Organizational Discourse and Discursive Closure on College Sex Assaults: An Autoethnography About Filing a Title IX Complaint

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About Filing a Title IX Complaint

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Abstract
College rape is a nationwide epidemic, and has gained publicity in the past decade. Many young women are filing Title IX complaints against their Universities through the Office for Civil Rights under the Department of Education to combat the way that their assault or rape was mishandled through disciplinary processes. This thesis looks at one specific Title IX complaint filed at University of Colorado Boulder, and follows the reporting process starting at the rape itself all the way till after a legal settlement occurred between the student and the university. The account and experience is analyzed in depth using explanation of specific instances of discursive closure, a way of closing the discourse or conversation around sexual assault and harassment. Using an autoethnographic method, the account is told from a first person narrative. Through analysis of the experience, we learn that the process of reporting an assault to a University is lined with many instances of discursive closure and minimal instances of discursive opening.

Keywords: Title IX, University of Colorado Boulder, Department of Education, discursive closure, discursive opening, rape, sexual assault

“The University of Colorado Boulder is the subject of a federal civil rights investigation into a student's complaint alleging the school was slow to punish a rapist and when it did, levied sanctions that were too light…”

The U.S. Department of Education Office of Civil Rights opened the investigation [May 2013] after receiving a complaint May 16 from CU Boulder student Sarah Gilchriese claiming the school violated Title IX, a federal gender equity law, according to an Education Department official…

Gilchriese was sexually assaulted in February by another student, and reported it to school officials in March. Her assailant, according to a sanctioning letter provided to The Huffington Post, was found guilty of "non-consensual sexual intercourse." (Kingkade, 2013).
The story of my rape is not unique. Many young women (and men) have gone public about their assaults in the past few years. The White House has even acknowledged that college sex assault is a national epidemic. In January 2014, the White House Council on Women and Girls released a 34-page report outlining this national issue, and the many psychological and social layers that come with it (Rape, 2014). Discussed in this report are the demographics of survivors, physical and mental impacts of assault, and the larger problem on college campuses (Rape, 2014). This call to action from the White House states:

“We must do more to raise awareness about the realities of sexual assault; confront and change insensitive attitudes wherever they persist; enhance training and education in the criminal justice system; and expand access to critical health, legal, and protection services for survivors,” (Rape, 2014, p. ii).

This nationally recognized report was sparked in part by the outbreak of Title IX complaints over the last few years, as well as much public scrutiny and heavy press coverage.

Within the past several years, many young women and men have not only gone public about their assaults, but have been fighting their institutions for the mistreatment their assault cases. There are several instances in which students have made paths for others to follow in terms of filing a federal complaint and speaking out publicly. For example, sparked by a student named Kerry Barrett who spoke out publicly against her local police department, the Department of Justice investigated the Missoula, Montana police department’s methods for handling sexual assault cases (Robbins, 2012). In North Carolina, two young women spearheaded a Title IX complaint against the University of North Carolina at Chapel Hill (Kuo, 2013). At Occidental College in Southern California, 37 students, faculty, and alumni filed a complaint stating that the school “did not adequately discipline students found guilty of sexual misconduct, created a
hostile climate for sexual assault victims and violated federal mandates under Title IX,” (Kingkade, 2013). Further, a conclusion reached through a study on institutional discourse around sexual assault states that, “one reason that sexual harassment remains a pervasive and serious social problem is that organizational management has failed to address the problem effectively,” (Clair, 1993, p. 4). In short, harassment remains a problem, as evidenced by the amount of federal complaints, and the national call to the action from the White House. As of March 2015, there are over 90 federal complaints on the basis of Title IX, through the Department of Education (Kingkade, 2015).

Sexual harassment is an umbrella term for many different types of harassment. Defined by the Department of Education, sexual harassment “includes acts of sexual violence, [and] is a form of sex discrimination prohibited by Title IX,” (Ali, 2011, p. 1). Harassment can also come in verbal forms, and is not always physical violence. Within my paper, I use sexual assault when specifically talking about a form of abuse that is violent. I also use sexual harassment to talk about the issue at large, and how verbal and emotional forms of harassment also violate Title IX. Harassment and assault both comprise a similar discourse, but possess distinct characteristics that establish them individually. Sexual assault meshes with the term sexual harassment, while harassment does not specifically equate with assault. The Dear Colleague letter (2011), which was released to all colleges that comply with Title IX, explains that physical violence “refers to physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent due to the victim’s use of drugs or alcohol,” (p. 1). Rape and sexual assault exists within this category, which in turn falls under the term sexual harassment.

An astounding number of young women (and men) have been affected by this epidemic of sexual harassment and sexual assault. The White House reports that nearly “1 in 5 women…
have been raped in their lifetime,” (Rape, 2014, p. 1). This epidemic has existed over many years, but only recently has there been a move to combat the problem on college campuses across the nation. Protected under Title IX, a gender discrimination law, students legally cannot have a hostile environment based on sexual harassment (Athletics and Title IX, 2009). In the past few years, Title IX complaints have been popping up around the country, due to students alleging that their Universities have not been treating or handling their assaults properly or adequately. Through this paper we will see the account of one Title IX complaint, specifically various chronological instances of discursive opening (opportunities to engage with the campus reporting structure) and discursive closure (instances in which engaging with the campus reporting structure minimized or silenced the complaint) that occurred throughout the process.

Although rape and sexual harassment are crimes that can be prosecuted through the court systems, there is a lot of ambiguity and discussion around consent and sexual assault specifically on college campuses. Rape is defined as “penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim,” (Federal Bureau of Investigation [FBI], 2013, p. 1). Many researchers identify three separate tactics: physical force, verbal coercion, and impairment. The first tactic that can be identified is physical force, and is most commonly used with a combination of intoxication, because when someone is too drunk to move or fight back, the perpetrator has to use force to have a sexual encounter by physically supporting and controlling the victim’s body functions (Abbey, 2004).

The second tactic is verbal coercion, which is the use of words to coerce, negotiate, or persuade someone into a sexual encounter (Abbey, 2004). A few examples of verbal coercion are, “pressure induced through swearing, getting angry, or threatening to end the relationship,”
Verbal coercion is the most common tactic in college assaults, because there is a lack of force used (Abbey, 2011). This is seen as the least forceful, the least acknowledged, and sometimes even the least serious type of assault (Abbey, 2011). Verbal coercion was positively associated with campus fraternities due to attitudes that were favorable towards casual sex and the overall acceptance of rape myths (Abbey, 2011).

The third tactic is impairment or intoxication, in which the victim is too intoxicated to consent, fight back, or sometimes has reached a level of intoxication in which he or she is unconscious or blacking out. A study of college women’s experience with rape and assault defines incapacitated sexual assault as “incidents in which victims are unable to legally consent to sexual acts because of incapacitation,” (Krebs, 2009, p. 639). Krebs further explains the differences between incapacitated sexual assault, alcohol and/or other drug-enabled sexual assault (AOD), and drug-facilitated sexual assault. AOD-enabled sexual assault is defined as, “situations in which women are sexually assaulted when they are incapacitated because of their voluntary and/or excessive use of alcohol and/or drugs,” (Krebs, 2009, p. 639). This is when the perpetrator chooses to drink or take drugs, and then an assault occurs. Drug-facilitated assault occurs when “the perpetrator surreptitiously gives the victim a substance without her knowledge or consent to incapacitate her,” (Krebs, 2009, p. 639). Abbey (2004) says, “alcohol-involved assaults were more likely to include alcohol consumption by the perpetrator, being in locations with other people (rather than alone),” (p. 324). These tactics by which perpetrators incapacitate their sexual assault victims are associated with broader cultural discourse about rape. Throughout this autoethnographic study, I will examine how the handling of a sexual assault case—my own—became complicated, indeed hindered, in part due to the normalized cultural discourse surrounding sexual assault.
Discourse is an important aspect of everyday communication and interactions. When we talk about discourse in communication, we mean “communication is denoted as discursive action that creates, enacts, and reproduces power structures that privilege certain groups over others,” (Clair, 1993, p. 126). We can also say “discourse is politically charged and potent,” (Bingham, 1994, p. 17), meaning that discourse is created through conversation and communication, and creates a definitive power structure. To study discourse is to “focus on the constitutive effects of language”, meaning that everyday conversation plays a central role in constructing reality, creating systems that privilege some groups while marginalizing others (Grant et. al., 2011, p. xvii). Specific to sexual harassment, it is possible to follow the discourse and communication through an organizational structure. Administrators, professors, and directors of groups on campus participate in generating discourse about rape through university policies, safety lectures, informational handouts, public discussions, and through everyday conversations. Therefore, it is important to understand that communication is an “ongoing, dynamic process of actions and interactions aimed at creating, transforming, maintaining, or destroying meanings,” (Ashcraft et al., 2009).

Furthermore, the process of reporting a rape is embedded in this system of meaning, and is subject to opportunities for discursive opening and discursive closure. Discursive opening includes instances in which there is an open conversation between all parties involved (Ångman, 2013), such as various established points in the reporting process. In discursive opening, conversation and communication is encouraged, and is in no way closed. In contrast, according to, Ångman (2013) discursive closures are, “quiet, repetitive micro-practices, made for innumerable reasons, which function to maintain a normalized, conflict-free experience,” (p. 412). Discursive closure are specific instances in which sexual harassment and assault reports are
minimized and ignored, because the institutional discursive practices delegitimize and silence a report of harassment or assault. Specifically when talking about discursive closure, the communication and language that creates the discourse is ongoing and fluid, it is not transmitted through one single message, but can be altered and adjusted many times and via multiple methods. By analyzing discourse that occurs through an organization, we can understand the social realities that are formed or look at experiences using a communication lens. We can also understand how discourse in an organization creates communication, and how it frames what can and cannot be said. Linked with policies around sexual assault, the discourse that primarily shaped the policies also shapes implementation, and the practices of these policies.

In this study, I present an autotethnographic account examining how University discourse related to Title IX contributed to the improper treatment of my sexual assault case. Autoethnography is the “systematic study, analysis, and narrative description of one’s own experiences, interactions, culture, and identity,” (Tracy 2013, p. 30). Specifically, autotethnographic research can lead to stories that encourage dialogue, change, and social justice (Tracy 2013). Autoethnographic work can also provide sense-making guides for people in similar situations or spaces (Tracy 2013). A rare or understudied topic is especially important for an autoethnographic study, only when it connects to larger social narratives or if there is a lack of personal standpoint on the topic. Tracy says, “autoethnography can improve social conditions and unpack the personal implications of difficult issues,” (Tracy 2013, p. 6).

While the study of a personal experience is linked to a social narrative or issue, the methodology of writing an autoethnographic piece is very different than a research paper. The methodology involved in writing an autoethnographic piece includes “systematic introspection and emotional recalls,” which are “often about painful or tragic experiences, and writing as a
form of inquiry,” (Tracy 2013, p. 30). Through the analysis of what I went through while reporting my assault to the university, I shed light on theoretical issue of discursive closure through analyzing my process of reporting my sexual assault to the university. In particular, I will examine instances of discursive closure that occurred during the process of reporting my assault (see Table 1). Discursive closure means that communication in an organization is distorted when procedures, policies, and rights of participation are unable to be questioned by organizational members and others (Deetz 1992; Thackaberry 2004). Throughout my narratives, I plan to look at multiple instances of discursive closure, including neutralization, naturalization, subjectification, and disqualification.

Acknowledging my Assault

Brian, who I refer to as “B”, was one of my best friends from my first year at NYU, and one of the kindest souls I had met that year in Manhattan. Five days after a confusing and troubling experience with a male friend I flew to New York City and visited B in his Brooklyn apartment. While waiting on his front stoop late at night after a cab ride from the airport, every noise and movement in the shadows of the Brooklyn street made me feel anxious. When he came home from work we sat on couches in his basement, catching up for hours. I had not seen him in eight or nine months, and even though I had been away from New York City for almost a year, he remained one of my closest friends. An hour into our visit, B turned to me and expressed that there was something off with me; that I had changed. Had something happened? I expressed that I did feel off and confused by an experience, and started to tell him what was bothering me. It was not until I started to spit out my story that I realized what had actually happened. I began to tell him what occurred five nights earlier, skipping over the uncomfortable details, and focusing on my disillusionment that one of my good friends in Boulder had taken advantage of me while I
was drunk. I told B that my friend had not listened to me when I told him to “stop” and that I “did not want it.” I continued describing that although I pushed his hands away repeatedly, he continued to take advantage of my intoxicated state and had sexually assaulted me. B offered me a hug, and for the first time since my attack, I accepted physical touch.

Throughout the four planned days I spent in New York City, and in the hours that I hung out with my close friend we discussed several options for dealing with my assault. As a result of our initial conversation, B offered to take me to a hospital in NYC to get a rape kit. Together we called many hotlines, discovering that because I crossed state lines it would be a hassle to complete a rape kit, prompting me to decline the option of going to a hospital. Next, B and I discussed how I might report the rape once I returned to Colorado. He had helped a friend report a rape when they were 13, and he described the process to me from his memory. His knowledge and experience supporting someone through the aftermath of a rape helped me realize what had happened. With his support, I began to seriously consider the option of reporting my assault to the University.

A recent study by Littleton and Henderson (2009) found that more than half of the rapes in their sample of 1,700 college students were unacknowledged, meaning that victims were unsure how to label their assault and were not therefore able to articulate that their forced sexual experience was an assault. The study found that 61% of participants who had sexual experiences that could be categorized as rape went unacknowledged, meaning that they did not see their sexual encounter as forced or an assault (Littleton & Henderson, 2009). They found that 46% of women’s assaults remained unacknowledged because the victims were unsure how to label the experience (Littleton & Henderson, 2009). Littleton also discusses how there are specific mental facilities used when acknowledging the assault, such as PTSD symptoms, confiding in a friend,
force being used, and feeling frightful in general. With the main issue being the lack of acknowledgement of rape, they also attribute this to the lack of words or available discourse to articulate their attack as rape. In particular, college women in Littleton and Henderson’s (2009) study experienced difficulty in acknowledging their assaults as rape when the perpetrator was a friend, alcohol was involved, and/or they had previously engaged in consensual sex with the perpetrator.

Similar to Littleton and Henderson’s (2009) findings, my conversation with B illustrated the process by which I came to articulate my attack as rape. I found it difficult to acknowledge my rape as such for a few reasons these authors mention: I had been friends with my attacker, and we had been drinking alcohol the evening that it occurred. Through my conversation with B, we were able to articulate the instance of force and my dissent that helped me clarify that I had in fact been raped. Similar to my experience, many of the victims of unacknowledged rapes knew their assailant, drank alcohol before the assault, and their assailant also drank alcohol before the assault (Littleton & Henderson, 2009). I realized that not only was there force used when my assailant took my pants off, he resisted me pushing his hands away, did not listen to me telling him to stop, but also that I was experiencing post traumatic stress disorder (PTSD) symptoms such as re-experiencing that nights events through nightmares and hyper arousal exhibited by extreme nighttime nervousness. These experiences, as Littleton and Henderson (2009) show in their study, are mental facilities used in acknowledging a rape that were facilities I did not have prior to communicating with my friends, as I did with B. A step of acknowledgement, according to their study, was to disclose details and feelings of fear or uncertainty to friends or family (Littleton & Henderson, 2009). By sharing my experience with B, I now possessed one more characteristic in the acknowledgement category: My conversation with B prompted internal
acknowledgement of the severity of the events that had occurred four nights earlier, leading us to consider a hospital visit.

With 61% of college women in Littleton and Henderson’s (2009) study not being able to acknowledge their assault, the issue of unacknowledged assaults needs to be recognized. If more women and men were able to acknowledge their assault, this could alter or change reporting numbers, prosecution, and result in apprehending serial perpetrators. Specifically, if more assaults were acknowledged, the reporting numbers and trust in the system would increase. The discourse in the past has been on “stranger rapes” alluding to a stranger jumping out of a dark alleyway and committing an assault on a victim to which they have no prior relationship. College assaults are perpetrated mostly by acquaintances, with the facilitation of alcohol. With discourse around acquaintance rape, it may be easier for these victims to acknowledge their assaults. The definition of rape may vary widely through different cultures, and change in different geographic locations and among varying age ranges. During the formation and the beginning use of the word “rape” it was thought impossible for a husband to rape his wife, because they were married. Society has since evolved, but there are separate understandings of assault in different cultures as well as different understandings of severity and levels of assault. It is important to note that there should be a larger push towards education around sexual assault on college campuses so that more survivors are more easily able to tell that they have been victimized and acknowledge their assault. Unacknowledged rape, shown through Littleton and Henderson’s (2009) study, is a large problem on college campuses. With the correct education, discourse, and words to process and understand what happened, it is possible to change these unwanted sexual encounters into reported crimes.

**National Policies**
I am a rape survivor. My assault occurred some time between the morning hours of February 14 and February 15 of 2013, in Boulder, Colorado. Both my assailant and I were students at the University of Colorado Boulder at the time. In the aftermath of the assault, through talking to friends, looking through reporting processes, and having the option of speaking to a crisis counselor on campus, I learned I could report my assault to the University as well as the police. Throughout many months following the violent encounter, I proceeded to report my assault to both my university and the local police department. Since I fully acknowledged my assault, I was ready to go forward and make sure that my assailant was held responsible for his actions. Through reporting, having my investigation turned over to a director in charge of sanctions, and dealing with the aftermath of the sanctions and process overall, I had many mixed feelings about the situation. Because I was certain what happened to me was rape I steadfastly reported the crime.

Title IX is a federal law, governed under the Office for Civil Rights. The Office for Civil Rights is legislated by the Department of Education. Title IX states, “[no] person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance,” (Athletics and Title IX, 2009, p. 770). Although originally created for equality in athletics in 1972, it has evolved over time to recognize and include discrimination based on sexual harassment and employment discrimination. Congress in 1972 enacted this law in “response to evidence of discrimination against women within the realm of educational opportunities” (Athletics and Title IX, 2009, p. 771). A few years after the law was enacted, the Civil Rights Restoration Act of 1987 was passed. By enacting this, “Congress secured the right of females to be free from sex-based discrimination in schools receiving federal funds and
clarified that Title IX applies directly to school athletic programs so long as any part of the school receives federal funding.” (Athletics and Title IX, 2009, p. 772). This means that because I am a university student in the United States at a school that receives federal funding, I am protected under Title IX, as are all my peers. Because the University of Colorado Boulder receives federal funding, they must comply with these laws, and are therefore legally required to create and maintain an environment free from the hostility that arises following any instance of sexual harassment. This was included in Title IX when in 1992; Franklin v. Gwinnett County Public Schools asserted that “sexual harassment is barred under Title IX” and “permitted individuals to collect compensatory damages based on such discrimination,” (Athletics and Title IX, 2009, p. 772). This law made my settlement possible, which I discuss later.

Title IX then encompassed sexual harassment of which the Supreme Court has identified three types. The court defines these three types of sexual harassment as: 1) hostile environment, 2) quid pro quo, and 3) peer-to-peer. Hostile environment can be seen as any unwelcome advances that affect people’s abilities to accomplish their work goals (Equal Employment Opportunity Commission [EEOC], 2008). In legal speak, hostile environment is defined as, “one in which ‘unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct have the purpose or effect of unreasonably interfering with an individual’s performance or creating an intimidating, hostile, or offensive environment,’” (Athletics and Title IX, 2009, p. 775). Quid pro quo refers to sexual coercion, a type of sexual harassment that includes bribes, threats, and promises of rewards in return for sexual favors (EEOC, 2008). Legally quid pro quo is defined as “the receipt of benefits or the maintenance of status quo… conditioned on acquiescence to sexual advances,” (Athletics and Title IX, 2009, p. 776). Peer-to-peer sexual harassment must include a case in which “a person of authority must have actual notice of the
harassment and must have responded with ‘deliberative indifference’ to it,” (Athletics 2009, p.776). Because I experienced a hostile environment and the University acknowledged my complaint, by opening an investigation into the assault, there was no deliberative indifference.

Title IX continued to evolve, and in 2011 extended to directly impact college students. On April 4, 2011 the Department of Education issued the Dear Colleague letter, explaining “sexual harassment of students, which includes acts of sexual violence, is a form of sex discrimination prohibited by Title IX,” (Ali, 2011, p. 1). As the Department stated, this letter was a call to action nationwide to recognize how large this issue was (Ali, 2011). This document reemphasized the well known statistic, that 1 in 5 college women will be victims of attempted or completed sexual assault. This letter changed the way universities handle sexual harassment and violence by laying out the new basic guidelines that universities must follow. The U.S. Department of Education explains, “sexual harassment is unwelcome conduct of a sexual nature. It includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual violence is a form of sexual harassment prohibited by Title IX,” (Ali, 2011, p. 2).

These clarifications helped universities, and students protected under Title IX to better understand the law. With this definition, it is clear that “Title IX requires the school to take immediate action to eliminate the harassment, prevent its recurrence, and address its effects,” (Ali, 2011, p. 2). Because of this new letter that addressed universities directly, there is now a clear outline of the liability of the university to prevent and handle sexual harassment. Since both my assailant and I were students of the University, and we both signed a Code of Conduct under the University, I was presumably protected against harassment under Title IX. Reporting a Code
of Conduct violation was my main option for reporting the rape, and was the first discursive opening in the reporting process.

**Code of Conduct**

*My first year of college, I attended New York University. We listened to a thirty to forty minute song and dance about all the dangers of college. We heard, through songs and discussion, how to deal with college and roommate issues such as dirty dishes, time management, being safe in Manhattan, making sure to call our parents, and of course a tiny skit about sexual assault and consent. Although not a long skit, I remember thinking that sexual assault rarely happened, and did not understand how that applied to me. My brand new floor mates and I left the large hall in midtown Manhattan bubbly about our upcoming year, and ogling the multiple teen celebrities such as Dakota Fanning and the Sprouse twins that were now enrolled in our graduating class.*

*My roommate, Mary (a pseudonym) and I came up with a list of rules when we moved in together immediately following this orientation. We felt that orientation influenced us enough to have a conversation about safety. The big rule was, if you were not going to come home for whatever reason (studying, partying, boyfriend) we had to let the other one know we were safe. Mary went out more often than I did, as I worked 30 hours a week and took a full course load. She often was texting me late at night to tell me she was safe and sleeping elsewhere. One night in particular, I remember waking up for work early in the morning to both no Mary and no text message from her. Hours later, she stumbled in hung-over and apologetic for not texting me. She had so much to drink that she could not remember most of the night, including not remembering the man she had woken up next to. While she did not regret it, she talked about the intoxication as a sign of blurry consent, and something that she felt uncomfortable with. Her actions of*
laughing it off, allowed her to move on from the blurry situation. This was the first exposure I had to incapacitation, and the potential for rape due to predators noticing intoxication levels.

When I transferred to CU I had to sit through another orientation. I distinctly remember being frustrated about the mandatory segment on university policies and the student Code of Conduct. While I half paid attention, and half dozed off, a policeman and friendly woman came up and talked about the section of the code of conduct that described sexual assault. The representative from Office of Victims Assistance, and the police man described very briefly the seriousness of assault, what it meant, what consent was, and our reporting options. This short informational session before my second year of college was the only introduction I received regarding to CU’s Code of Conduct and how to report an assault to the University.

At the time that I reported my assault, I went through the Student Code of Conduct Office on University of Colorado Boulder’s campus. At the time, this was the first step in reporting a rape—the first in a series of discursive openings in the reporting process. The Student Code of Conduct Office at CU Boulder has a contract that every student must sign when enrolled in the University. Authorities asked students to sign it at first year orientation, or in transfer orientation in my experience. The representatives during orientation were strict about the Code of Conduct, and would not let us sign up for classes before we signed a document saying we understood it. The Code of Conduct covers everything from sexual misconduct and sexual harassment, to “violating any housing and Dining Services policy,” (Student Code of Conduct Polices and Procedures [SCCPP], 2012). The Code of Conduct covers offenses that range widely from relatively trivial (violating a dining service policy-carrying out food from the dining centers) to very serious (non-consensual sexual intercourse) (SCCPP, 2012, p. 4). The 2012-2013 Code of Conduct, for the school year I was assaulted, states that “violating any of the below standards
with bold type will result in a minimum sanction of suspension unless specific and significant
mitigating factors are present,” (SCCPP, 2012, p. 3). Two of the four violations that my assailant
committed were bold faced, which should have resulted in suspension. The violations that are
bold faced are more serious offenses, while acts such as stealing from the dining halls are not
bold faced. As I discuss later, there was an almost five week period between when the violations
were handed down, and when the sanctions were given. Between these five weeks, my assailant
was on campus, and was not suspended as the Code of Conduct recommends. Thus, the
University’s failure to suspend the perpetrator of my rape, as the Code of Conduct recommends,
revealed a notable gap between the Code of Conduct policy and its practice. This gap could be
attributed in part to university bureaucracy.

Clair explains that the macro level practices and policies within the University reflect
directly on the micro level discursive practices (Clair, 1993). This means that the policies within
the student Code of Conduct on the macro level reflect on how the practices play out on the
micro level in interpersonal conversations and interactions. These discursive practices as she
explains are exclusionary discourse which, “may energetically address the concern yet frame the
issue in a limiting way by excluding pertinent information,” (Clair, 1993, p. 14). By excluding
information, the University leaves out key sections of the story to sexual harassment. With pre-
made policies and practices that are general (not adapted for each individual case) there is a gap
between the policies and the discourse that happens in each individual case. This can also be
seen as minimization or trivialization; making the issue of sexual harassment seem like less of an
issue that it actually is. Clair’s analysis of discursive practices is only the tip of the iceberg on
discursive practices and issues that exists within universities and sexual harassment or sexual
assault. Discussed further, I will look at acts of discursive closure specifically in my experience.
Clair’s analysis of the bureaucracy of organizations in relation to sexual harassment could explain some of the gap between the policies and practices. She says, “it is important to note that a myriad of levels exist in the discursive practices of sexual harassment, all of which are intricately interwoven in the complex constitution of sexual harassment,” (Clair, 1993, p. 3). Clair’s study focuses on communicative techniques in institutional discourse, specifically focusing on sexual harassment. She explains that management has failed to take the problem seriously, that organizations do not have adequate policies or procedures in place, and finally that there is confusion over who owns the responsibility in the organization (Clair, 1993). Clair argues that women are suppressed within an organization, because it is a patriarchal society, and therefore sexual assault and harassment policies lead to perpetuation of patriarchy (Clair, 1993). She continues to explain that the “corrective institutional discourse that surrounds [harassment]” also perpetuates patriarchal beliefs, which in turn does not help those who seek to report an assault (Clair, 1993, p. 127). She states that an institution attempting to rectify the problem is ironic, since in reality, they are simply perpetuating a culture that objectifies and looks down on women. This means that all the different levels of management, administration, and authority intend to make workable policies and decide on viable ways to enforce them; however, in reality, these policies often get confused or complex when implemented in practice.

The study of sexual harassment described here also extends as an umbrella term covering sexual assault. Clair (1993) concluded that “bureaucracy is rooted in the ethics of rationality and efficiency; it promotes a logical and passionless perspective of organizing,” (p. 8). Clair’s study examined the communicative techniques that are employed in institutional discourse, directly related to sexual harassment. She describes that the commodification of women plays a large role in the formation of policies, and that the objectification of women plays into the patriarchal
realm, which in turn continues to objectify women (Clair, 1993). Clair also describes how privatization of women leads to a quieter conversation around sexual harassment. She describes, “although sexual harassment occurs in the public realm, it has consistently been treated as a private matter,” (Clair, 1993, p. 131). When these issues are private, or not openly discussed, the public discourse itself privatizes sexual harassment. This could be seen as closing the discourse on the topic, or discursive closure.

Similarly, processing a sexual assault case through a university Code of Conduct office subjects it to the same constraints and confusion that Clair references regarding organizations’ handling of sexual harassment cases. While I went through the Student Code of Conduct office, to my knowledge, my case was not elevated above this office, and was not reviewed by someone trained specifically in Title IX. At the time of my reporting, the Code of Conduct office operated with a president and vice president, without the Chancellor’s discretion or oversight on a case-to-case basis.

**Reporting my Assault: Discursive Opening in the Hypothetical Interview**

*After getting stuck in New York for an extra day due to a storm at home, I made it back to a whirlwind of midterms and projects. With school as my primary focus, I pretended and attempted to convince myself that I was not being affected by my assault and shifted my attention to the work that had to get done. Throughout this time, and once prior to my trip to NYC, I saw a therapist at the Office of Victims Assistance. She was incredibly helpful in describing my reporting options at CU and with the local police department the first time I met her, although initially met only to share my confusion on the experience.*

*On March 5, 2013 I went to see my therapist in OVA’s office, where we had planned on meeting the investigator for the Code of Conduct office. After I briefly checked in with my*
therapist, the investigator joined us in her office. She started off by introducing herself, explaining the reporting process, and also further explaining that I could describe a hypothetical situation to her before disclosing names. I opted to tell the hypothetical situation, and tilted myself into the thick description of the night I was assaulted. Both her and the OVA representative listened while I explained the night of February 14th a few weeks prior. After I had finished my story the investigator apologized for what the hypothetical person (in the story I reported) went through, and asked some clarifying questions. She gave feedback in saying that the situation sounded like it would be a good candidate to investigate, and sounded like the proposed situation did violate parts of the student code of conduct. I then decided to disclose my name, my assailant’s name, and the identifying details of that night. She said she would contact my assailant to inform him that there was an open investigation, and that there was a no contact order that would be put in place.

Later in the day on March 5, she emailed me saying:

“Hello Sarah,

Thank you for meeting with me today. I was able to talk to [assailant] and send out the letter we discussed.

It includes the following language:

Due to the seriousness of these allegations, you are prohibited from having any contact with Sarah until the University’s process is resolved. This includes direct contact and all forms of communication, extending to email, Facebook, MySpace and other social networking sites, phone and Instant Messaging and any contact through third parties. Please be aware that the Student Conduct Code prohibits retaliating against or discouraging any individual from
participating in or pursuing a University process. Any harassing contact with Sarah could be construed as retaliatory in nature and result in additional judicial or criminal charges.

In addition, you are excluded from [residence] apartments until the University’s process is resolved. You may not be present at [residence] for any reason.

Thank you, Sarah.

[Investigator]

Office of Student Conduct

University of Colorado at Boulder” (personal communication, March 5, 2013).

The practice of doing a hypothetical interview before disclosing names is discursive opening by the university, especially in such a high stakes situation such as sexual harassment and assault. They are attempting to open up conversation to investigate an assault, and are giving survivors the opportunity to create conversation and discourse around their assault. Specifically, this important discussion of a hypothetical interview was a discursive opening move by the University. However, discursive openings also create opportunities for closure, which Deetz describes as practices that “can either lead to such open formation by further exploration of the subject matter or divert, distort, or block the open development of understanding,” (Deetz, 1992, p. 188). Specifically relating to the hypothetical interview, by telling a survivor that their experience does not sound like a valid assault or something that could be investigated, the University is avoiding the topic and blocking any chance of understanding the situation. Before they make that decision, they could press for more background information. This could mean information such as background checks, a look at the social behavior of each party in the investigation, and possibly asking friends and family if there is a history of violence. The
blocking of the development of understanding each individual case and issue could lead to uninformed or unfair investigations. Using a hypothetical situation is a key characteristic in the discursive move of neutralization, such that the University could potentially decided that, instead of moving forward and recording the complaint, they could simply shut down the situation.

This hypothetical situation can create potential conflict between the student and the university. Deetz explores the multiple moves of discursive closure, and describes them as having “primary effects … to suppress insight into the conflictual nature of experience” (Deetz, 1992, p. 188). By suppressing insight, the issue at hand cannot be fully explored. Suppression is silencing the issue, which is also not putting in enough resources or energy into this large of a problem. Deetz says that other primary effects of discursive moves are to “preclude careful discussion of and decision making regarding the values implicit in experience, identity, and representation,” (Deetz, 1992, p. 188-189). He also describes these moves as “quiet, repetitive, micro practices, done for innumerable reasons, which function to maintain normalized, conflict-free experience and social relations,” (Deetz, 1992, p. 189). Overall, these discursive moves are used to shut down experiences, shut down conflict, and maintain discourse of a normalized social environment. However, sexual assault is not conflict-free, nor is it a normal social behavior.

In these hypothetical interviews, the university also uses neutralization as a discursive closure. Neutralization is the process in which “value positions become hidden and value-laden activities are treated as if they are value-free,” (Deetz, 1992, p. 191). Deetz describes this by saying that when you just give the “data” or the “facts” that this “hides the criteria used to choose certain observations rather than others and the conceptual frame that produced the ‘facts’ and ‘data’ in the first place,” (Deetz, 1992, p. 192). Meaning, when I simply produce data, facts, and information about my assault in the hypothetical interview, the University official overlooks the
conceptual frame of the prior relationship, the context surrounding the assault, and the individual behaviors of each person involved to this instance. They also, by bias or motive, could tell the survivor that there is no potential for an investigation, because of some hidden value or hidden bias and also unintentional bias due to outdated and inadequate understandings of what rape is.

Because the University, specifically the investigator, gave feedback on my specific assault and told me that it was worth pursuing an investigation, it was an opening towards the discourse of my individual assault. This move, the second discursive opening by the University, created the original discourse of my assault. It was followed through by the investigation, sanctioning process, and all consequential events. However, because of the office’s practice of listening to the situation and specifically their affirmative stance that I should file a complaint, they opened up the gateway for me to continue to talk about my assault.

Even though I was encouraged to report the rape, which was a discursive opening, I immediately encountered a subtle form of discursive closure. In neutralizing, the University is seeing only one way of producing and understanding the value at stake (Deetz, 1992). Meaning, the value they place on sexual assault and sexual harassment is the only value they see. This discursive closure minimizes the way the survivor feels, acts after the assault, and the support and the help they need in continuing their education. By simply looking at the fact that there was an “assault” that occurred, the University overlooks all the emotional turmoil that comes with being a survivor of sexual assault. In the letter that the investigator wrote, she told my assailant not to contact me by any means. This letter does not discuss any sort of severity of the incident, the possible “judicial charges,” or any sort of social description of sexual assault. It simply portrays the minimum statement that the University must put forth so that my assailant did not contact me again, which would yield a hostile environment. This minimum statement is putting
value simply on the legal requirements, neutralizing the situation, and closing the possibility for this issue to become a larger issue without considering the emotional, mental and physical impacts felt by the survivors.

**Violations**

*The Friday afternoon before spring break, March 22, 2013 I received an email with a letter attached outlining which violations my assailant violated. Earlier that day I received an email from the investigator saying the review committee was meeting that afternoon to discuss my case, which she had solely worked on. I awaited anxiously all day for the email, and breathed a sigh of relief when I received the following message:*

“This letter will notify you of the results of the Student Conduct investigation conducted into the incident in February 2013 involving a male CU-Boulder student. Thank you for reporting this to our office. Upon conclusion of our investigation, [assailant] has been found responsible for violating the Student Conduct Code based on a “more likely than not” standard of proof. Specifically, he has been found responsible for violating the following provisions:


*Immediately following that email, I picked up my 25-page report from the Office of Student Code of Conduct to read over the interview he gave, the findings from the Office, and the discussion around the violations. As I poured through the graphic, descriptive details of my rape through his eyes I was overcome with both anger and disgust. While he switched between saying I pushed him away and said ‘no’, and that he thought it was consensual, the act of intercourse was never in question. How could someone treat another human this way? I was also validated*
by the information, because it proved I was not lying, and that the horror of that night was in fact real.

As my assailant said in an interview with the investigator, he described our relationship previous to the assault as “somewhat awkward” and he further states that he “felt he was more socially acclimated,” than I was (Investigative report #31794, 2013, p. 7). This, to me, was simply an attack on my personality and on me as a person. He also admitted to my verbal protests, my hands pushing him away, and that I was severely intoxicated.

Having one investigator run the entire investigation was a large contributor to the discursive closure that occurred in my case. Although the investigator presented it to an anonymous board, which approved the findings, the investigator was the only one who interpreted the details of my account and then reported them to the anonymous board, which then proceeded based on her recommendation. This anonymous board could not be defined, and the university refused to allow me the details of how many people were on the board, who made up the board, and what qualifications there were to become a member of this board.

The board is a private group of people that is not disclosed to the respondent or complainant in the case. Deetz explains “private decisionalism and relativism often appear as being open to others but usually function to preclude questioning of normal routines and assure closure of experience,” (Deetz, 1992, p. 193). This describes the decision making process that the investigator makes, and how it closes the experience to anyone but the investigator themselves. I could not appeal the decision that was made, nor was I part of the decision process or had any weight on the decision besides my own account of the night. Only one person made the decision, which closed the entire experience to questioning or second opinions. Regardless of whether the investigator made the right decision, weighed every option and side, and came to a
great conclusion, they still closed the discussion and did not allow questions to this routine process. Deetz argues that this moment, when the experience is closed, is exactly when we should open the discussion back up, and talk about the issue at hand (Deetz, 1992). He also argues that this is especially true, when it is a ‘matter of opinion’, because that means the issue would highly benefit from discussion. In this situation, the formation of the investigator’s findings were both fact and opinion based, based solely off that individual’s investigation, thoughts, and observations while interviewing me. With more investigators, there could have been different findings, either more or less intense. While I mostly agree with the violations that were found, some other investigations could possibly not have as positive of conclusions or have found the assailant guilty for more violations.

Another move of discursive closure in this instance was subjectification. Subjectification is when someone states that there is a “matter of opinion” and that the situation is pointless to discuss (Deetz, 1992). This “matter of opinion” closes the entire conversation before one even starts, before others are allowed in the conversation (Deetz, 1992). With the utilization of one investigator and one anonymous board to approve the findings, the use of subjectification of experience acted as a discursive closure in my experience. In other words, the entire decision regarding the violations was a closed conversation, and it relied entirely on the judgment of the investigator. Deetz (1992) states that in subjectification “a produced identity is taken as a given rather than a social formation,” (p. 193). With this explanation, it could be argued that I just took the violations at face value instead of looking at the formation behind them. Because it is such a life changing and altering decision, it has high stakes. This action changed both my life and that of my assailant. It could also be argued that the investigator used subjectification when making this decision alone, by taking the identities of both parties at face value. If there were multiple
opinions on characteristics, accountability, and general behaviors from multiple investigators, there would be a deeper level of social formation about the complainant and respondent. The board that approved the findings never encountered my assailant, or me, since the findings were provided with the names anonymous. The board only took the accountability from the impression the investigator described to them.

Meeting with Student Code of Conduct Office over Sanctions

I was instructed to meet with the interim Director for the Code of Conduct Office, after spring break to discuss the sanctions. I met with the director the first week back after spring break, and had a heated discussion in which I explained that I did not want my assailant back on campus until after I graduated. He asked about my mental state, how school was, and how I was feeling after the assault. I disclosed the difficulty of getting out of bed, the difficulty of going on campus in fear of seeing my assailant, and the general depression I was feeling. I left feeling like it was a productive meeting, and he agreed that the sanctions would be released in the next seven days, as the original letter from the investigator said.

After a week had passed, I had not heard from the director. In the next two and a half weeks since our meeting, I emailed him twice for updates, with no response, and booked another appointment with him in person. The first email, sent April 9, 2013 read:

Dear [director],

I was wondering if you had come to a conclusion on the sanctions based on the sexual misconduct case I was involved in? When we spoke last week you said you would contact me Monday, so I thought I would check in.

The second email sent April 17, 2013 read:

Dear [director],
Sorry to bother you again. I was wondering if you could possibly give me a time limit of when to expect the sanctions on the case I'm involved in, as I still feel as though campus is not safe for me currently.

_During this waiting period my father also was in town and saw firsthand how I was falling apart. I had signed paperwork to take an incomplete in my chemistry class, and I had a verbal confirmation from my Environmental Ethics professor that I was also taking an incomplete. My father was both concerned about my academic success and my emotional health. He also emailed the director asking for an update, stressing the severity of the situation, and asked him to come to sanctions soon. The director did not respond to my father, either._

_I also informed the director during our second meeting that I had seen my assailant twice on campus, and that he had approached me both times. The director saw, in person, how frustrated I was with the entire situation and how much my assailant approaching me affected me. This was a direct violation of the “no-contact-order” that the University levied against the assailant, and was failing to enforce. The director, after both accounts, told me not to worry, and said that the sanctions would be administered soon. He did nothing to uphold the order, and disregarded the fact that my assailant had walked towards me twice, approaching me. The director instructed me to not worry about things, and said that it would all be over soon._

_The OVA representative that I was still seeing also called the director, as a representative from inside the University. She questioned the amount of time the sanctions were taking, and described to the director my lack of emotional health from waiting so long for the sanctions. Her help, although a great gesture, did nothing to expedite the process._

_My Title IX complaint is largely based on this four-and-a-half, almost five-week period that it took for the university to release the sanctions. The Student Code of Conduct office went_
well beyond the time period they set for themselves, and also did not follow through on the no contact order that they claimed to enforce. From my standpoint, I believed that my rights were violated since my assailant who had already been found guilty was still on campus, and was not held accountable to his no contact order. These weeks of anxiously awaiting results was incredibly stressful for me, and almost forced me to stop going to class all together. The University had the power and ability to speed up the situation, and release sanctions, yet they did not.

This power and ability to take control of the situation is directly related to bureaucracy. Returning to Clair’s (1993) study around sexual harassment and bureaucracy in large Universities explained that, “bureaucracy…is the accepted structure and process at universities that promotes hierarchical decision making and subordination of minorities and females,” (p. 6). The University identified two of my assailant’s four violations as higher stakes, which according the Code of Conduct warrant suspension, at minimum. Although the university identified two of his violations as high stakes, they did not adhere to how severe the violations were. By this, I mean that although those two violations said to result in automatic suspension, the university did not adhere to these guidelines immediately after my assailant was found in violation of such. They had the power to immediately suspend him, yet they did not, and did not uphold the stance that they viewed the situation as high stakes. As Clair (1993) states, “the irony here is that the original acts of sexual harassment that perpetuate patriarchy (generally through displays of male dominance) are proposed to be rectified through bureaucratic control, which is simply another form of male violence,” (p. 8). Here, she is saying that the acts that create these sexual harassments is supposed to be rectified, or have some sort of justice through this bureaucracy,
when in reality it does not. My case is a perfect example of how I put trust in the system, only to be subjected to this type of bureaucratic control.

Bureaucratic control also has a direct link to patriarchy. Clair describes this lack of care, “when applied to sexual harassment, bureaucracy can mean placing the power for eradication of sexual harassment in the hands of those who have perpetrated it,” (Clair, 1993, p. 6). By disregarding that my assailant approached me multiple times on campus, the University, which was represented by the Student Code of Conduct Office and the director, perpetuated the original violence. They specifically perpetuated the original violence by not stepping in and taking control when he violated the no contact order. Representatives in the reporting process had the power to intervene, and chose not to, even when I alerted that this happened twice. In my experience reporting through this office, I did not feel as though the director, who then perpetuated the violence by disregarding the severity of it, took my complaint or experience seriously. My voice was not heard, nor did I feel like I had any say in my own sanctions. This lack of care was a perfect example of yet again another form of discursive closure.

The form of discursive closure that occurred within this stage of the process was disqualification. Disqualification, which is another form of discursive closure, according to Deetz, is the “denial of the right of expression,” (Deetz, 1992, p. 187). This discursive closure works to “exclude the expressed view from the discussion,” (Deetz, 1992, p. 189). In the meetings I had with the director around the sanctions of my assailant, he shut down the conversation by not hearing my opinions and thoughts. In this month long period he used discursive closure to disregard my emotions and the severity of the problem at stake, and minimized his role in the situation. The director specifically engaged in discursive closure by failing to reply to both my fathers and my personal emails, and exhibited that my concerns were
not important enough. The director, as the representative of the Student Code of Conduct Office, disqualified my stake in the situation by not allowing my input, or replying to my emails. He excluded my opinions, which skewed the development of our “mutual understanding” of the situation (Deetz, 1992, p. 189). The mutual understanding at hand was the time frame the sanctions were to be released in and the minimum consequence of suspension that I expected. Without my input, or my view in the situation, I was not made part of the decision process as the investigator had suggested I would be.

**Finding out the Sanctions**


After many meetings, phone calls, frustrated days, and tears over seeing my assailant on campus, I finally received an email alerting me to the sanctions my assailant was handed. Two days after the sanctions came out, I wrote about the anger I felt when reading my assailant’s sanctions through the University. The sanctions included:

- Suspension and exclusion from the University of Colorado, including [residence], beginning April 24, 2013 and lasting through December 20, 2013.
- No-contact order prohibiting him from having any contact with you. This includes direct contact and all forms of communication, extending to email, Facebook, MySpace and other social networking sites, phone and Instant Messaging and any contact through third parties. Any harassing contact with you could be construed as retaliatory in nature and result in additional criminal charges. If you would like the no contact order to be revisited at any time in the future, contact our office at 303-492-5550.
Emerging Adulthood Reflection Paper

Student Conduct Fee” (Personal communication, April 24, 2013).

This fee was $75, and the reflection paper asked my assailant to write an “Emerging Adulthood Reflection” paper (Student Code of Conduct, 2012). This paper required that he read an article on Emerging Adulthood, and then write a minimum of 5-7 pages that reflected on the developmental tasks of this phase of his life. The paper asked for him to evaluate where he was in adulthood, what areas of adulthood had he ignored, and where did he want to go from there. The Student Code of Conduct could have provided him, and required that he go to “Sex Offender Assessment, Treatment, and Evaluation” through a licensed sex offender provider (Student Code of Conduct, 2012). Through my anger, I also felt a sudden relief since my assailant was off campus. I would not have to see him, I would not have to accidentally run into him around campus, and more importantly, I would not feel threatened by my own campus.

While I strongly felt the sanctions were too light, I initially only felt relief. After time, and talking to friends and family, I realized that the sanctions were unfair and potentially could create a hostile environment for me going forth with my academic career. My assailant was going to be allowed back for the spring of 2014, while I was still a student. I felt like this would put me in a space of emotional turmoil, with a fear of seeing him in every hallway, walkway, and building on campus. It also did not seem realistic that my University would want a rapist walking around within the campus community. These realizations made me feel angry, surprised, and frustrated that the institutional process for handling my rape was clearly placing me at risk. Through this I also realized that the problems are larger than just my individual case, and that if they were happening to me they must also be happening to other survivors at my own school and
other universities. This realization made me feel deep motivation to change the way things are, and how rapes were handled on my university campus.

The mix of relief, disappointment and fear that marked this time period was very important for the way I began forming my identity as an activist. I also created an ideology around this situation and the way I was treated. As Kaland (1994) says, “ideology refers to the meanings people formulate and use to understand an organization, how it works, their place in it, and what is expected,” (p. 141). After this experience I began to formulate a stance to try and understand the organization and the way my case was handled. Kaland (1994) explains that one creates an ideological positioning in response to sexual harassment, and that it “emerges from experiences with the dominant culture’s handling of sexual harassment in the organization, from perceptions of the severity of the harassment experience, and from perceptions of the range of response strategies available to victims,” (p. 142). This means that I only started to form a stance and understand the situation after my experience went through the organization, after they had decided the violations, and after I had reviewed the Student Code of Conduct Office’s possible sanctions. It was not possible for my ideological stance to present itself before I had gone through the process, as I did not know the outcome or issues that would arise through the investigation and sanctioning process.

My anger really fueled the activist in me, which Kaland defines as someone who faces severe experiences with harassers and seek individual and organizational solutions to remedy the intense experiences (Kaland, 1994). Some examples of an ideology of an activist are people who understand that living with abusive or unacceptable conduct is not ok, someone who is not willing to flee or tolerate the situation that is unbearable, and is motivated to activate and start the system that protects themselves (Kaland, 1994). Because of all the discursive closure that I
had experienced, and feelings that my situation was not handled properly, I knew that I was not living in a reality that I could sustain for much longer. I also knew that this reality, the one where my rapist was only suspended for a short amount of time, was not something I could be happy with. The anger I wrote about in my journal fueled my interest in being an activist, and I sought organizational solutions. I immediately sought these organizational solutions through setting up meetings with administrators, and did some personal research to seek an individual solution.

“The activist ideology is sometimes fueled by a sense that the organization will respond appropriately and sensitively to allegations and also by an individual confidence in one’s own ability to deal with a sticky situation,” (Kaland, 1994, p. 151). Because I did not agree with the imposed fee, the paper, or the time period that the sanctions were given in, I felt the need to create change on my own terms. At the time of the sanction release, I still had trust in my university to handle my assault case correctly. Through this trust, I felt positive about breathing easier and not being in fear when walking on campus.

I also showed and continue to show some characteristics of having a rebel ideological position. Kaland describes it in one word as “intolerance” (Kaland, 1994). Through this intolerance, a rebel is poised for a battle that they see as something to pursue. Regarding my situation, I saw the mishandling of my case as something worth fighting against. Kaland also mentions that a rebel “perceives a sense of power that any situation of harassment is unacceptable, and she is empowered by the organization to act,” (Kaland, 1994, p. 149). My assailant harassed me during the initial assault, and then I had the harassment perpetuated again through the University’s handling of it. Essentially I was victimized twice; by my assailant, but also by the way the university handled my rape case. However, this process ignited a fire within me that motivated me to seek justice.
The activist and rebel stance is important, as it plays a huge role in my federal complaint, and the beginning formations of my energy to create a complaint. Without an ideology that pushed me and identified me as someone that attempts to make change, nothing would have changed in my situation. My assailant could have come back on campus spring 2014, could have continued to hurt people, and the University would never know that the way they treated me was inappropriate and inadequate under Title IX. I also did not stay silenced in this instance, because of my ideological positioning, which is common in the discourse of sexual harassment on college campuses and in most cultures. An autoethnographic piece about street sexual harassment describes, “women’s silence, therefore, both originates from and sustains patriarchal institutional processes,” (Chubin, 2014, p. 184). Once I began to speak, and with anger, I shifted the discourse away from the patriarchal bureaucratic institution that I was subjected to during the sanctioning process. I did not want to sustain that patriarchal institution, nor did I want to support it. No longer was the University responsible for laying down their version of appropriate sanctions, since I believed it was wrong. Kaland explains “movement in ideological positioning represents a change in discursive practice motivated by a perceived change in the victims assessment of her degree of empowerment or the severity of the harassment,” (Kaland, 1994, p. 152). With my assessment of the severity of harassment, I knew that the University had downplayed the situation and not handled it appropriately. I then shifted the discourse to prove that “non-consensual sexual intercourse” is not something to sweep under the rug.

**Meetings with Title IX Coordinator and Dean of Students**

*After speaking to a student who was in the process of filing a detailed Title IX complaint, I spoke to a lawyer from Take Back the Night. Both suggested I meet with representatives at my school to discuss my frustration with the sanctions. I first met with the current Director of the*
Office of Discrimination of Harassment, since her title at the time also included a description saying she oversaw Title IX issues on campus. I presented her with my case, with the sanctions, and explained my disappointment over the sanctioning process and results. I also disclosed that if nothing were done, I would file a Title IX complaint with Office for Civil Rights (OCR). Although she apologized for my experience at CU, she expressed that I would have to take my concerns a little higher within the University. Her responses were vague, and did not dive into the problem that I presented. Through this director, I was put in contact with the Dean of Students.

When I met with the Dean of Students in early May I brought a friend to document the interaction. Upon meeting with the Dean, she first expressed that she viewed my individual case and noted that I was drinking alcohol the night that I was assaulted. She explained that because I voluntarily was drinking, and that I was intoxicated, that some of my statements did not have much weight or hold much value. This, to my friend and me, was a clear case of victim blaming. In no way was my assault my fault, intoxicated or not. Her tone and statement set the entire meeting off on the wrong foot, as I was immediately defensive and felt I had to prove that this was truly an assault, even though the University had already found my assailant guilty. Next, she explained that while I could not officially appeal the sanctions, it did not say that in writing, and I was welcome to do so. I was very explicit in explaining that if nothing changed, or if the University did not take responsibility and not allow my assailant back on campus till after I transferred or graduated, that I would file a federal complaint. I also explained that I believed my Title IX rights were violated, and that I was not afraid to go to OCR with my story. The Dean did not seem concerned or interested in moving toward a resolution.
The University acknowledged my dissatisfaction of the handling of my case, and allowed for discursive opening by having two of their representatives meeting with me. These meetings had the potential for open communication, where I could express my concerns that occurred throughout the process. If the University officials refused to have these meetings, they would have not allowed for the potential for open discourse. Their positions afforded them more power than I had as a student, as they had the potential to adjust the sanctions or enforce a harsher punishment. As this was yet another instance of discursive opening, I went into the meetings thinking that I could have an open, honest, and hopefully productive meeting.

However productive I intended or imagined the meetings to be, the language used in both meetings was significant in analyzing my experience of reporting to the University. The Director of Office of Discrimination and Harassment (ODH) used dismissive language, and avoided talking about the severity of the situation. She pushed the issue onto someone else in an authoritative position in the University within minutes of our meeting starting. These actions are concurrent with discursive closure, specifically neutralization, and disqualification. Neutralization, as I discussed before, is the process where value becomes hidden through conversation. By neutralizing the language used around the handling of my assault, the entire value of my case was neutralized (Deetz, 1992). This means that, because the language used in my conversation with the Director of ODH was dismissive and neutralizing, she was shutting down and minimizing the situation. While she may have felt that it was an important situation to discuss, she may have also felt that she did not have the expertise or position to engage in this conversation with me. While I appreciated the honesty, it is important to point out that her job title included Title IX, and that she directed the entire office. If she did have the ability to have a conversation about a Title IX situation, then bureaucracy becomes an issue, raising an important
questions: What is the nature of the training officers in these important Title IX administrator roles receive, if any? Deetz (1992) further explains, “neutralizing practices hide and forget [how situations are constituted through talk] and thus suppress potential conflict between different constitutive practices,” (p. 192). The act of moving my complaint onto someone of higher power was suppressing the potential conflict that I could have created, by not allowing me to express the way I felt about the sanctions. While there was discursive opening in having the meeting, almost instantaneous there was closure by not having an open floor to talk about the grievances I had.

The Director also used disqualification during our conversation to shut down our conversation and attempt to avoid a conflict between the University and me. Deetz (1992) discusses how Jürgen Habermas demonstrated that every communication community has a central assumption of an equal opportunity to “select and employ different speech acts for the representation of one’s interests,” (p. 189). Disqualification is the process in which an individual in the community is excluded from representing or discussing their interests or opinions (Deetz, 1992). Since I’m a stakeholder in the University I should be included in this communication community that allows for equal interests being shared. It should also allow for the Director to share and discuss how she felt or understood the way the University handled my assault. However, by cutting the conversation short, I was denied my right to express anger, which disqualified the entire situation. This move attempted to minimize the problem I sought to raise, and “skewed the development of mutual understanding,” (Deetz, 1992, p. 189). Overall, the meeting simply helped to intensify my issues and frustrations, so that I felt that I did not have any clarity from either of my meetings.
Although there were a few positive things that came out of the meeting with the Dean of Students, the majority of the language used was a form of discursive closure. One of the positives was that I learned that I could appeal the sanctions, which I then proceeded to do. Another was that I was allowed to have the meeting in the first place, and share with the Dean my issues and complaints. However, the first example of an act of discursive closure would be the Dean’s victim blaming comment regarding the consumption of alcohol preceding my assault. The Dean of Students also implemented a large part of discursive closure in meaning denial. As Deetz (1992) says, “meaning denial happens when one possible interpretation of a statement is both placed in the interaction and denied as meant,” (p. 194). This could specifically apply to the victim blaming comment. While the Dean of Students acknowledged the assault occurred, her statement denied multiple issues. The first was the shift of focus to the assault, and the insinuation that my statements were not valid. This denial of my credibility was a main theme throughout our conversation. The second issue that the Dean of Students acknowledged, yet denied, was the severity of the mishandling of my case from the University. The Dean of Students acknowledged this by hearing my issues with the case, and then proceeding to continuously denying that there was a conflict or mishandling. I explained that if I did not get a change in the sanctioning of my case, or some sort of help that I would go to the government through OCR. She dismissed this through the language used in our conversation, mostly by avoiding the conversation and topic. Because I am a stakeholder in the University, and had the option to pursue a federal complaint, I heard her discourse as dismissing and denying my power as a stakeholder.

Her power as Dean and that position’s control over the sanctions affected multiple aspects of our conversation, through meaning denial. Deetz (1992) also explains that the
“deniability of formal messages are extremely effective means of control,” (p. 195). Because of all the power as a stakeholder, she portrayed the control she had over my situation through dismissing me, questioning my credibility, and by using a tone of voice that was not pleasant or supporting. By not allowing me to appeal the sanctions directly to her, she was denying the conflict that I was presenting. If she believed that the University was violating my Title IX, or believed that they did not handle it as properly as they could have, she would have allowed me to appeal the sanctions. In an example that Deetz (1992) uses, he discusses a situation where someone could possibly “claim one might not have reasonably known of such a danger,” (p. 195), and therefore this action leads to and “produces hidden talk, avoidance of exploration, disowned expression and knowledge, and sets in motion a web of concealments,” (p. 195). If this type of discursive closure were the case, then the Dean of Students would have realized exactly I meant when I said I would possibly file a Title IX complaint through OCR, and did not want to talk about the possibility of a federal complaint. Through her denial of my possibility of filing, she was avoiding discussing the consequences that complaint would have on her organizational position or the university she represented. Her denial of the severity of such federal complaint that I was talking about filing, was a move of discursive closure to conceal the possible conflict my federal complaint would create.

**Filing a Title IX complaint with OCR**

*After my meeting with the Dean I had a lawyer draft a basic appeal to the sanctions, and the Dean replied quickly that appeals were not heard, and that it was her determination that “the University took appropriate steps minimize the burden on Ms. Gilchriese by providing her with support services, promptly investigating her complaint, equitably resolving her complaint,*
and ultimately eliminating the hostile environment she experienced.” (Dean of Students.
personal communication. June 20, 2013.).

However, by the time of this response in late June, I had already filed a Title IX
complaint against University of Colorado Boulder. I was so aggravated, upset, and offended by
my meeting with the Dean that I went ahead and officially filed with OCR May 16, 2013. I was
not going to wait for the response to my appeal, since I did not feel my meeting with the Dean of
Students was productive, nor did I feel like the University cared about my safety or well being
going forth.

To file a Title IX complaint, I simply went to the Department of Education website, and
filled out a brief form. I wrote an eight-sentence paragraph explaining the reason behind my
complaint, and emailed it to the OCR office in Denver. I heard back from them, signed a few
consent forms, and then had a three-hour phone interview. From there, I received a letter stating
that there was officially an investigation into CU Boulder based on Title IX. This investigation
was officially launched June 18, 2013. I did not approach the press until I went to the Huffington
Post July 17th, 2013. After the first article, quoted at the beginning of my thesis, came out July
18, 2013 numerous requests for media and interviews came rolling in. My story went viral, going
on all the local news stations, local newspapers, reaching national news, and even ended up in a
few Australian newspapers. No longer was my federal complaint a secret, but rather public
knowledge. The Chancellor himself released a university wide email stating that the University
was under Title IX investigation with OCR, and provided resources to students. Finally, my
complaint was making an impact.

After the news hit the nation about CU being under a Title IX investigation, the
Chancellor emailed the CU community. In this email he said, “we will cooperate fully with the
OCR investigation and will adopt any suggested changes to our policies and procedures that OCR might recommend,” (Office of the Chancellor, personal communication, July 24, 2013). As I will explain, his message regarding the situation was one of the largest forms of discursive closure in this entire process, as he reached thousands upon thousands of community members. He and the University as a whole reassured the community that they would be cooperating and would heed the government’s recommendations. His language, which conveys a tone of assurance and proactivity, allowed the community to feel positively about the situation and of the Title IX complaint. This email also did not open the platform for discourse, and instead served to “divert, distort, or block the open development of understanding,” (Deetz, 1992, p. 188). Rather than opening the floor for conversation about the federal complaint and the underlying social issue, the Chancellor simply acknowledged it, and explained that they would fully comply. The Chancellor’s reassuring email gave the appearance of discursive opening by acknowledging the case and promising to cooperate. However, the note could also be read as another, perhaps even more damaging form of discursive closure. First, the note came from a powerful position in the university – a position with a stake in drawing attention away from cases like mine. Second, the language of the note gave the impression that the university has already developed an effective system for dealing with sexual assault, which seems to suggest that cases like mine are unusual. Further, by suggesting that the university has “strengthened policies” and “increased resources” for victims, the note could even be interpreted as insinuating that cases like mine are unfounded.

This email had a reassuring structure throughout the entire memo. The Chancellor and staff also made sure to reassure the community by saying, “during the last decade we have strengthened our policies and procedures governing sexual misconduct. We have increased the resources for addressing complaints, as well as the resources for helping victims,” (Office of the
Chancellor, personal communication, July 24, 2013). By increasing resources for complaints and survivors, the university had opened up the discourse for future survivors of sexual assault and harassment. With the increased ability to report and have services, there are more options for discourse and reporting to take place. This statement helps relieve any conflict, and show that the university has already made moves to better the misconduct on campus. This is a “function to maintain normalized, conflict-free experience and social relations,” (Deetz, 1992, p. 189).

Nowhere did the Chancellor and staff talk about the sexual assault epidemic that is pervasive on college campuses, the issue it creates for survivors, or any of facts and statistics about assault. By using positive language such as “strengthened” and “increased” the Chancellor used active and positive discourse, to reassure the community that they have taken this seriously, and have attempted to change the culture for the better. By offering reassurance multiple times in the message, the Chancellor avoids conflict and closes the conversation, skirting the topic of why there is a federal complaint, or that there may need to be further changes in the structure at the university.

Not until the end did the Chancellor discuss the next steps in the federal complaint. He concluded the email about my complaint by stating that “I have ordered an external review of our Title IX compliance efforts to ensure that CU-Boulder remains a leader among global universities in combatting sexual misconduct of any kind within our campus community,” (Office of the Chancellor, personal communication, July 24, 2013). Topical avoidance as described by Deetz (1992) “prohibits or discourages the discussion of some events and feelings,” (p. 192). By claiming that CU is a leader among universities in this type of work, the Chancellor has already closed any discussion on this issue in the local community. When the Chancellor himself states that the school is a leader in anything, there is no room to argue or question the
credibility of the statement. His perpetual reassurance simply discourages any conversation or discussion around what is happening on campus, and uses majority positive and uplifting words so that the community will not feel the need to discuss the issue. This inhibits the conversation around the issue, as Deetz (1992) explains as “all topical avoidance leads to systematically distorted communication,” (p. 193). The system, or the chancellor’s office in this case, is not allowing for any open discourse around the issue within the local CU community, and is leading a distorted line of communication by not allowing the community to know the full facts of the investigation.

At the same time, he opens the discourse to the nation and other universities within the nation, by saying that they are leaders in handling cases. This could imply that other schools should follow the lead of CU when handling cases. To other schools, this may look like an invitation to question and explore the policies that CU practices.

**Legal Settlement with CU**

*After the initial shock of the press had died down, I began exploring settlement options to gain my tuition money back from the semester that I lost. There was a case from 2001-2006 in which multiple female students sued CU over Title IX violations. I researched the case, and contacted the lawyers that represented them. Two lawyers and I met at the end of June 2013 to discuss my case. With the press still a big factor, and hesitancy to move forward from my own emotions, it took a few months to get the ball rolling. After multiple meetings, and the fall semester well underway, my lawyers met with CU’s counsel at the end of August. The University proposed that I talk to a law firm that was doing an external Title IX review, and have them evaluate the situation. After winter break, on January 13, 2014 I met with my lawyers to do a phone interview with the firm CU hired. The interview was about two hours via phone, and*
included questions about the experience I went through reporting my assault, how I felt like I was treated, and my emotional stability or instability resulting from both the assault and the way the University handled my case. About a week later, my lawyers notified me that CU had made a decision to settle with me. The settlement reads “The parties have reached an agreement to resolve Ms. Gilchriese’s claims against University”, and that “the University has denied liability to Ms. Gilchriese.” (Release of Claims between the Regents of University of Colorado & Sarah Gilchriese, 2014). I signed the settlement at the beginning of February, and received my check at the beginning of March 2014. Finally, this chapter of my life was beginning to come to a close. I had justice, for the first time.

If I had not identified as an activist, and been proactive about receiving the justice I felt like I deserved, I would not have pursued a settlement. As Kaland (1994) says, “an activist is instrumental in alleviating the problem of sexual harassment in organizations by exposing it and empowering the institution to deal with the perpetrator” (p. 152). Although the goal in my entire Title IX complaint and settlement was, and continues to be, to protect future survivors, I did want to expose the mistreatment that I encountered through reporting my assault. This exposure created publicity and conversation around the issue, which opened the floor for both changes and discussion. My publicity created a discourse around sexual harassment on campus, which forced the University to look at the way they handle sexual harassment but also forced them to publicly acknowledge sexual assault. While I believe I empowered the institution to acknowledge this issue, I believe I also empowered them to change their structures and discourse around sexual assault. Since my federal complaint, publicity, and settlement, CU has created a new office to handle sexual harassment, hired and completed an external Title IX review, and is planning to revamp its entire orientation and education approach regarding sexual harassment and consent.
The OCR has projected to have my federal complaint completed by the end of 2015, which will reach a resolution process if they find CU in violation of Title IX.

Although most of this time period was filled with great news, and celebration of the chapter closing, it is important to understand the structure that CU placed on my settlement. By placing the decision making weight on an outside party, the university asked this firm to aid in choosing to settle or not settle with me. By doing this, they closed the discussion within CU’s attorneys and board of regents by asking for someone else to take the responsibility of the case. Immediately, CU disqualified itself from the conversation because it was not of “expertise, professional qualification, and specialization,” that are “central to qualification,” (Deetz, 1992, p. 189). This move was a form of discursive closure that took the responsibility off the university, and placed it on an outside firm. CU portrayed that it did not want to be responsible for what occurred regarding my assault, and simply disqualified itself, claiming to be unable to make this decision.

It is also important to note that in February 2015 the University of Colorado at Boulder settled with a John Doe under the basis of Title IX. However, his settlement came after a lawsuit was filed by Doe and then dismissed by both parties. Unlike myself, his suit and settlement was directed towards the sanctions he received as an assailant (Release of Claims between the Regents of University of Colorado & John Doe). On the other end of the spectrum, he simply wanted his transcript to “reflect no disciplinary action,” (Release of Claims between the Regents of University of Colorado & John Doe, p. 1). With a payout of $15,000, the university also agreed to tell any school he applied to that he was a “student in good academic standing,” (Release of Claims between the Regents of University of Colorado & John Doe, p. 2). This could be seen as an instance of discursive closure, partially because it perpetuates the bureaucratic
patriarchy by excusing a male student who was previously found guilty of non-consensual-sexual-intercourse. By paying him, taking the violation off his record, and telling his next university that he was in good standing, the university minimizes the situation that occurred. The University’s agreement with the assailant effectively suppresses the conflict that occurred. This case shows the University’s preoccupation with maintaining a public image instead of helping survivors of sexual assault and harassment (Deetz, 1992, p. 187). The settlement with John Doe paralyzes future survivors; it closes off the discourse and deters students from reporting.

Discussion

There are three critical issues with the university reporting process that my rape case brings into focus. First, the reporting process includes several opportunities for discursive openings, but each opening was also a choke point at which often a single representative had the power to close the discourse through dismissing or minimizing the case in some way. Second, my case reinforces the importance of efforts to inform victims about what constitutes rape (see Littleton & Henderson, 2009). However, even more important, is that my case shows a great need for administrators in the university reporting process to also understand what constitutes rape so that they do not inadvertently dismiss instances of it. Third, throughout the reporting process, I encountered euphemistic language about rape, which is problematic because it masks the violence and severity of the act. I expand on these points below.

The first conclusion from my reporting experience is that opportunities for discursive opening were bureaucratic choke points that were vulnerable to discursive closure. Discursive opening, the opposite of closing, occurs when communication is open, without any power struggle or politically charged conversation. The initial instance of discursive opening was the hypothetical interview when I first reported my assault to the University. Although this discourse
continued to stay open, it is important to note the University’s ability to close the discourse at this specific point in time. Had they not believed me, questioned my credibility, or had no motive to follow the case, they could have simply closed the discourse by saying it was not worth an investigation. Another important aspect to note is that while my case initially started with discursive opening, there were many more instances of closure than opening. The many fluctuations between discursive opening and closing created the experience I had, which led me to file a Title IX complaint against CU. Universities focusing on keeping discourse open, power and politically charged free, may have more success in meeting the survivors’ needs and consequentially Title IX laws.

Another instance of discursive opening that occurred within my case were the meetings with the Dean of Students and the original Title IX director. By allowing discourse to happen between them and myself, they were opening the floor to talk about my case and my feelings about the case. While the University attempted to listen to me, hear my complaints, and recommend that I appeal the sanctions, the discourse was closed as soon as the appeal was denied. The discourse potentially could have already been closed before, or immediately after the meeting. The Dean of Students herself replied to my appeal letter, which should have been anticipated based on our conversation. With a poor attempt at opening the discourse by allowing meetings to occur, the University may believe that they were allowing for me as a stakeholder to hold and share my beliefs on the situation. If the Dean of Students and the office had no intention of hearing my complaint, or my dislike of the sanctions, they should have never conducted a meeting where I was able to share my feelings and opinions. This opening of discourse was almost fake, as if have a perception that my input on the situation was heard, when it really was not as shown through this research. Instead of having the meeting with me to talk about
appealing the sanctions, when they fully knew they would not honor my appeal, the Deans office should have been very up front that I could not file an appeal. Their discursive opening by having a lawyer draft and send a letter to appeal also was misleading, and gave me an impression that I could appeal.

Similarly to this meeting with the Dean, my settlement initially went through the CU Board of Regents. In both instances, there was a movement for discursive opening by allowing my meeting to happen, and for allowing my lawyers to approach the university with the settlement. Also, in both cases, after there was room to have conversation and discourse, the gateway was closed following the decisions that the authority and representative of the University made by stating that an outside firm would have to decide whether the settlement was a good option. Why create a frame or picture of being able to have open discourse, when in reality they were planning on closing the discourse? After this small step of closure, they did in fact allow my conversation with the outside firm to occur, which led to both opening of discourse and the settlement between the University and myself.

This discourse on sexual harassment could also be connected to a patriarchal society. As Clair (1993) described in her research, the fact that most men are at fault for sexual harassment itself, and then most men are the ones who run universities and organizations, there is a patriarchal trend that runs through the entire process from experience to reporting. It is appropriate to note that at the time of my assault and investigation the director in charge of deciding the sanctions, the chancellor himself, and the legal attorney for CU were all male. While the investigator was female, her decisions were turned over to a male figure in charge of the sanctions after the findings came out. With the large number of men in the upper ranks of
organizations, it comes to question how many of them have ever had to directly deal with sexual harassment or assault, and if they have any personal stake in solving the problem.

The second conclusion from the experience of reporting my rape was that students are not the only ones who need current understandings of what constitutes rape. It is critical that administrators in the reporting process do, too. The interaction that shows this need was my meeting with the Dean of Students when she blamed my assault on my levels of intoxication that night. The victim blaming comment that she directed towards me could be analyzed by the conclusions in Littleton & Henderson’s (2009) study, since their focus was on acknowledgement of assault. Her reminder and reaction of my intoxication the night I was raped helps to further demonstrate that rape is a problem, and that administrators’ responses to rape further confirm that there multiple and conflicting discourses about what constitutes rape. Her lack of understanding (or, what came off as lack of understanding) of what constitutes rape was concurrent with the ambiguity the women felt who had not acknowledged their rapes in Littleton & Henderson’s (2009) study. Rape does get perpetrated even when consent seems fuzzy, as the Dean pointed out that there may have been a fuzzy line of consent, when there is alcohol involved, or when the survivor knows their assailant (Littleton & Henderson, 2009). A conversation about what constitutes rape would be useless if administrators and people in charge of reporting or sanctioning within the university have incomplete understandings of what constitutes rape. This continues to perpetuate the systematic problem, because of the lack of culturally coherent understanding of what rape is, shown by the victim blaming statement this Dean made. If there were efforts to have one coherent understanding of what is rape, and what constitutes rape, administrators would be able to help survivors acknowledge their assault instead of blaming them for it. Because of this lack of same culturally coherent understanding, the
accounts and re-interpreting of assaults are subject to the representatives that the institution or organization has put forth to reinterpret the assault. Some members of the institution may represent violations of the conduct differently than others, or interpret the level of consent differently than others. This ambiguity of one specific definition, culturally and on the policy level, of sexual harassment and assault could potentially lead to different reinterpretations of the same assault or instance of harassment.

Related to the second point presented above, the third conclusion from my reporting experience is that the ambiguity around what constitutes rape is made even more complicated by the euphemistic language that surrounds rape in the reporting process. Specifically, an issue I encountered during my experience reporting and discussing consent was the ambiguity of rape, and the ambiguity that surrounds the discourse of sex assaults. Kate Harris, who received her Ph.D. from the Department of Communication at CU Boulder, wrote an article surrounding the discourse of the word “rape” and how some survivors have difficulty labeling their experiences with this word. Harris’s conclusions drew that, “label[ing] rape helped [the participants] remove self-blame, allowed them to mark the severity of their experience, and situated their own experiences in the context of broader social issues,” (Harris, 2011, p. 47). Meaning, if Universities were more adequate in supporting survivors in defining their assault, there could be less ambiguity around the issue. Similarly, it is significant to address that CU did not call my assault rape, but rather “non-consensual sexual intercourse” which is essentially rape. This, within itself, is problematic for the entire reporting system. If survivors identify with the word “rape” but do not see it as a violation on the Code of Conduct, how do they know that reporting will find their assailant guilty of a violation. The lack of the use of the word rape also minimizes the problem, as discussed previously.
Euphemistic language is a problem when assaults are not acknowledged on college campuses, and when it deters from what really took place. Bingham (1994) explains, “without a socially legitimated label, victims’ struggles to understand what occurred took place outside the web of social-symbolic interaction in which meaning arises,”(p. 18). When the University labels rape as “non-consensual intercourse” it takes away some value from the situation, and labels it as something less violent than rape. As Harris’s study suggests, with the label of rape more readily available, it could be beneficial for survivors to acknowledge and understand their assault.

Bingham further explains that this means that when we discuss sexual harassment we limit ourselves to what “he” did, which completely “fails to name sexual harassment as violation, wrong, or even a phenomenon that merits notice,” (Bingham, 1994, p. 18). Instead, we are focusing on something that has a denotative meaning of “romantic involvement,” and do not recognize it as assault or something that is wrong (Bingham, 1994, p. 18). This alone is an issue when discussing the topic of sex assault, and creates a discourse that forgives or excuses this confusion.

Sexual intercourse is a more romantic and clinical term than rape, which could as Bingham suggests, fails to name the act itself as a violation or wrong. This violation could also deter a survivor from reporting, because they believe their assault was a rape instead of sexual intercourse that happened to be non consensual. The romantic labeling of this assault, does not even use the word assault or harassment in it. By engaging in sexual intercourse, it is implied that it is consensual. Rape, however, implies that there was forced use during penetration. Perhaps, the start to changing the discourse on university campuses is to call the violation exactly what it is; rape.

**Conclusion**
Discursive closure in college sexual assaults, and the analysis of the closure itself, can help us identify both problems and error in the reporting and sanctioning process of rape and unsolicited sexual encounters. With the knowledge and insight provided through analyzing this experience, it is important to note that my Title IX complaint is ongoing. Projected to be done by the end of 2015, OCR will decide if CU is in fact in violation of Title IX, and will propose a resolution if they do find them in violation. If there is a resolution, the information provided during the process will be beneficial to this research.

A few suggestions that I can make from my research is as follows. First, due to the multiple instances I encountered of discursive opening swiftly transitioning to discursive closing, I suggest that there be more redundancy accompanying the reporting process. Specifically I suggest that the University require multiple persons assigned to the handling of each case, so as to avoid biased motives or biased frames. I strongly believe that this should happen at each individual step in the process, so that there is less room for error. If the University requires more people to oversee the process of reporting a sexual assault, the redundancy would benefit the reporting and sequential investigation. With more opinions on hand and focused individuals assigned to a case, there is less opportunity for a closed discourse to emerge.

Secondly, I suggest that administrators, faculty, and staff all be required to complete mandatory and extensive modern training regarding the factors that constitute rape. If the training draws from current research, it will help them to more accurately decipher the ambiguity surrounding the crime that is rape. This will lessen the chances of having an administrator who is not sure how to talk about or understand rape. This also will benefit faculty if a student approaches them to discuss a traumatic situation that they went through. This modern training
will also open the conversation so that more of the university understands the discourse around sexual harassment and sexual assault.

Thirdly, I suggest that the reporting process retain the violent language associated with rape, assault, and harassment. When sugarcoating the term rape to merely be referred to as “non-consensual sexual intercourse” it removes the violent discourse, and therefore makes it sounds less serious than the crime committed. This euphemistic language has the power to generate frames of understanding what happened and what will continue to happen to many college students. If the process retains the violent language that many people associate with harassment and assault, it will lessen the chances of discursive closure. It could also encourage people who identify with the violent act to report it, now knowing that they are being heard and understood.

A suggestion for future research is to analyze the discursive closure that happens specifically during the drafting and organizational enforcing of the policies. While my account and research comes from a survivor’s standpoint regarding the reporting process with the University, it would be beneficial to analyze the discourse around handling cases and the resulting conversation of sexual assault before it reaches the survivor. When the problem of discursive closure stems from intuitional policies, it is important to go back and revise the recommended discourse written within the policies. This research could be conducted through multiple Universities, over a variety of different policies.

This nationwide fight continues to garner widespread attention and support while changes are being made daily. Federal complaints are being filed regularly and investigations continue to be opened against the accused intuitions. This research specifically applies to the time between February 2013 and April 2015, the Title IX community and the ever-changing discourse regarding Title IX laws. It is of important significance to acknowledge that Title IX’s discourse
and institutional implementation is always progressing, and to know that research and advancement does not stop after my individual case concludes.

Although my experience is specific to the University of Colorado Boulder, as well as to my own experience with assault and the reporting process, sexual assault is an issue without confinement. It does not only occur in college settings, or strictly to women. Sexual assault happens daily, across races, classes, ages, genders, and every other identifying category.

With a detailed account of a Title IX Complaint, it is possible to catch only a small glimpse into a world that affects millions of people. Some resources for support and help are listed below;

Office of Victims Assistance at CU (OVA): (303) 492-8855
Rape Abuse & Incest National Network (RAINN): rain.org
National Sexual Assault Hotline: (800) 656-4673

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i Victim and survivor are used interchangeably.
ii In 2014, according to a representative from the Office of Institutional Equity and Compliance, the Student Code of Conduct office merged with the Office of Discrimination and Harassment to form the Office of Institutional Equity and Compliance. This ongoing process of merging should be completed by spring semester 2015.
iii Due to changes effective in 2015, the Chancellor now oversees sexual harassment claims.

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Robbins, J. (2012). "Montana Football Team at Center of Inquiry Into Sexual Assaults." The


as Trap and Tool in Wildland Firefighting Safety. Purdue University. Management


Appendix

Table 1: Documents and Contact Associated with Campus Rape Reporting

<table>
<thead>
<tr>
<th>Incident/ narrative</th>
<th>Relevant/ Official Documents</th>
<th>Contact/ Correspondence</th>
</tr>
</thead>
<tbody>
<tr>
<td>National Policies p. 11</td>
<td>Dear Colleague Letter</td>
<td>n/a</td>
</tr>
<tr>
<td>Code of Conduct p. 14</td>
<td>Code of Conduct, CU</td>
<td>n/a</td>
</tr>
<tr>
<td>Reporting my assault p. 19</td>
<td>Code of Conduct, CU</td>
<td>OVA; Hypothetical interview 3/5/13</td>
</tr>
<tr>
<td>Violations p. 23</td>
<td>Code of Conduct, CU</td>
<td>Letter from Student Code of Conduct Office</td>
</tr>
<tr>
<td>Meeting with Student Code of Conduct Office p. 27</td>
<td>Code of Conduct, CU</td>
<td>Emails to director of Student Code of Conduct Office. 1) 4/9/13 2) 4/17/13</td>
</tr>
<tr>
<td>Finding out sanctions p. 31</td>
<td>Outcome of disciplinary proceedings, personal journal entry</td>
<td>Correspondence with Student Code of Conduct Director 4/24/13</td>
</tr>
<tr>
<td>Meeting with Title IX Coordinator and Dean of Students p. 35</td>
<td>n/a</td>
<td>In person meeting at Office of Discrimination and Harassment, In person meeting with Dean of Students</td>
</tr>
<tr>
<td>Filing a Title IX complaint with OCR p. 40</td>
<td>Department of Education online complaint form, Chancellors email to campus community 7/24/13</td>
<td>Email with Dean of Students 5/30/13, Email with Lawyer 6/20/13</td>
</tr>
<tr>
<td>Legal Settlement p. 44</td>
<td>Gilchriese Legal Settlement, Reference to John Doe’s legal settlement</td>
<td>n/a</td>
</tr>
</tbody>
</table>