investigations from the Office of Civil Rights of the United States Department of Education has a role in procedural matters and lawsuits (Albrecht et al., 2022; Suski, 2020). Therefore, when examining processes and procedures concerning sexual misconduct, Title IX Coordinators are responsible for developing fair and impartial methods, eliminating barriers for reporting complaints, and instituting adjustments and updates ensuring campus support of all faculty, staff, and students. Researchers recognized a paucity of research on Title IX Coordinators' procedural knowledge giving them expertise in overseeing Title IX operations, specifically hearings and investigations (Edwards et al., 2019; Trachtenberg, 2021; Wiersma-Mosley & DiLoreto, 2018). These gaps are a concern because of the necessity for quick and effective responses regarding sexual misconduct within university environments.

The purpose of the background and historical context section was to provide contextual information pertaining to Title IX and the chronological context of the problem. Consideration is given to the history of Title IX and some major reforms that have occurred. Title IX has evolved considerably since its inception in 1972 and the legislation has been linked inextricably with controversies and debates. This section outlined major debates and controversies associated with this legislation. One of the more recent and controversial issues associated with Title IX has involved sexual misconduct. A brief overview of this debate is presented, as well as its implications for due process and the role of administrators and coordinators in higher education.

The section pertaining to the status of the literature contained a synthesis of contemporary themes and trends in the literature related to this dissertation's topic. First, consideration is given to rulemaking and due process in higher education. Discussion occurred regarding Title IX Coordinators' knowledge. Sexual assaults in college and university campuses were discussed and the literature pertaining to this topic was evaluated. Title IX and implications for intersectionality were critically appraised, based on evidence from the recent literature. The impact of lawyers on Title IX law and implications for colleges and universities was considered. Evidence from this section reflected how debates and controversies have surrounded Title IX and its implications for sexual misconduct cases, the pivotal role that Title IX coordinators play in the management of these cases, and impacts lawyers can have on university policies and procedures. However, there are many gaps in the literature related to this topic.

In addition to describing these gaps in the literature, a discussion of the research design and methodological issues that inhibit understanding of this research topic and phenomenon is included. There is a seeming gap between procedural and process practice of Title IX Coordinators related to sexual misconduct cases. This gap is a concern because of debates and controversies surrounding the issue of sexual misconduct and the necessity for an aligned and just response on the part of universities via the implementation of due process.

A lack of literature exists pertaining to specific practices for implementation by universities and colleges in cases of sexual misconduct. Specifically, there is a gap regarding specific procedures to ensure equitable due process for involved parties in

sexual misconduct cases (Goldman, 2020; Krastins, 2019; Pappas, 2018; Wiersma-Mosley & DiLoreto, 2018; Wiseman, 2020). There are also gaps in the literature associated with research design and methodological issues, such as an over-abundance of quantitative, cross-sectional cohort studies (Binder et al., 2018; Kider, 2020). There is a need for qualitative studies offering more depth and richness of data to understand this topic fully.

The current study's rationale and justification were presented. Based on gaps in the literature and research design and methodological issues, the purpose of this study was to explore the perspectives of Title IX Coordinators regarding their challenges with implementing standardized procedures set forth by the Office of Civil Rights of the Department of Education related to sexual misconduct cases and ways to improve equitable due process for all involved parties.

Studying dynamics tied to this gap could lead to the development of a Title IX training based upon practitioners' perspectives on implementing standardized procedures set forth by the Office of Civil Rights of the Department of Education that ensure equitable due process for involved parties in sexual misconduct cases (Meyer & Somoza-Norton, 2018). Additionally, this study is significant because it fills a gap in practice regarding the ways colleges and universities implement standardized procedures set forth by the Office of Civil Rights of the Department of Education to ensure equitable due process for involved parties in sexual misconduct cases (Goldman, 2020; Krastins, 2019; Pappas, 2018; Wiersma-Mosley & DiLoreto, 2018; Wiseman, 2020). This concludes Chapter 2.

Chapter 3: Research Method

The purpose of this basic qualitative study was to explore the perspectives of Title IX Coordinators regarding their challenges implementing standardized procedures set forth by the Office of Civil Rights of the Department of Education related to sexual misconduct cases and ways to improve equitable due process for all involved parties. Information gathered included how Title IX Coordinators view their responsibilities related to sexual misconduct hearings and investigations, needed additional support, and suggested changes to enhance the process and improve equity for involved parties. The study involved interviewing 13 current Title IX Coordinators in the United States with minimally one year in the position due process procedural responsibilities related to sexual misconduct hearings and investigations. Chapter 3 provides a detailed explanation of the research design and rationale, the role of the researcher, and methodology, including participant selection, instrumentation, procedures for recruitment, participation, data collection, and data analysis. A chapter summary follows the discussion of trustworthiness and ethical procedures.

Research Design and Rationale

The purpose of this basic qualitative study was to explore the perspectives of Title IX Coordinators regarding their challenges implementing standardized procedures set forth by the Office of Civil Rights of the Department of Education related to sexual misconduct cases, as well as ways to improve equitable due process for all involved parties. I designed the research questions to learn the perceptions of Title IX Coordinators

on their job responsibilities, challenges, and trainings related to appropriately addressing sexual misconduct investigations.

RQ1: How do Title IX Coordinators describe their challenges implementing the due process in sexual misconduct hearings and investigations?

RQ2: What additional support do Title IX Coordinators perceive would enhance their ability to implement due process procedures in sexual misconduct hearings and investigations?

RQ3: What modifications to the procedures would Title IX Coordinators recommend enhancing equity for parties involved in sexual misconduct hearings and investigations?

To answer these research questions, I used a qualitative research approach. Quantitative research provides insight into the statistical link between factors, but it lacks the value of individual perspective and frequently results in a loss of storytelling (Umanailo et al., 2019). Qualitative methodologies allow the researcher to explore the phenomenon of interest in-depth and from the perspective of those who experience it (Hancock et al., 2009; Merriam & Tisdell, 2016). Qualitative approaches are also helpful in studying and comprehending a topic about which there have been few previous studies and empowering people to tell their own stories (Umanailo et al., 2019). There is a current gap in practice regarding the ways colleges and universities implement standardized procedures set forth by the Office of Civil Rights of the Department of Education to ensure equitable due process for involved parties in sexual misconduct cases

(Goldman, 2020; Krastins, 2019; Pappas, 2018; Wiersma-Mosley & DiLoreto, 2018; Wiseman, 2020).

I used a basic qualitative design in the study's qualitative approach, in which individuals' perspectives are examined (Percy et al., 2015). This type of qualitative research is distinct in that a specific qualitative methodology, such as phenomenology or grounded theory, does not lead it (Percy et al., 2015). The optimal way to review participants' viewpoints and experiences is the fundamental qualitative approach (Korstjens & Moser, 2018). It is also the only form of qualitative methodology focused on the act of experiencing, not the experience itself (Percy et al., 2015).

I considered other qualitative methods for the study but rejected them in favor of a basic qualitative design, which allows for research flexibility for when a particular methodology is not necessary or established (Percy et al., 2015). Phenomenological methods are not ideal, as they are for examining multiple stakeholders (Korstjens & Moser, 2018). Phenomenological methods focus on describing the experience itself, not how individuals describe experiencing the phenomenon (Percy et al., 2015). Recognizing the goal of this study was not to construct or discover a theory, grounded theory methods were inappropriate. Additionally, case study methods attempt to comprehend the experience of a single case, which would not be adequate to address the research purpose (Umanilo et al., 2019). As such, the goal of the case study methodology does not align with the aims of the current study.

Role of the Researcher

In qualitative research, the researcher's function is an observing participant (Sutton & Austin, 2015). In qualitative research, the researcher observes an individual's experience, engages with, and discusses it with the participants. Participants' recollections may occur, or new inferences may be made about their experience due to this conversation. In addition, the researcher is responsible for assuring participant safety and that each phase of data gathering adheres to ethical requirements.

Gearing (2004) shared that researchers unable to bracket their personal bias create a threat to the legitimization of the research. Given that I am a full-time higher education administrator and deputy Title IX Coordinator with experience in Title IX investigations, hearings, and due process, it was critical to be conscious of any biases that may arise throughout the research study process. Therefore, I had to be objective and seek understanding of the participants without influencing them (Babbie, 2016). As the sole researcher for this study, I ensured that I was not affiliated with any of the participants, worked directly or indirectly with them on committees or consultation boards, or have had any direct formal or informal communication with the participants outside of the study. Of importance, I have not participated in any Title IX investigations or hearings since 2016, and during the recruitment process, participants that personally knew me were removed from the study to prevent a conflict of interest.

Methodology

The current study utilized a basic qualitative design. I chose a basic qualitative design for the current study, as it allowed for the examination of participants' experiences

of their due process procedural responsibilities related to sexual misconduct hearings and investigations. The participant selection, instrumentation, procedures for recruitment, participation, data collection, data analysis, trustworthiness, and ethical procedures follow.

Participant Selection

I selected participants from various colleges and universities in the United States, with student populations within the national average of 5,000 to 15,000 students (CollegeData, 2020). I used purposeful sampling to identify colleges and universities with Title IX Coordinators who would be able to participate in one-on-one interviews. Patton (2014) shared that purposeful sampling allows participants to share in-depth insights and understanding instead of generalizations of the topic. Using a purposeful sample allows the researcher to be intentional in selecting those that are eligible to participate in the study based on their specific roles. In this study, I used purposeful sampling to gather specific subset of Title IX Coordinators at colleges and universities with 5,000 to 15,000 students in the United States to cast a diverse and wide net of participants.

I ensured those participating in the study have experience in the research subject (Emmel, 2013). The criteria for selecting participants for this study were staff members who had been in their position as a Title IX Coordinator for minimally one year, were currently employed at a college or university in the United States with 5,000 to 15,000 students, and had experience investigating Title IX incidents. The 13-person sample size was within the recommended size presented by Hennink and Kaiser (2021). I identified

potential participants through the public website of the Department of Education higher education institutions in the United States with a student population of 5,000-15,000 students. From the list and with the approval of the Walden University IRB, I reviewed a significant number of colleges and universities to find the contact information for respective Title IX Coordinators.

After this review, I organized information from colleges and universities listing their Title IX Coordinators and respective contact information; I sent an e-mail (Appendix B) stating the criterion, information about the study, and an invitation for volunteer participation. For those interested in participating in the study and meeting the criterion, I shared a consent form (Appendix C). Once participants returned consent forms, I scheduled times for interviews that were most convenient for participants.

Instrumentation

I developed an interview protocol with open-ended questions encouraging participants to share their perspectives regarding their responsibilities and challenges (Appendix A). The protocol contained 12 open-ended questions developed based on each research question, as well as the current literature on Title IX Coordinators' experiences with due process and procedural responsibilities related to sexual misconduct hearings and investigations. The use of an interview guide helps provide structure to interviews, while open-ended questions yield insight into the phenomenon (McGrath et al., 2018). I facilitated detailed descriptions from participants with clarification questions asked only if something was not explicitly clear.

Expert review is a common method of ensuring the trustworthiness of qualitative data (Connelly, 2016). Before interviews occurred, an expert panel reviewed the interview protocol. I chose an expert panel of two full-time, current Title IX Coordinators who have doctoral degrees, field experience, and three or more years of experience in Title IX hearings and investigations via an employment database for Wisconsin; their employment designations were listed as Title IX Coordinator. The expert panel reviewed the questions to determine (a) whether the interview questions addressed the research questions, (b) if the interview questions fit within the 60-minute timeframe, (c) whether coordinators could easily answer questions, and (d) to check for bias, sensitivity. After the experts reviewed the interview questions, I edited the questions per their recommendations.

Procedures for Recruitment, Participation, and Data Collection

I identified potential participants through the public Department of Education website by searching for higher education institutions in the United States with student populations of 5,000-15,000. In this review, I found 282 colleges and universities listing their Title IX Coordinators and respective contact information. Next, I sent an e-mail (Appendix B) stating the criterion, information about the study, and invitations for volunteer participation. For those who were interested in participating in the study and meeting the criterion, I shared a consent form (Appendix C). Once participants returned consent forms, I scheduled interview times that were most convenient for participants.

I collected data for the current study through individual interviews, which were conducted using Zoom, a secure video-conferencing software program. Participants'

interviews were set at times that were most convenient for them. I scheduled interviews for 60 minutes, but some interviews were shorter. Before asking participants the scheduled questions, I addressed any concerns or questions, and participants acknowledged consent for recording by stating they understood interviews were being audio-recorded and video-recorded using Zoom's internal recording system.

I transcribed each audio recording word for word and de-identified using a pseudonym and removing any other identifying information. Interviews occurred during the calendar year of 2022, and I coded responses appropriately and placed them in a codebook to ensure consistency. Interviews were audio-recorded and transcribed by Rev Transcription services. Because of time and financial constraints due to paying for additional courses out of pocket, I used a transcription service for dictation of participant interviews. To obtain detailed information with participant interactions, I used review of audio and zoom video for accuracy.

Data Analysis Plan

The data analysis plan for the study was evaluated using Saldana's (2016) first and second-cycle coding process. In the first cycle of coding, I used manual coding to highlight the voices, specific words, or phrases in interactions, and capture realities of participants. I also used manual coding to ensure alignment with the research questions and appropriate examination of responses. Between the first and second coding cycles, I categorized codes and generated themes by examining relationships between codes, code frequencies, and underlying meaning across codes (Saldana, 2016). In the second coding cycle, I used focus coding to collapse or expand patterns of information shared in the first

cycle. I used Rev Transcription services for audio captioning and a computer audio recorder as a supplemental verification tool to the interviews. Where there were discrepancies, those perceptions were included as disconfirming evidence and valuable data in hopes of assisting readers in developing a deeper understanding of the problem and opportunities to develop their own conclusions. Chapter 4 of the study presents information learned through the implementation of Saldana's (2016) first and second-cycle coding process and the utilization of discrepant data. Within this study, participant responses tied to discrepant data were presented as minor themes rather than contradicting information others shared. This information is available in Chapter 4.

Trustworthiness

The precision of a qualitative investigation, or the level of confidence in the methodology utilized, is trustworthiness (Korstjens & Moser, 2018). Credibility, transferability, dependability, and confirmability are the four aspects of trustworthiness (Lincoln & Guba, 1989). Credibility refers to the accuracy of the information shared (Lincoln & Guba, 1989). Transferability refers to how well the study's conclusions apply to case-to-case transfer in qualitative research (Lincoln & Guba, 1989). Dependability refers to the reliability of the study's methodology (Lincoln & Guba, 1989). Confirmability refers to when credibility, transferability, and dependability are achieved (Lincoln & Guba, 1989).

Credibility

The degree to which the study's conclusions correctly reflect participants' experiences is credibility (Lincoln & Guba, 1989). The utilization of methodological best

practices, extensive descriptions of findings, and reflectivity help demonstrate credibility. For basic qualitative design, Fusch and Ness (2015) suggested best practices include establishing well-designed data analysis plans from past research to increase the likelihood that the data will accurately reflect participants' experiences. In this study, I used the examination of information from several interviews (Fusch & Ness, 2015).

Extensive comprehensive descriptions of participants' experiences (positive and negative) included direct, de-identified quotes and explanations in the findings section. Concentrated descriptions and competing interpretations offer proof to the reader of the depth of the studies and the fit of the identified codes and themes (Lincoln & Guba, 1989). Finally, I incorporated reflexivity into the data collecting and analysis process. Reflexivity allows the researcher to consider the lens in which they perceive their work and how their background influences data collection and interpretation (Fusch & Ness, 2015). Being aware of biases reduces the influence of those biases during data gathering and analysis.

Transferability

The degree to which findings are thick enough so those seeking to transfer can do so effectively is transferability (Lincoln & Guba, 1989). From this study, the approach and findings could aid in the transferability of results to institutions with similar student demographics. However, because this is a qualitative study, transferability may be limited. The descriptions consist of extensive detail on the study's surroundings and the participants' circumstances during the event. Connelly (2016) shared that the more

precise the description of the phenomenon, the more the reader will see how applicable it is in different situations.

Dependability

The degree to which research techniques are documented and dependable is dependability (Lincoln & Guba, 1989). I used methodological memos during the current investigation to document procedures employed and decisions made during data collection and analysis. These memos enabled me to provide a detailed methodological description of the data collection and analyses (Birks et al., 2008). Evidence from the study (e.g., transcripts) and data analysis process records (e.g., memos) were kept and discussed in depth in the methodological description after reading the full explanation of the methodologies employed in the study.

Confirmability

The objectivity of findings or the capacity of others to recognize the findings is confirmability (Lincoln & Guba, 1989). The researcher cannot claim objectivity because the qualitative research process is subjective. However, qualitative study findings must be verifiable. I provided extensive descriptions of the approach and results. Throughout the data collecting and analysis process, I engaged in reflexivity. I described any biases discovered throughout the data gathering or analysis process to maintain transparency.

Ethical Procedures

Before data collection started, I obtained approval for the study from Walden University's Institutional Review Board (IRB). Participants gave informed consent approved by the IRB before the interview begins. Additionally, I maintained diligence in

responding to participants' concerns. In qualitative research, it is essential for the researcher to minimize intrusions into participants' autonomy (Jamshed, 2014). During recruitment, I informed participants the study was voluntary and not associated with an individual university or other organization focused on sexual misconduct. I did not disclose which employees I contacted or chose to participate to university administrators. During the interview, I informed participants of their rights to withdraw at any point during the study. Even after interviews ended, participants maintained their right to decline to answer any question, and their right to access their interview transcripts.

As participants shared their experiences with sexual misconduct hearings and investigations, I was aware of any distress the participant may experience sharing these experiences. I provided resource information to participants to access services should they feel any discomfort from sharing experiences of secondary trauma or compassion fatigue. An IRB-approved procedure was in place should a participant feel significant distress and need immediate services. Guaranteeing the security of participant's personal information was one of the most important components of protecting them. Protecting participants' privacy and keeping information confidential is significant in supporting human participants in a study (Connelly, 2016). During the data collection, data was stored on password-protected computers, and consent forms were stored in a locked filing cabinet in a secure location in my home. All identifiable information (e.g., consent forms and recordings) were stored separately from the de-identified data. For seven years following the approval of the study, I will keep the data, after which it will be destroyed in accordance with IRB guidelines.

Summary

The purpose of this basic qualitative study was to explore the perspectives of Title IX Coordinators regarding their challenges with implementing standardized procedures set forth by the Office of Civil Rights of the Department of Education related to sexual misconduct cases and ways to improve equitable due process for all involved parties. The qualitative approach I used in the proposed study was a basic qualitative design, as this design aligned best with the goals of the research. The researcher of the present study recruited and chose 13 Title IX Coordinators, via email, who had been in their position as a Title IX Coordinator for minimally one year, were currently employed at a college or university in the United States with 5,000 to 15,000 students, and had experience investigating Title IX incidents. Data was collected using individual interviews through Zoom, de-identified, returned to participants for verification and authentication, and analyzed consistently with Saldana's (2016) first and second-cycle coding process.

Chapter 4: Results

Chapter 4 contains findings and analysis of participants' interviews. The purpose of this basic qualitative study was to explore the perspectives of Title IX Coordinators regarding their challenges with implementing standardized procedures, as set forth by the Office of Civil Rights of the Department of Education related to sexual misconduct cases, as well as ways to improve equitable due process for all involved parties. The data analysis plan for the present study was evaluated using Saldana's (2016) first and second-cycle coding process. In the first cycle of coding, I used manual coding to highlight the voices, specific words, or phrases in interactions, and capture participants' realities. I also used manual coding to ensure alignment with the research questions and appropriate examination of responses. Between the first and second coding cycles, I categorized codes and generated themes by examining relationships between codes, code frequencies, and underlying meaning across codes (Saldana, 2016). In the second coding cycle, focus coding was used to collapse or expand patterns of information shared in the first cycle, as well as to extract the most common but meaningful themes within the 13 interview transcripts. The following research questions guided me in the analysis of the interviews:

RQ1. How do Title IX Coordinators describe their challenges implementing the due process in sexual misconduct hearings and investigations?

RQ2. What additional support do Title IX Coordinators perceive would enhance their ability to implement due process procedures in sexual misconduct hearings and investigations?

RQ3. What modifications to the procedures would Title IX Coordinators recommend to enhance equity for parties involved in sexual misconduct hearings and investigations?

In this chapter, I will briefly discuss participants' demographics. I will also explain the data analysis of interviews and the process used to uncover study themes. After, I will present findings from the thematic analysis of interviews along with tables and verbatim responses of participants. Finally, the chapter will conclude with a summary and a transition to Chapter 5.

Setting

I found participants for the study through the public website of the United States Department of Education higher education institutions in the United States with student populations of 5,000-15,000. After review, 282 colleges and universities had their Title IX Coordinators and respective contact information listed. I contacted staff at 282 colleges and universities. Twenty-seven Title IX Coordinators responded, leading to 13 Title IX Coordinators willing to participate in the study. The 13 participants represented each region of the United States. Interviews occurred via Zoom during the 2022 fall semester of the academic year. The study's intent was to explore perspectives of Title IX Coordinators regarding their challenges implementing standardized procedures set forth by the Office of Civil Rights of the Department of Education related to sexual misconduct cases, as well as ways to improve equitable due process for all involved parties. Participants said little about the interviews' timeliness. This could have been an unexpected effect to consider during data interpretation; however, during the inductive

coding process, this perspective became irrelevant to results, as participants did not attribute any of the interview questions to the fall semester.

Data Collection

The recruitment process began immediately after Walden IRB approval (08-05-22-0067707). Recruitment resulted in 13 Title IX Coordinators that were currently employed (for minimally one year) at a higher education institution in the United States with student populations of 5,000-15,000 and have experience investigating Title IX incidents. Of interviewed participants, seven were females, one was male, and five did not identify their gender. I collected data for the current study through individual interviews using Zoom, a secure video-conferencing software program.

Interviews occurred at a time that was most convenient for participants. I scheduled interviews for 60 minutes, but some interviews were shorter. Before asking participants the structured questions, I addressed any concerns or questions, and participants acknowledged consent for recording by stating they understood interviews were being audio-recorded and video-recorded using Zoom's internal recording system.

I transcribed each audio recording word for word, de-identified qualitative data using a pseudonym, and removed any other identifying information. Interviews occurred during the calendar year of 2022. I coded responses appropriately and placed them in a codebook to ensure consistency. Interviews were audio-recorded and transcribed by Rev Transcription services. To obtain detailed information with participant interactions, I used manual coding of transcripts and reviewed audio recordings for accuracy. Table 1

contains the breakdown of the participants' backgrounds. Table 2 contains the U.S. regional geographic locations of participants' college/university.

Table 1

Participant Gender Breakdown

Gender	Participant Number
Female	Participant 1, 2, 4, 6, 9, 10, 13
Male	Participant 3, 12
NA	Participant 5, 7, 8, 11

Table 2

Breakdown of U.S. Regional Geographic Areas of Participants' College/University

Geographic Region	Number of Participants
West	2
South	2
Northeast	1
Midwest	8

Data Analysis

For the thematic analysis of interviews, I followed Saldana's (2016) first and second cycling coding process. In the first cycle of the process, I used initial coding to attune myself with participants' vernacular in describing their perspectives. This approach allowed me to compare information as I interacted with data. In the second cycling coding process, I referred to the research questions to identify similarities from the first cycle of coding. I also used major, minor, and subthemes to categorize codes. Themes receiving the highest number of participant references became major themes of the research. Meanwhile, following themes were tagged as minor or the study's other significant themes. Finally, subthemes were incorporated to provide details or examples under the parent themes or the major and minor themes.

With interview analysis, I addressed the study's three research questions. Under the first research question, "how do Title IX Coordinators describe their challenges in implementing due process in sexual misconduct hearings and investigations?" most participants reported gaining the complainant's or respondent's trust to share or share with complete honesty as a vital issue. Specifically, the process becomes more complex when they must support individuals in need of special accommodations. The second minor theme for research question one was the challenge of upholding fairness and balance between parties. Seven subthemes followed and were minimally referenced by participants. The second research question concerns participants' perceptions of additional support needed to enhance their ability to implement due process procedures in sexual misconduct hearings and investigations. The analysis revealed most participants believe there must be increased workforce availability for additional support and assistance in their work. The second minor theme was the request for increased training and professional development opportunities. Other subthemes followed and received limited references.

The third research question asked for modifications to procedures Title IX Coordinators would recommend in order to enhance equity for parties involved in sexual misconduct hearings and investigations. Most participants indicated the need for increased training and awareness for investigators, advocates, committee members, and students about policies and management practices surrounding sexual misconduct cases. The other two minor themes received limited references and may need further research. Table 3 contains the breakdown of study themes.

Table 3*Breakdown of Themes Addressing the Research Questions*

Research Questions	Themes	Number of References	Number of Participants
RQ1. How do Title IX Coordinators describe their challenges implementing the due process in sexual misconduct hearings and investigations?	Gaining the trust of complainant or respondent to share or share with complete honesty. <i>*Supporting individuals in need of special accommodations</i>	6	6
	Upholding fairness and balance between two parties	9	5
	Needing clear and effective communication	3	3
	Lacking support and resources to implement due process <i>*Lacking resources to perform adequate training programs</i> <i>*Advisors and educators having different roles to fulfil</i>	6	3
	Needing to ensure the simultaneous notification of both parties	5	3
	Changing regulations, needing to re-train and re-communicate to stakeholders	4	2
	Needing to ensure due process at an acceptable period of time	2	2
	Experiencing time constraints	2	2
	Hearings and investigations could be intimidating, those with more resources tend to benefit more	2	2
RQ2. What additional support do Title IX Coordinators perceive would enhance their ability to implement due process procedures in sexual misconduct hearings and investigations?	Availability of professional staff for additional support and assistance in their work <i>*Having individuals who can provide emotional support</i>	12	9
	Needing increased training and professional development opportunities <i>*Needing support to understand and manage traumas</i>	13	8
	Having access to technology and other resources that could address time constraints	3	2
RQ3. What modifications to the procedures would Title IX Coordinators recommend to enhance equity for parties involved in sexual misconduct hearings and investigations?	Needing increased training and awareness for investigators, advocates, committee members, and students	5	5
	Conducting regular meetings and conversations with stakeholders <i>*Collaboration to get feedback and information</i>	4	3
	Outsourcing investigators and decision makers <i>*Increased support could be provided</i>	6	3

Results

In this section, I present the data analysis and findings related to each research question. Themes are discussed in detail in this section and connected to the conceptual framework ACT-R described in Chapter 1. However, themes with limited participant

references or those receiving 30% or less of the sample are in their respective tables but not fully discussed. Such themes may need further research to solidify their trustworthiness.

RQ 1. How do Title IX Coordinators describe their challenges implementing the due process in sexual misconduct hearings and investigations?

The first research question sought to address how Title IX Coordinators describe their challenges implementing the due process in sexual misconduct hearings and investigations. I discovered through the analysis that it is challenging for Title IX Coordinators to gain the trust of complainants or respondents, specifically related to being honest about the incident. At the same time, coordinators found additional effort is required to support individuals needing support in understanding the incident due to academic accommodations.

Another theme shared by participants was the difficulty of upholding fairness and balance between the two parties. Meanwhile, three participants respectively reported issues of maintaining clear and effective communication, lacking support and resources to implement due process, and needing to ensure the simultaneous notification of both parties. Lastly, participants respectively identified other challenges of changing regulations, needing to re-train and re-communicate to stakeholders, needing to ensure due process at an acceptable period, experiencing time constraints that hearings and investigations could be intimidating, and those with more resources tend to benefit more. The themes receiving two to three references are in Table 4. Additional analysis could help increase the trustworthiness of said themes.

Table 4*Breakdown of Themes Addressing RQ1*

Research Questions	Themes	Number of References	Number of Participants
RQ1. How do Title IX Coordinators describe their challenges implementing the due process in sexual misconduct hearings and investigations?	Gaining the trust of complainant or respondent to share or share with complete honesty <i>*Supporting individuals in need of special accommodations</i>	6	6
	Upholding fairness and balance between two parties	9	5
	Needing clear and effective communication	3	3
	Lacking support and resources to implement due process <i>*Lacking resources to perform adequate training programs</i> <i>*Advisors and educators having different roles to fulfil</i>	6	3
	Needing to ensure the simultaneous notification of both parties	5	3
	Changing regulations, needing to re-train and re-communicate to stakeholders	4	2
	Needing to ensure due process at an acceptable period of time	2	2
	Experiencing time constraints	2	2
	Hearings and investigations could be intimidating, those with more resources tend to benefit more	2	2

Major Theme 1: Gaining the Trust of Complainant or Respondent to Share or Share with Complete Honesty

The first major theme of the study pertained to perceived challenges of most interviewed participants, reporting the difficulty of obtaining the trust of complainant or respondent for them to tell the truth freely or comfortably. Anderson et al. (1997) suggested that in ACT-R, the way the data are collected is critical in relationship to what data reveal. In relation to this, some participants noted experiencing additional barriers as they assist or respond to individuals in need of special accommodations. According to participants, addressing issues and incidents when other parties are not cooperating to the fullest of their ability is difficult. Participant 2 indicated how the complainant's or respondent's willingness to share details about the incident is typically one of the most

crucial factors of the process. To do this, Title IX Coordinators must work hard to build trust to determine the best solutions and actions going forward.

The biggest hurdle to due process is a complainant or respondent's unwillingness to reveal everything. Participant 2 further indicated this.

Creating enough trust to go through a complaint and feel like we'll find a solution is the biggest hurdle. They struggle with the idea of whether they should trust someone enough to discuss what happened. They hide things and I'm like, no, just give the truth. Let's be honest, solve this. Let's figure this out.

Participant 5 shared an example demonstrating the difficulty of reaching out to respondents who are unwilling to cooperate or communicate, saying, "Sometimes the respondent puts up a barrier, doesn't answer the phone, ignores emails. And in those cases, we send certified letters...we need to notify them of something and they're ignoring us."

Participant 6 touched on the barrier of assisting students who do not necessarily display the need for additional or special assistance, but the needs are apparent once coordinators communicate with them. For Participant 6, this is crucial because of the need to ensure that the process is equitable and that all parties have adequate tools and resources to defend themselves.

If I'm meeting with a student and I can feel that they...could benefit from someone in disabilities or ADA support, but maybe they haven't shared that with the university yet, I feel like that's a deficiency. Ensuring that everyone who has

an accommodation that, that accommodation transcends some way into the Title IX process important.

Similarly, Participant 7 echoed Participant 6's statements. For Participant 7, the process is typically difficult for individuals with special cases and conditions. From experience, they are unable to communicate their needs or follow the requirements and process. This participant advocated for an increased attention to the said population, stating the following.

Autism or Down syndrome makes it harder to file a formal complaint or participate in a formal process. Implementing this process as written is difficult for that population. Even without trauma, we talk about trauma's influence on a non-neuro divergent person's brain. For neurodivergent people trauma may be more challenging.

For Participant 7, the process is typically difficult for individuals with special cases and conditions, as this population may find it challenging to communicate their needs or follow the requirements and process. Related to ACT-R, Taatgen et al. (2006) suggested in some cases, visual languages are easier to examine than others are when concepts expressed are more familiar and not convoluted. Taatgen et al.'s perspectives corroborate the theme the Title IX process can be more complex for those needing special accommodations.

Minor Theme 1: Upholding fairness and balance between two parties. The second theme that followed with significance discussed the challenge of upholding fairness and balance between two parties. Anderson et al. (1997) suggested people might

apply knowledge might with more flexibility when there is a broader comprehension of the situation. According to participants, given that there is a due process to follow, they try their best to show both parties that their rights are upheld and their needs and concerns are heard. However, participants admitted that in the process, there will always be one side of the party who feels there is injustice or unfair treatment despite their effort.

Participant 3 shared in the process, Title IX Coordinators lose their flexibility in managing cases:

The challenge is of course, we try very much to be a complainant driven system.

Their choice and their comfort are what dictates. We are not going as an institution to sit there and say, okay, you have to do this, or this is the way you do.

As soon as they become a Title IX complainant, now it's like, no, you have to do these things. Sometimes the complainant just wants a person to leave them alone and there's no flexibility in the process.

Participant 3 alluded to using the process to address simple cases such as telling the student to leave the other party alone. When this occurs, the complainant does not want to go through a formal process. Participant 8 added that as a Title IX Coordinator, they try to bridge the rights of each party, there will always be one side who feels a more negative and detrimental effect than the other. The participant provided examples and practices of how the system could provide a more positive outcome to the parties involved, stating:

If you grant one side rights, you likely reduce the others. I wish we could provide both sides rights without harming the other. Retraumatizing people at hearings,

appeals, or other parts of the investigation isn't the best way to achieve a positive outcome for all.

Participant 10 shared another example of dilemmas typically faced by Title IX Coordinators. She noted, “one cannot just win” despite working to address concerns and issues of the parties; she furthered that they cannot simply “make everyone happy.” Participant 10 also described being in a position of being “damned if you do and you’re damned if you don’t”:

Moving students was challenging. Because there was no official complaint, I moved the complainant. The complainant stated, “You're discriminating against me. Why move me"? I couldn't move the respondent because no official complaint was filed. She filed a complaint, we moved him, and he was unhappy because he hadn't had a hearing yet. So, you can't win. Because Title IX Coordinators make these decisions, when people are offended, we deal with the repercussions.

Participant 12 explained that although they are highly focused on survivor support, they try their best to ensure both parties are aware the process is still “fair and prompt”, stating:

In our training, we emphasize survivors will be believed and supported. We promise both parties a fair and timely process. This approach helps the student, or students, find their new normal and resume their education with the best supports possible. The Title IX process is designed to preserve the living-learning environment and hold responsible parties accountable.

The first research question aimed to determine how Title IX Coordinators characterize their difficulties in applying due process during sexual misconduct hearings and investigations. The analysis revealed that it is difficult for Title IX Coordinators to acquire the trust of complainants or respondents, particularly in regard to being truthful about the incident. In addition, Title IX Coordinators determined that additional effort is required to assist those who require assistance to comprehend the occurrence due to academic accommodations.

RQ2. What additional support do Title IX Coordinators perceive would enhance their ability to implement due process procedures in sexual misconduct hearings and investigations?

The second research question of the study sought to discover additional support needed by participants to enhance their ability to implement due process procedures in sexual misconduct hearings and investigations. From the analysis, I uncovered the call of participants for support, to have access to more workers for additional assistance in their work. They also noted the importance of having individuals who can provide emotional support to Title IX Coordinators and their team as well as respondents. Meanwhile, a minor theme mentioned by participants was the request for increased training and professional development opportunities. Under this theme, they asked for support to understand and manage traumas accordingly and an additional minor theme shared by participants identified the need to have access to technology and other resources to address time constraints of case leaders and managers. Table 5 contains the breakdown of themes in response to the study's second research question.

Table 5*Breakdown of Themes Addressing RQ2*

Research Questions	Themes	Number of References	Number of Participants
RQ2. What additional support do Title IX Coordinators perceive would enhance their ability to implement due process procedures in sexual misconduct hearings and investigations?	Availability of professional staff for additional support and assistance in their work <i>*Having individuals who can provide emotional support</i>	12	9
	Needing increased training and professional development opportunities <i>*Needing support to understand and manage traumas</i>	13	8
	Having access to technology and other resources that could address time constraints	3	2

Major Theme 1: Availability of Professional Staff for Additional Support and Assistance

The major theme of the second research question as indicated by participants was the request for additional support through increased professional staff and the provision of other helpful resources. Anderson and Schunn (2013) shared that within ACT-R, there is no simple structure of knowing, and each piece of knowledge necessitates its own learning and what is necessary in the decision process. According to participants, they do more when they are equipped with the right tools. Participant 1 simply noted the need for “more people.” This participant shared that having more people who could support or assist her would make their work and lives better because with more staff, they could provide enhanced and more targeted support to complainants. The participant noted, “More people. People who work for me are great, and if they had someone who only did that task, their service would be quicker and more efficient which would be helpful.” Participant 2 added how her work responsibilities continue to increase but with so little

time and resources, having support is useful. According to this participant, there is an appreciation for more trained staff:

I advise the advisors of the complainants. “It's another layer of responsibility as a Title IX Coordinator”. With appointed advisors, several respondents said it was nice to have a sounding boardWe train them extensively. We allow for questioning of each other. We are able to do a bias check as well as bounce things off of each other.

Participant 4 identified time management and workload as key challenges. Hence, she suggested that with more staff members and resources, they could focus their efforts on other important advocacies, such as the prevention and education of sexual misconduct and the process involved. The participant shared:

One of the challenges is just time management and workload. More resources, more staff, more staff, and resources to focus on prevention, education. So not only being as timely as we can be in our responses and being available for those people who need us but more prevention in terms of the other stuff ... like education on sexual misconduct and consent.

Participant 5 shared an example of the follow up on related to the workload that a Title IX team is typically assigned to. Despite this, he mentioned they have managed to address the cases assigned to them as well as their other responsibilities in the institution, saying:

What I like to do is keep tabs on the process and our whole Title IX team is good at providing feedback and timely responses. We don't interfere with an

investigation, but if the investigator has a question or has a concern, then they can come to us. It's essential participants are communicated with.

Participant 8 added the need for resources, specifically professionals who can help them in the process of managing assigned cases. However, despite training their people, they are continuing to be limited in their roles and responsibilities, as they do not have the budget to support their other programs and assignments, saying: "We need resources. We need professionals. We need willing participants ...we have fully employed investigators sitting on the shelf ready for investigations. My budget's zero and adding Title IX didn't change that."

Participant 9 echoed the need for additional resources to support the Title IX team of their institution. For Participant 9, the use of technology has been useful in their investigations. The participant then suggested sufficient resources that could encourage and support the team to manage the cases assigned to them:

I'm thankful to work with my staff on challenging cases. They're handling increasingly complex cases at once. If I could assign an investigator to one case and that's all they did, we could improve the timeline, but that's not realistic given our resources. We rely on Zoom to record interviews and acquire transcripts, despite its inaccuracies. I think an added resource we give our team and employees is eight free counseling sessions through our employee assistance program. It is an available resource for the staff if they want to share any experience related to Title IX.

Additionally, Participant 10 shared the need for additional staff who could assist in providing support during the hearing or be advocates who could serve as representatives for individuals who cannot defend themselves due to their condition. The participant provided a suggestion, saying:

Sometimes someone with a cognitive condition, like being on the spectrum, doesn't grasp social cues and does something incorrect without realizing it. Maybe they need someone from our ADA office to sit with them in meetings and at the hearing to make sure they understand the questions they are being asked and what's being said. I think that would be really helpful.

Participant 12 echoed the multiple roles and responsibilities of Title IX coordinators and how additional support for them and their team is necessary: "You're the Title IX Coordinator. Training for supervisors to understand Title IX cases is imperative. Sharing we are careful and communicative through the process with participants. You can't really educate and train enough and funding is limited."

The major theme of the second research question as indicated by participants was the request for additional support through increased professional staff and the provision of other helpful resources. Participants believe they can do more when they have more people to support them or assist in their work.

Minor Theme 1: Needing increased training and professional development opportunities. The first minor theme of the second research question reported the need for increased training for the Title IX Coordinators along with their members. Anderson and Schunn (2013) suggested the ACT-R perspective places a premium on practice,

which is required to learn permanently components of the desired competence. For these participants, given the complexities of the cases that they manage and the multitude of workloads and responsibilities they have to perform, they found it crucial to be equipped with the proper knowledge and competence through training sessions and programs.

Participant 2 shared the typical responsibilities of a Title IX Coordinator and how support and training would assist them greatly, saying:

I envy people who are only Title IX coordinators because Title IX isn't my only job. I have 1,700 other things going on in the office. Additional support is necessary. I think regular training is necessary specifically on trauma informed investigations. Everybody who does Title IX investigations needs this type of training.

Participant 4 added that there are already training opportunities present but added that variety of modes of training programs would help, saying:

There are several of us who go to some really good higher ed law conferences that are on Title IX. So, there are always some really good training opportunities there ... there's a variety. Some in person, some virtual, some recorded, some live to help all Title IX Coordinators in the way they learn best.

Participant 5 highlighted the value of ensuring each member is adequately trained, stating it would help to have constant training reviews and updates. The participant noted:

Training everyone is crucial. And I think the beauty of the program we use is that we can verify that the training is complete annually and utilize that as a resource

when needed. When we have a claim, we tap someone on the shoulder to be the investigator, advisor, or hearing official officer that has completed the training.

Participant 9 traced the connection of resources and training. According to Participant 9, it would be beneficial for the Title IX Coordinators and teams to receive updated and quality training to bring in valuable knowledge and skills to their institution.

The participant narrated:

One of the things that I think could be beneficial is training. That goes back to the financial resources too. For a long time, I did a lot of the trainings for board members, advisors, informal resolution hearing officers and volunteer investigators. I appreciate outside training also. However, money doesn't guarantee quality training whether you bring someone in or send them to actual training. You can have people with varying experience and skill levels presenting trainings. It may offer to some extent checks and balances or different perspective and information to consider.

The second research question of the study sought to discover additional support needed by participants to enhance their ability to implement due process procedures in sexual misconduct hearings and investigations. From the analysis, participants requested more support and to have access to more workers for more assistance. Additionally, the importance of having individuals who can provide emotional support to Title IX Coordinators and their team as well as respondents was discussed. Minor themes were the request for increased training and professional development opportunities with the subtheme, to have support to understand and manage traumas accordingly. Another

minor theme identified the need to have access to technology and other resources to address time constraints of case leaders and managers.

RQ3. What modifications to the procedures would Title IX Coordinators recommend to enhance equity for parties involved in sexual misconduct hearings and investigations?

The third research question the I sought to uncover modifications to procedures that could enhance equity for parties involved in sexual misconduct hearings and investigations. From the coding and thematic analysis of the interviews, most participants believed increased training and awareness for investigators, advocates, committee members, and students would develop equity for all parties involved. Participants then suggested more regular meetings and conversations with stakeholders and outsourcing investigators and decision-makers to provide increased support. Two minor themes received limited references and are in Table 6. These themes may need further research to strengthen their trustworthiness.

Table 6

Breakdown of Themes Addressing RQ3

Research Questions	Themes	Number of References	Number of Participants
RQ3. What modifications to the procedures would Title IX Coordinators recommend to enhance equity for parties involved in sexual misconduct hearings and investigations?	Needing increased training and awareness for investigators, advocates, committee members, and students	5	5
	Conducting regular meetings and conversations with stakeholders <i>*Collaboration to get feedback and information</i>	4	3
	Outsourcing investigators and decision makers <i>*Increased support could be provided</i>	6	3

Major Theme 1: Needing Increased Training and Awareness for Campus Personnel

The major theme of research question three reiterated the need for increased training and awareness for investigators, advocates, committee members, and students. Anderson and Schunn (2013) implied there is a relationship between amount of practice and duration over which people must maintain learned information within ACT-R. Participants found modifications should focus on developing the knowledge and awareness of stakeholders regarding the processes involving sexual misconduct hearings and investigations. Participants believed that a mutual understanding as well as proper cooperation could occur with the right education and awareness of the stakeholders. Participant 3 stated the importance for stakeholders to be adequately educated about the process, saying, “Educating not only Title IX practitioners, so what we, your investigators, your advocates, your people who may sit on a committee those individuals, but also providing a broader education to what rights people have.”

Participant 4 provided an example of how they introduced representatives involved in the education process or system and how it differs from a criminal system. The participant explained:

We do, and I think probably everybody's doing pre-hearing conferences. We provide guidance documents to the parties and their advisors in advance so they can have that in writing, familiarize themselves with that. We made an effort to schedule some informal time with them to talk about whatever questions they had. Here's our process and here's who we are and here's how this is. This educational system is different than the criminal system.

Participant 5 added how training the Title IX team would improve case management and the treatment of complainants and respondents, saying:

I think that the training that we provide our investigators sets them up for success, and they should not in any way treat individuals differently. So, equity should stand strong. When it comes to Title IX, you never know what will happen, so being consistent is imperative.

Aside from the Title IX Coordinators and the team, Participant 8 noted the need for training and awareness of the students. The participant shared this typically occurs during orientations, saying, “We do some prevention training with students, of course, especially in the welcome weeks and new student orientations, those types of situations. We wanna make sure that they understand what consent is.”

The third research question I sought to uncover were modifications to procedures that could enhance equity for parties involved in sexual misconduct hearings and investigations. From the coding and thematic analysis of the interviews, participants believed increased training and awareness for investigators, advocates, committee members, and students would develop equity for all parties involved. Participants also suggested more regular meetings and conversations with stakeholders, outsourcing investigators, and decision-makers to provide increased support.

Evidence of Trustworthiness

The precision of a qualitative investigation, or the level of confidence in the methodology utilized, is trustworthiness (Korstjens & Moser, 2018). Credibility, transferability, dependability, and confirmability are four aspects of trustworthiness

(Lincoln & Guba, 1989). Credibility refers to the accuracy of the information shared (Lincoln & Guba, 1989). Transferability refers to how well the study's conclusions apply to case-to-case transfer in qualitative research (Lincoln & Guba, 1989). Dependability refers to the reliability of the study's methodology (Lincoln & Guba, 1989).

Confirmability refers to when credibility, transferability, and dependability are achieved (Lincoln & Guba, 1989).

Credibility

The degree to which the study's conclusions correctly reflect participants' experiences is credibility (Lincoln & Guba, 1989). The utilization of methodological best practices, extensive descriptions of findings, and reflectivity help demonstrate credibility. Throughout the interview process, credibility must be maintained as to the degree to which the study's conclusions correctly reflect participants' experiences (Lincoln & Guba, 1989). The utilization of methodological best practices, extensive descriptions of findings, and reflectivity help demonstrate credibility. Throughout the interview process, I ensured credibility as I provided participants the opportunity to restate and clarify their answers if needed (Fusch & Ness, 2015). During the interviews, I addressed vague responses with repeating where necessary to assist participants in clarification (Lincoln & Guba, 1989). The second credibility authentication method I used was reflexivity. Through taking notes while participants were speaking, I monitored my own explicit and implicit biases. Finally, to confirm credibility in my research, when discrepant data information was found in interview transcripts, I crosschecked perspectives via audio recordings of interview recordings and presented these findings in minor themes.

Transferability

Due to this being a qualitative study, transferability may be limited. Descriptions consist of extensive detail on the study's surroundings and participants' circumstances during the event. Connelly (2016) shared that the more precise the description of the phenomenon, the more the reader will see how applicable it is in different situations. The applicability and generalization of this study is justified by the variety of participants by gender and current employment as Title IX Coordinators at colleges and universities in throughout the United States. Transferability of this research study to other populations such as higher education and Title IX Coordinators is achievable. Results from this study should lead to enhanced insight regarding Title IX Coordinators' knowledge and improving their roles within sexual misconduct investigations.

Dependability

The degree to which research techniques are documented and dependable is dependability (Lincoln & Guba, 1989). I used methodological memos during the study to document procedures employed and decisions made during data collection and analysis. These memos enabled me to provide a detailed methodological description of data collection and analyses (Birks et al., 2008). Evidence from the study (e.g., transcripts) and data analysis process records (e.g., quotes) were kept and discussed in depth in the methodological description after reading the full explanation of methodologies employed in the study.

The degree to which research techniques are documented and dependable is dependability (Lincoln & Guba, 1989). I used audio transcription for accessibility from

the start of this study to the development and reporting of findings as needed to show transparency. Part of the use of audio transcription in this study was the use of Saldana's (2016) first and second cycle coding protocol for interview questions and audio transcription as another means of crosschecking participants' interview data. The handwritten reflexivity notes are accessible as well as recordings of participant interviews for review as needed (Fusch & Ness, 2015).

Confirmability

The objectivity of findings or the capacity of others to recognize the findings is confirmability (Lincoln & Guba, 1989). The researcher cannot claim objectivity because the qualitative research process is subjective. However, qualitative study findings must be verifiable. I provided extensive descriptions of the approach and results by confirming that findings are participants' experiences (Jamshed, 2014). Throughout the data collection process, I observed, facilitated interviews, and did not influence participant perspectives by sharing my own stories or thoughts to achieve confirmability. I also repeatedly listened to audio and reviewed transcriptions several times throughout the data analysis process to ensure the accurate depiction of participants' perspectives. This component of trustworthiness confirms that conclusions reflect experiences of participants, not mine.

The study findings stem from participants' responses to interview questions approved by my committee and the Walden IRB. All records to include transcripts, coding processes, audio recordings, and reflective journals, will be kept on a password

protected device, and a locked file cabinet for five years, as mandated by Walden University's procedures.

Summary

In this study, I examined the perspectives of 13 Title IX Coordinators regarding their challenges with implementing standardized procedures set forth by the Office of Civil Rights of the Department of Education related to sexual misconduct cases and ways to improve equitable due process for all involved parties. I designed the research questions to learn perceptions of Title IX Coordinators on their job responsibilities, challenges, and training related to appropriately addressing sexual misconduct investigations. This chapter contains findings from the thematic analysis of the interviews with 13 participants. Through semi-structured interviews, themes naturally emerged during coding and data analysis to answer the research questions validated by elements within the ACT-R conceptual framework utilized in this study. Major themes identified were “*gaining the trust of complainant or respondent to share or share with complete honesty*” “*availability of more professional staff for additional support and assistance in their work,*” and “*needing increased training and awareness for campus personnel.*”

RQ 1 asked, “How do Title IX Coordinators describe their challenges implementing the due process in sexual misconduct hearings and investigations?” The 13 participant interviews demonstrated the understanding of their challenges implementing due process in sexual misconduct hearings and investigations. The prominent themes that directly answered RQ1 were “*gaining the trust of complainant or respondent to share or share with complete honesty*” and “*upholding fairness and balance between two parties*”.

RQ 2 asked, “What additional support do Title IX Coordinators perceive would enhance their ability to implement due process procedures in sexual misconduct hearings and investigations?” The 13 participant interviews demonstrated the understanding of additional support Title IX Coordinators perceive would enhance their ability to respond appropriately. Prominent themes directly answering RQ2 were “*availability of professional staff for additional support and assistance in their work*” and “*needing increased training and professional development opportunities.*”

RQ 3 asked, “What modifications to the procedures would Title IX Coordinators recommend to enhance equity for parties involved in sexual misconduct hearings and investigations?” The 13 participant interviews demonstrated the understanding of enhanced equity in sexual misconduct hearings and investigations. The prominent theme that directly answered RQ3 was “*needing increased training and awareness for investigators, advocates, committee members, and students.*”

In the following chapter, I will concisely summarize key findings, provide an analysis of the interpretation of findings, describe limitations of the study, and provide recommendations and implications for practice including the potential impact for positive social change.

Chapter 5: Discussion, Conclusions, and Recommendations

The problem this study addressed pertained to the gap in practice regarding the ways colleges and universities implement standardized procedures set forth by the Office of Civil Rights of the Department of Education to ensure equitable due process for involved parties in sexual misconduct cases (Goldman, 2020; Krastins, 2019; Pappas, 2018; Wiersma-Mosley & DiLoreto, 2018; Wiseman, 2020). Studying the dynamics associated with this gap revealed specific information from Title IX Coordinators that could result in the creation of Title IX-specific training that would aid them in executing the standardized procedures established that ensure fair due process for involved parties. Based on the problems and gaps identified in the literature from Chapter 2, the purpose of this basic qualitative study was to explore the perspectives of Title IX Coordinators regarding their challenges with implementing standardized procedures set forth by the Office of Civil Rights of the Department of Education related to sexual misconduct cases, as well as ways in which to improve equitable due process for all involved parties. Title IX Coordinators are campus designees coordinating all responses on behalf of higher education institutions related to this legislation; although, there have been instances in which Title IX Coordinators have not fully met the expectations of the Office of Civil Rights of the United States or the involved parties for sexual misconduct cases (Dryden et al., 2018). Examining this problem from practitioners' perspectives helped to identify recommended approaches in this chapter to ensure equitable due process for involved parties in sexual misconduct cases.

Findings from this study led to the emergence of three major themes, including (1) gaining the trust of complainant or respondent to share with complete honesty; (2) availability of professionals for additional support and assistance in their work; and (3) needing increased training and awareness for investigators, advocates, committee members, and students. Most participants interviewed in this study reported that gaining the complainant's or respondent's trust to share with complete honesty as a vital issue for them. Some participants also discussed how the process could be more complex for those with cognitive impairments.

Eight minor themes followed these three significant themes; however, of the eight minor themes, participants only addressed the challenge of upholding fairness and balance between two parties in detail, as the rest received minimal references from participants. One of the main issues identified in these results concerned participants' perceptions of the additional support necessary to enhance their ability to implement due process procedures in sexual misconduct hearings and investigations. The analysis revealed that most participants believe there must be increased workforce availability for additional support and assistance in their work.

Two other minor themes followed, but only the request for increased training and professional development opportunities is discussed further as the other minor theme received limited references. Participants indicated and recommended the need for modifications to procedures that would aid Title IX Coordinators in enhancing equity for parties involved in sexual misconduct hearings and investigations. Most participants indicated the need for increased training and awareness for investigators, advocates,

committee members, and students about policies and management practices surrounding sexual misconduct cases. The other two minor themes that followed received limited references and may need further research: conducting regular meetings and conversations with stakeholders and outsourcing investigators and decision-makers.

The rest of this chapter contains an in-depth discussion of findings and their implications for future research, practice, and policy associated with Title IX. First, I interpreted based on how well they aligned with the literature and theory discussed in Chapter 2. Next, limitations and recommendations of the study are discussed, followed by implications of the study. This chapter concludes with a summary, an outline of key points, and the potential for positive social change.

Interpretation of the Findings

This section contains an interpretation of the study's findings. This section aligns with the three research questions. A presentation of each main finding is provided, and then its alignment with literature and theory presented in Chapter 2 is considered.

Research Question One

The first research question addressed in this study was "How do Title IX Coordinators describe their challenges implementing the due process in sexual misconduct hearings and investigations?" Results demonstrated that Title IX Coordinators struggle to gain the trust of complainants or respondents, especially when coordinators need them to share information with complete honesty when they are charged with a violation, or they have become a victim of sexual misconduct. At the

same time, participants in this study indicated additional effort is necessary to support individuals who need accommodations due to cognitive impairment.

Another minor theme shared by participants was the difficulty of upholding fairness and balance between the two parties, maintaining clear and effective communication, lacking support and resources to implement due process, and needing to ensure simultaneous notification of both parties. Additionally, participants identified other challenges of changing regulations, needing to re-train and re-communicate to stakeholders, needing to ensure due process at an acceptable time, experiencing time constraints, those with additional resources tend to benefit more, and hearings and investigations could be intimidating for complainants and respondents.

Findings related to this research question helped to extend literature presented in Chapter 2 associated with challenges establishing due process and establishing trust when sexual misconduct hearings occur (Hargis & Roth, 2018; Kelly, 2019; Wiersma-Mosley & DiLoreto, 2018). For example, research presented in Chapter 2 confirmed Title IX Coordinators experience significance challenges fulfilling their roles as campus designees and in receiving all reports of sexual misconduct and the safeguarding of due process of all parties involved in sexual misconduct investigations and hearings (Laytham, 2020; Richards et al., 2021; Richards, 2019). When there is a lack of trust on the part of victims of sexual misconduct, Title IX Coordinators experience difficulty fulfilling their professional duties fully.

Numerous colleges and universities have received grievances related to procedural matters of sexual misconduct cases (Walker, 2020). Accordingly, researchers

have examined ways common violations pertaining to due process and implications for Title IX. For example, Cruz (2021) and Dryden et al. (2018) discussed how shared violations of due process in sexual misconduct investigations and hearings are related to (in most cases) non-disclosure of evidence, timeliness of meeting notices, inconsistent application of the evidentiary standard, failure of cross-examination by the accused or accuser, and biased or inadequately trained hearing boards. Findings from this study echo sentiments of previous researchers that indicate significant barriers to carrying out stipulations in Title IX legislation when there is a perceived lack of equity or trust on part of complainants and respondents involved in sexual misconduct cases (Cruz, 2021; Dryden et al., 2018). There is an overt need to rectify this objectively.

For example, Davis and Geyfman (2019) examined cross-examination protocol related to due process, and the preponderance of evidence considered standard in sexual assault cases. Davis and Geyfman (2019) found the cross-examination protocol and preponderance of evidence standard harmed the complainant and respondent in sexual assault cases. Preponderance of evidence would not be considered in these types of cases outside of higher education, as this standard of evidence is 51% or greater (Dryden et al., 2018; Davis & Geyfman, 2019; Krastins, 2019). The implications outlined for Title IX because due process related to cross-examinations in sexual assault investigations are significant (Dowling, 2020; Newberry, 2018). As demonstrated by Participants 2 and 5 in this study, establishing trust on the part of the complainant and respondent is critical for carrying out due process and creating an equitable investigative process.

There are many challenges with Title IX sexual misconduct procedures expressed by participants in this study that confirm the evidence discussed in Chapter 2.

Researchers often consider Title IX the most significant higher education law of the 21st century, yet there is limited information ensuring fair application of the law in sexual misconduct cases overseen by higher education administrators in these positions (Jessup-Anger et al., 2018; Reynolds, 2019a; Swan, 2020). The law has had undeniably positive impacts on preventing multiple forms of discrimination in education, including college athletics and programs receiving federal financial assistance (Jessup-Anger et al., 2018; Swan, 2020).

However, there are many challenges with this legislation that affect complainants and respondents of sexual misconduct, as expressed by participants in this study. Due process warrants that citizens be treated fairly via the normal judicial system; although, there are certainly examples where this has not been the case, including those involving Title IX in higher education (Davis & Geyfman, 2019; Dryden et al., 2018). Additionally, acknowledging that controversy exists at various levels when sexual misconduct cases are managed in-house is important (Brubaker, 2019; Lasson, 2020). In this study, participants demonstrated how this controversy specifically affects their perceptions of trust and equity amid sexual misconduct investigations.

Additionally, findings from this study help demonstrate the applicability of the conceptual framework underpinning this study to Title IX Coordinators and their investigations of sexual misconduct. Anderson's (1997) ACT-R theory proved to be an efficacious conceptual framework for understanding how Title IX Coordinators apply

learning to application in Title IX investigations. Anderson's theory provided structure regarding how applying information plays a role in how Title IX Coordinators execute their work. Similar research using ACT-R theory (Anderson et al., 1997; Anderson & Schunn, 2013; Taatgen et al., 2006) showed various ways learning influences the application of information. In this study, experiences and perceptions of participants regarding sexual misconduct could improve organizational learning associated with the provision of equity and balance during sexual misconduct cases. The following subsection contains an interpretation of findings associated with the second research question of this study.

Research Question Two

The second research question addressed in this study was, "What additional support do Title IX Coordinators perceive would enhance their ability to implement due process procedures in sexual misconduct hearings and investigations?" From analysis, a need for significantly greater support for Title IX Coordinators when individuals experience sexual misconduct or another violation of their rights, as well as to have access to more professionals for additional assistance in their work, was determined. Participants also noted the importance of having individuals who can provide emotional support to Title IX Coordinators, their teams, complainants, and respondents. A minor theme mentioned by participants was the request for increased training and professional development opportunities. Under this theme, participants asked for support to understand and manage traumas accordingly. Finally, one minor theme shared by two references identified the need for access to technology and other resources that could

address time constraints of the case for Title IX Coordinators. Participants indicated that two technology sources were Zoom and Maxient.

Findings related to this research question helped confirm literature presented in Chapter 2 related to the lack of emotional or resource-related support for Title IX Coordinators in navigating challenges associated with sexual misconduct cases (Grob-Lipkis, 2020; Harris & Johnson, 2019; McMullan, 2020; Newberry, 2018). When examining processes and procedures concerning sexual misconduct, Title IX Coordinators are responsible for developing fair and impartial methods, eliminating any barriers for reporting complaints, and instituting adjustments and updates that ensure campus support of all faculty, staff, and students. When Title IX Coordinators lack emotional or resource-related support, they cannot fully fulfill their professional responsibilities. Researchers previously recognized a paucity in procedural practice of Title IX Coordinators, giving them expertise in overseeing Title IX operations, specifically hearings and investigations (Edwards et al., 2019; Trachtenberg, 2021; Wiersma-Mosley & DiLoreto, 2018). In this study, it is evident from participants' responses to research question two that Title IX Coordinators need additional professional staff and training in managing controversial issues like sexual misconduct.

Sexual misconduct is perhaps one of the most challenging components of the Title IX Coordinator position. Some researchers have specifically examined the implication of Title IX in sexual misconduct cases in higher education, such as those on college campuses (Frier, 2020; Goldman, 2020; Newberry, 2018). For example, Goldman (2020) explored using Title IX as a primary mechanism to adjudicate civil rights cases on

college campuses related to sexual misconduct and the significant concerns related to due process. Goldman found substantial concerns when accused students face allegations without procedure protections. Goldman provided credence to the necessity of training Title IX Coordinators related to due process and its impact when missing or not implemented correctly (McCarthy, 2021). Goldman also indicated the necessity of training coordinators to prevent legal controversies.

Findings from this study confirm findings in previous research (Goldman, 2020; McCarthy, 2021; Trachtenberg, 2021) and demonstrate the need for further support and training surrounding issues like sexual misconduct. These debates and controversies surrounding sexual misconduct were not initially included within Title IX but have been linked inextricably to the act since its development (Buzuvis, 2020; Daggett, 2021; Richards et al., 2021). This highlights issues linked to Title IX and the need for further exploration of this issue to support Title IX Coordinators in training and staff. Specifically, results from this study illustrate the need for contain language within the procedures to specify Title IX Coordinator support and guidance when acts of sexual misconduct have occurred. Participant 12 stated, “when it comes to decisions, I wish guidance would say, you have to do xyz. This would help students understand this isn’t personal, it’s the law.”

Additionally, findings from this study help to demonstrate the applicability of the conceptual framework underpinning this study to support what Title IX Coordinators perceive would enhance their ability to implement due process in sexual misconduct hearings and investigations. For Title IX Coordinators, ACT-R theory can provide an

opportunity to improve institutional and individual practices in managing sexual misconduct cases. For example, in procedural memory, there is a natural response, reflexes, execution, and application of the procedures. As applied to cases of sexual misconduct, Title IX Coordinators may implement their approach to having trained staff available takes cases when additional support is necessary.

Considering working memory, the individual decides if information should be retained and later retrieved (declarative memory) or executed in that moment (procedural memory) (Anderson et al., 1997; Anderson & Schunn, 2013; Heick, 2021; Taatgen et al., 2006). In their interviews, participants described how their position descriptions and training as Title IX Coordinators are informed by standardized procedures of the Office of Civil Rights of Department of Education (declarative memory) and carried out by what they believe is necessary of Title IX Coordinators for their college and university (procedural memory). ACT-R theory can guide leadership teams to structure efforts to improve adherence to Title IX and better support Title IX Coordinators in responses to sexual misconduct cases. The following sub-section contains a discussion of interpretations of findings related to the third research question of this study.

Research Question Three

The third research question addressed in this study was “What modifications to the procedures would Title IX Coordinators recommend to enhance equity for parties involved in sexual misconduct hearings and investigations?” From the thematic analysis of interviews, most participants believed through their experiences, increased training and awareness for investigators, advocates, committee members, and students would develop

equity for all parties involved. Participants then suggested more regular meetings and conversations with stakeholders, outsourcing investigators and decision-makers to provide increased support.

Findings related to this research question helped advance the literature in Chapter 2 and associate with the need to better prepare Title IX Coordinators for controversial issues like sexual misconduct, despite their apparent awareness of these issues. For example, Edwards et al. (2019) examined the knowledge of 319 Title IX Coordinators and 313 campus/safety officers on Title IX policies and sexual misconduct. The authors found most Title IX Coordinators share specific characteristics in responses related to investigations and hearings on college and university campuses (Newins & White, 2018). By examining this problem from the perspective of practitioners, ways to improve the process to ensure more standardized procedures for Title IX Coordinators as well as greater equity for the parties involved in sexual misconduct cases can be developed (Dryden et al., 2018; Porter et al., 2022). Results from this study may have led to improved insight regarding Title IX Coordinators' knowledge and improving their roles within sexual misconduct investigations. Specifically, Title IX Coordinators are clearly aware of these controversial cases but are not fully prepared to manage them in a practical environment. There is a need to enhance their training and preparation for addressing sexual misconduct occurring on college and university campuses.

Recognizing procedural methods on college and university campuses are under the purview of Title IX Coordinators, college administrators believe the lack of structured processes and procedures in sexual misconduct hearing and investigations from the

Office of Civil Rights of the United States Department of Education has a role in procedural matters and lawsuits (Albrecht et al., 2022; Suski, 2020). When examining processes and procedures concerning sexual misconduct, Title IX Coordinators are responsible for developing fair and impartial methods, eliminating barriers for reporting complaints, and instituting adjustments and updates ensuring campus support of all faculty, staff, and students.

Previously, researchers recognized a paucity of research on Title IX Coordinators' procedural knowledge giving them expertise in overseeing Title IX operations, specifically hearings and investigations (Edwards et al., 2019; Trachtenberg, 2021; Wiersma-Mosley & DiLoreto, 2018). This study addresses this gap by demonstrating that, while knowledgeable of Title IX legislation, Title IX Coordinators are not fully prepared to manage cases of sexual misconduct. Title IX Coordinators must have continuous training on policies and procedures to maintain awareness of best practices in Title IX investigations and hearings to avoid due process violations (Dixon, 2018).

Additionally, findings from this study help to illustrate the applicability of the conceptual framework underpinning this study. In connection to Title IX litigation complaints filed against college and universities, there is a need to examine fully all responsibilities, challenges, needed additional support, and suggested changes to enhance the process and improve equity for involved parties of sexual misconduct hearings and investigations. Understanding learning influences the application of information, using the ACT-R model framed the conceptual framework for this qualitative research study because of the necessity for practitioners to apply and practice learned information. In

application to Title IX procedures, declarative memory shows how application of processes and procedures is the acquired information presented through semantics, ideas, symbols, and formulas based on theories, models, and environmental principles. Title IX Coordinators' understanding of policies, procedures, hearings, and investigations remains a foundation for how they implement their work and future applications.

Without application, learning loss occurs thus nullifying training (Anderson et al., 1997; Anderson & Schunn, 2013; Heick, 2021; Taatgen et al., 2006). The ACT-R theory can be helpful in informing training programs for Title IX Coordinators to better prepare them to manage incidents of sexual misconduct. For instance, increasing knowledge of concepts surrounding sexual behavior on college campuses can lead to an increase in knowledge regarding the application of Title IX procedures in cases involving sexual misconduct. Some participants acknowledged that having a solid understanding of the student population is equally as important as having a solid understanding of the procedures specified in Title IX. The following section contains a discussion of limitations that were present in this study.

Limitations of the Study

While these findings help fulfill numerous gaps in the literature and the scope of knowledge associated with the perceptions of Title IX Coordinators related to cases of sexual misconduct, this study was constrained by some limitations identified in Chapter 1. The first limitation pertained to time constraints. The research took place at the start of the fall semester, which for college and university administrators can be a challenging time to participate in a study. Additionally, in terms of researcher subjectivity, there was

the potential for bias. I am a Deputy Title IX Coordinator at a university in a Midwestern state. However, Deputy Title IX Coordinators do not hold any direct or indirect supervisory authority over Title IX Coordinators. To minimize bias, using bracketing and reflexivity helped to build credibility for my research. Assurances existed to ensure preoccupations with emotions and experiences prior to, during the interviews, or in the analysis and interpretation of data did not influence the results. This occurred by adhering to recommendations related to trustworthiness in qualitative research. Ways in which these constructs were established are discussed in detail in Chapter 3. The following section contains a discussion of recommendations that could occur based on these findings, as well as limitations present in the design and methodology.

Recommendations

Several recommendations can be made based on the implementation and findings of this study. First, increased training and development is significant in assisting Title IX Coordinators in gaining trust of complainants and respondents in sexual misconduct cases. Second, increased training and awareness of investigators, advocates, and committee members who participate in sexual misconduct investigations is essential. Third, development at the college and university level to create additional support for Title IX Coordinators to manage sexual misconduct cases and training of Title IX Coordinators to support complainants and respondents who may need an accommodation due to a cognitive impairment. Lastly, researchers should address limitations discussed previously in future research. For example, it is recommended that future research be

conducted longitudinally to examine changes and trends that occur over time concerning Title IX Coordinators' perceptions involving cases of sexual misconduct cases.

Additionally, quantitative research should occur to eliminate subjectivity and generalize findings more fully beyond the context and scope of this study. Considering the caliber of institutions studied by Pappas (2018) and Wiersma-Mosley and DiLoreto (2018) along with implications tied to complaints, there is a seeming gap between procedural and process practice of Title IX Coordinators related to sexual misconduct cases. This gap requires attention to achieve resolutions to controversies and debates that continue to exist pertaining to sexual misconduct cases in higher education institutions. Gaps still exist in the literature pertaining to the role and knowledge of Title IX Coordinators as well; addressing these gaps in the literature is essential for improving responses to cases of sexual misconduct on higher education campuses.

Additionally, there are recommendations for practice based on these findings. Specifically, it is evident that more training and support is necessary for Title IX Coordinators to better prepare them to manage cases of sexual misconduct and to create a more equitable response to such cases. The application of ACT-R theory may prove to be an effective framework for creating such training efforts. Further studying dynamics tied to this gap could lead to the development of Title IX training based upon perspectives of practitioners that would aid in fulfilling responsibilities related to due process procedures related to sexual misconduct hearings and investigation assigned to Title IX Coordinators. Finally, recommendations can be made for policy and social change. For example, the incorporation of guidance within Title IX legislation involving the training

of Title IX Coordinators is necessary to improve their response to cases of sexual misconduct. The following section contains a discussion of the main implications of these findings for practice and social change.

Implications

This study contains implications for practice, research, and policy change. This study is significant because it fills a gap in practice regarding specific processes and procedures to ensure equitable due process for involved parties in sexual misconduct cases by describing what Title IX Coordinators already know and what they may not know (Goldman, 2020; Krastins, 2019; Pappas, 2018; Wiersma-Mosley & DiLoreto, 2018; Wiseman, 2020). Studying dynamics tied to this gap has led to improved insight regarding ways to develop Title IX training based upon practitioners' perspectives that would aid in executing responsibilities related to due process procedures in sexual misconduct hearings and investigations assigned to Title IX Coordinators.

The application of ACT-R theory to the development of these training efforts is one way in which to enhance Title IX Coordinator responses to cases of sexual misconduct. These findings could advance the practice of investigations in Title IX cases and affect Title IX policy development at higher education institutions. Positive implications for social change associated with these findings consist of the potential to motivate higher education administrators to mandate training of Title IX Coordinators in sexual misconduct hearings and investigations. These findings may also encourage Title IX Coordinators to develop a continual practice in reviewing procedures related to sexual misconduct cases and inspire confidence in respondents and complainants participating in

Title IX sexual misconduct cases overseen by campus designees. The following section concludes this chapter.

Conclusion

This chapter contained a discussion of this study's findings and implications. First, an interpretation of the findings to the degree to which they aligned with literature and theory discussed in Chapter 2. Results from this study help to fulfill numerous gaps in the literature and extend previous research by demonstrating the need to improve Title IX Coordinator preparedness involving cases of sexual misconduct. Next, discussion of limitations of the study, followed by recommendations that can be implemented. Increased training and development are essential in assisting Title IX Coordinators in gaining trust of complainants and respondents in sexual misconduct cases as well as increase training and awareness of investigators, advocates, and committee members who participate in sexual misconduct investigations. Presentation of implications of this study and suggested findings that can have a significant and positive impact on Title IX Coordinators by improving their training, enhancing equitable due process for complainants and respondents, and developing a continuous practice of reviewing procedures related to sexual misconduct cases. This concludes Chapter 5 and this dissertation.

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Appendix A: Interview Questions

Background Interview Questions:

- 1) What attracted you to this position?

Investigation Procedures Interview Questions:

- 1) Please describe the procedures for sexual misconduct investigations at your institution.
 - a. What are the strengths of these procedures?
 - b. What are the challenges of these procedures?
- 2) What additional support would you need to address these challenges? Please describe the procedures for sexual misconduct hearings at your institution.
 - a. What are the strengths of these procedures?
 - b. What are the challenges of these procedures?
 - i. What additional support would you need to address these challenges?
- 3) What modifications to the procedures of investigations would you recommend to enhance equity for all parties?

Due Process

1. Please describe the procedures used to ensure the due process of the complainant in Title IX sexual misconduct cases?
2. Please describe the procedures used to ensure the respondent's due process in Title IX sexual misconduct cases?

3. What are the barriers to ensuring due process for all parties in Title IX sexual misconduct cases?
4. How do you ensure that due process is applied fairly to all parties involved?
 - a. What are better ways to ensure equity among all parties?
5. What modifications to the to the application of due process would you recommend to enhance equity for all parties?
6. What additional support do Title IX Coordinators perceive would enhance their ability to implement due process in sexual misconduct hearings and investigations?
7. What else would you like to tell me about due process in Title IX sexual misconduct cases?

Closing Questions:

1. What else would you like to tell me about your work as Title IX Coordinator that I haven't already asked related to hearings, investigation, due process, and training?
2. What else would you like to tell me about training for in Title IX Coordinators related to sexual misconduct cases?

Appendix B: E-mail Invitation to Participations

I am a doctoral student at Walden University, and I am conducting a qualitative research study exploring the perspectives of Title IX Coordinators regarding their challenges with implementing standardized procedures set forth by the Office of Civil Rights of the Department of Education related to sexual misconduct cases. The title of my study is *Title IX Coordinators' Perspectives on Title IX investigations and Due Process*. The purpose of my study is to explore the perspectives of Title IX Coordinators regarding their challenges with implementing standardized procedures set forth by the Office of Civil Rights of the Department of Education related to sexual misconduct cases and ways to improve equitable due process for all involved parties. This study is specific to current Title IX Coordinators employed at a college or university in the United States with a student population of 5,000-15,000 students, has at least one year of experience working as a Title IX Coordinator and experience investigating Title IX incidents. If you would like to participate in this study, please email me at [REDACTED]

Participation in this study will include a one-on-one interview with me via Zoom video cloud platform and by consenting to use the Zoom video platform, participants agree to be recorded. The interview will take approximately 60 minutes and be audio-recorded for transcription purposes. We can schedule a day and time that is most suitable for you. This interview may have minimal risk, such as a minor discomfort that can be encountered in daily life; however, being in this study would not pose a risk to your safety or wellbeing. Additionally, your identity and responses will remain confidential.

Thank you for your time and consideration of participating in my study. Please feel free to contact me by email at [REDACTED] or cellphone at [REDACTED].

Sincerely,

Arcetta Knautz

Appendix C: Consent Form

You are invited to take part in a research study exploring the perspectives of Title IX Coordinators regarding their due process procedural responsibilities related to sexual misconduct hearings and investigations. This form is part of a process called “informed consent” to allow you to understand this study before deciding whether to take part.

This study seeks 8-12 Title IX Coordinator volunteers who:

- Are currently employed at a higher education institution in the United States with 5,000-15,000 student population for at least one year
- have experience investigating Title IX incidents

This study is being conducted by a researcher named Arcetta Knautz, who is a doctoral student at Walden University.

Study Purpose:

The purpose of this study is to understand the perspectives of Title IX coordinators regarding their challenges with implementing standardized procedures set forth by the Office of Civil Rights of the Department of Education related to sexual misconduct cases and ways to improve equitable due process for all involved parties.

Procedures:

This study will involve you completing the following steps:

- Partake in a 60-minute one-on-one interview with me via Zoom video cloud platform and be audio-recorded for transcription purposes. Acknowledgement of consent for recording will take place when the participant states they understand.
- Answer open-ended questions related to your experience with Title IX sexual misconduct cases related to investigations, hearings and due process in a higher education setting.

Here are some sample questions:

- 4) What are the strengths and challenges of the procedures for sexual misconduct investigations at your institution?
- 5) What procedures are implemented to ensure due process of the complainant and respondents in Title IX sexual misconduct cases?
- 6) What additional support do Title IX Coordinators perceive would enhance their ability to implement due process in sexual misconduct hearings and investigations?

Voluntary Nature of the Study:

The researcher will follow up with all volunteers to let them know whether or not they were selected for the study. Research should only be done with those who freely volunteer. So, everyone involved will respect your decision to join or not. If you decide

to join the study now, you can still change your mind later. You may stop at any time without penalty.

Risks and Benefits of Being in the Study:

Being in this type of study involves some risk of the minor discomforts that can be encountered in daily life, such as fatigue, stress, or becoming upset. Being in this study would not pose risk to your safety or well-being. There are likely no direct benefits to you as a participant of the study; however, there are potential benefits to the higher education community. It is my hope that the results of my study help higher education encourage Title IX Coordinators to develop a continual practice in reviewing procedures related to sexual misconduct cases and inspire confidence in respondents and complainants participating in Title IX sexual misconduct cases overseen by Title IX Coordinators

Once the analysis is complete, the researcher will share the results by emailing you a one-page summary.

Payment:

You will receive a \$15 Amazon gift card as a small token of appreciation. If you change your mind and decide to stop participation at any time, the gift card is yours to keep.

Privacy:

The researcher is required to protect your privacy. Your identity will be kept confidential, within the limits of the law. The researcher is only allowed to share your identity or contact info as needed with Walden University supervisors (who are also required to protect your privacy) or with authorities if court-ordered (very rare). The researcher will not use your personal information for any purposes outside of this research project. Also, the researcher will not include your name or anything else that could identify you in the study reports. If the researcher were to share this dataset with another researcher in the future, the dataset would contain no identifiers so this would not involve another round of obtaining informed consent. Data will be kept secure by usage of codes in place of names and the storage of transcripts and data will be kept safe on password-protected devices. Data will be kept for a period of at least 5 years, as required by the university.

Contacts and Questions:

You can ask questions of the researcher by e-mail at [REDACTED]. If you want to talk privately about your rights as a participant or any negative parts of the study, you can call Walden University's Research Participant Advocate at 612-312-1210 or e-mail irb@mail.waldenu.edu. Walden University's approval number for this study is 08-05-22-0067707. It expires on August 4, 2023.

You might wish to retain this consent form for your records. You may ask the researcher or Walden University for a copy at any time using the contact info above.

Obtaining Your Consent

If you feel you understand the study and wish to volunteer, please indicate your consent by responding to this e-mail with the words, "I consent to participate in this study."