ORGANIZING SEXUAL VIOLENCE:

COMMUNICATIVE, INTERSECTIONAL DILEMMAS

AROUND MANDATED REPORTING

by

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Organizing Sexual Violence: Communicative, Intersectional Dilemmas Around Mandated

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      Adopting both critical and poststructural stances, this dissertation thematizes and resonates with what I dub *feminist dilemmatic theorizing*. Amidst a spate of attention to sexual violence on college campuses since 2010, I evaluate the discourse around mandated reporting of that violence at one U.S. university. As I proceed, the analytic posture I enact, one endemic to pragmatic feminist political projects, is characterized by seemingly incommensurate epistemological and ontological positions regarding identity and discourse, subjectivity and agency, and their links to what can be real, known, and said about violence. I argue for two concepts: First, I draw upon feminist standpoint theory to develop *organizational standpoint*. This intervention in theories of organizational knowledge demonstrates, through a troubled form of empiricism, how organizations—not only individuals—produce partial knowledge. In the case I study, the university becomes complicit with violence when intersectional interpersonal and institutional dynamics are obscured or denied. That denial is secured through assumptions about whether communication has material effects, and consequently, the extent to which that communication enables or precludes a connection to violence. Second, I argue for a *communicative ontology of violence*, one that draws upon feminist new materialism and issues cautions about a material turn in communication studies. Namely, I suggest that alternating stances on the extent to which communication is constitutive both create and intervene in organizational epistemic violence. In this case, the deployment of a material–discourse split associates the university with nonviolence via recourse to textual agency. The discourse effectively preserves privileges attached to whiteness, masculinity, and heteronormativity. Based on the theoretical vocabulary I develop, I recommend revisions to the reporting practices around Title IX and the Clery Act. Ongoing assessment of communication—which includes but also exceeds reports—could lead institutions of higher education to develop more robust institutional knowledge of sexual violence. Universities should provide greater support for privilege and violence prevention programs in order to increase the likelihood that individuals recognize violence as such. Further, training about reporting obligations should incorporate insights from standpoint theory in order to decrease underrepresented university members' disproportionate burden for responding to violence.

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INTRODUCTION: ORGANIZING SEXUAL VIOLENCE

"My first year at college, the night of the big freshman dance, a guy I thought was my friend tried to rape me. It gets worse: when I reported what happened to the authorities at Yale (where I went to school), they tried to cover up what happened and told me not to tell anyone, not even my roommate" (Brodsky, 2013, para. 1). So begins a statement from Alexandra Brodsky that is part of a nation-wide effort to petition the U.S. Department of Education to hold colleges and universities to stricter standards for responding to reports of sexual violence on their campuses. Brodsky's story is all too common and part of what Dr. Boyce Courtney Williams, Senior Vice President for the National Association for Equal Opportunity in Higher Education, calls "a crisis" (Abdul-Alim, 2011). Brodsky's account highlights difficulties around how institutions of higher education, and the federal oversight that governs aspects of their operation, respond to rape, other forms of sexual assault, and sexual harassment.

The petition to the Department of Education is part of a wave of activism that has occurred in the last few years around sexual assaults at U.S. colleges and universities. In the first half of 2013 alone, victims of campus sexual violence, who organized themselves into a national effort called the "IX Network," have filed complaints with the U.S. Office of Civil Rights against Amherst, Dartmouth, Occidental, Swarthmore, University of California-Berkeley, University of North Carolina, and University of Southern California, alleging inappropriate and unlawful responses to sexual violence. This is the problem-space from which this dissertation emerges. I pursue the tangle of issues around reporting sexual violence on college campuses in the U.S. and, in so doing, contemplate how scholars and practitioners can and should understand and theorize the relationship between violence and organization. Further, I consider what communication has to do with that relationship, and how gender, race, and sexuality are implicated in those

understandings. In the sections that follow I trace the practical and theoretical significance of these concerns and preview the arguments I develop in subsequent chapters.

Practical Significance of Questions Regarding the Violence–Organization Relationship

Questions about the relationship between violence and organization have been of public concern in a variety of contexts. A recent report showed that U.S. Army personnel committed sexual assault and intimate partner violence at rates that nearly doubled between 2006 and 2011 (U.S. Army, 2012). Further, the rates of sexual violence perpetration were found to be substantially higher in the military than in the civilian population. In 2011, the U.S. Peace Corps received intense media attention following an ABC News report highlighting the organization's poor response to sexual violence that volunteers experienced while serving abroad. This violence became the focus of a U.S. Congressional hearing and prompted the Kate Puzey Peace Corps Volunteer Protection Act. Government agencies are not the only institutions being scrutinized. The Roman Catholic Church has also been the subject of criticism for relocating rather than dismissing priests who are known to sexually assault young male church members. In education, too, sexual violence has been of public concern of late. In 2011, the American Association of University Women released a report claiming that 48% of children and young adults in K–12 education experienced sexual harassment during a single school year (Hill, 2011). In these conversations, the public has grappled with a set of questions around how to understand the violence–organization relationship: Are organizations or individuals responsible for this violence? How can and should these organizations go about responding to and preventing violence?

For many organizations, mandatory reporting is one part of an answer to these questions. Mandatory reporting makes third parties responsible, in some U.S. states and institutions, for

notifying the appropriate authorities when they learn about or witness the occurrence of certain violent activities. The most pervasive mandatory reporting laws pertain to instances of child and elder abuse. Laws about reporting these crimes vary by state. Some states require all persons to report such crimes to the designated enforcement agency, usually child protective services or adult protective services. Other states mandate that only specific people make these reports, usually professionals in mental health, medicine, and law enforcement.

In mandatory reporting of adult sexual violence—including intimate partner violence—several assumptions about the nature of this violence animate policies and laws. Fritsch (2002) says,

> Unlike other patients or other crime victims, the on-going coercive nature of the abusive relationship too often prohibits adult and child domestic violence victims from exercising any right to self-determination. Perpetrators effectively use intimidation, isolation and misinformation to keep their victims from disclosing, prosecuting or leaving. Mandatory reporting breaks through the isolation and can mobilize a variety of protective and legal resources for victims of domestic violence and their children. (p. 6)

I want to call attention to three assumptions at work in this statement. First, certain factors inherent in violence prohibit those who experience it from talking about, removing themselves from, or taking action to stop perpetration. Second, adults who experience sexual violence need protection. Third, legal action is an appropriate response to this kind of violence.

These assumptions underwrite policies in higher education, where mandatory reporting is used to (a) protect universities against litigation, (b) institutionalize organizational responses to violence, and (c) enhance organizational violence prevention efforts through awareness and documentation. Mandatory reporting policies at U.S. colleges and universities operate in

relationship to two important federal laws. First, the federal civil rights law, Title IX of the 1972 Education Amendments prohibits many forms of sexual violence in education. A volunteer organization designed to organize students against sexual violence, Students Active for Ending Rape (2008), working with the American Civil Liberties Union, claims that "courts have generally found that even a *single* instance of rape or sexual assault" qualifies as discrimination (p. 2). In recent years, students have won several prominent cases when they sued universities—not individual perpetrators—for educational discrimination in the form of experiences of sexual violence.

Yale University, where Alexandra Brodsky whose story opens this chapter was a student, has been subject to this litigation. In 2013, the U.S. Department of Education fined this Ivy League institution for failure to comply with federal guidelines on reporting violence, and an ongoing lawsuit alleges that the school was negligent in responding to repeated sexual harassment and assault on the campus. Similar lawsuits against Pennsylvania State and Hofstra were current at the time of this writing. Since 2010, the Department of Education has reached resolutions with Eastern Michigan University, Notre Dame University, and University of Montana following investigations of wrongdoing. Arizona State University, Boston University, Sewanee, University of Colorado, University of Georgia, and University of North Carolina at Chapel Hill have all lost or settled cases against them since 2007. The case at University of Colorado was particularly noteworthy because it resulted in one of the largest payments of damages connected to Title IX and sexual assault: $2.85 million. Amidst this increase in attention to campus rape culture, the federal government issued a statement to U.S. colleges and universities reminding them that they are legally responsible for preventing violence—including harassment, assault, and bullying—at their campuses (Ali, 2011). Mandatory reporting policies

are, in part, an effort to meet this responsibility and ensure equal access to educational opportunities.

Second, federal laws designed to promote awareness of violence on college campuses mandate some reporting. In 2011, public discussions occurred around the renewal and updating of the Student Right-to-Know and Campus Security Act of 1990, commonly known as the Clery Act. The Clery Act is named after Jeanne Clery who was raped and murdered in her dorm room in 1986 when she was a first year student at Lehigh University. The act requires that colleges and universities (a) report statistics about the number of assaults and violent crimes on campus and (b) provide the campus with timely warnings about threats to campus security. Since 1990, amendments to the act have expanded the types of crimes that must be reported and the law now requires universities and colleges to have violence prevention policies.

Although these two federal laws have drawn public attention to violence on college campuses and arguably provide a mechanism that can address violence prevention, controversy exists about the laws' effectiveness. Studies of rates of sexual violence have consistently shown that one in five women experiences sexual violence during her college career (Fisher, Turner, 2000; Koss, 1988; Koss, Gidycz, & Wisniewski, 1987). Yet numbers reported through the Clery Act tend to be nowhere close to those generated through academic studies. A report from the Center for Public Integrity notes that 77% of 2- and 4-year colleges reported zero rapes in 2006 (Lombardi & Jones, 2009). The report authors argue that the mismatch in the academic knowledge about rates of campus violence and the reported data occurs because of (a) intentional and unintentional misreporting by campus agencies, (b) lack of clarity about which authorities' reports must be included in campus reports (for example, the law requires inclusion of clinic and counselor reports, but these are often excluded), and (c) vast underreporting of sexual violence

from those who experience these crimes. In the same report from the Center for Public Integrity, a former director of the Office of Victim's Assistance at University of Colorado Boulder, Mary Freidrichs, says, "Clery, in our minds, doesn't do what it was intended to do" (Lombardi & Jones, 2009, para. 8).

At the University of Colorado Boulder, the site for this dissertation, the mandatory reporting policy applies to "anyone who has the authority to hire, promote, discipline, evaluate, grade, or direct faculty, staff, or students" (Office of Discrimination and Harassment, 2011, para. 16). If a person bound by the policy witnesses or hears about an episode of violence or harassment involving university members, that person is required to make a report to the Office of Discrimination and Harassment or the Office of Student Conduct. According to the university's Sexual Harassment Policy and Procedures, sexual harassment is "interaction between individuals of the same or opposite sex that is characterized by unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature" that interferes with education and/or employment (University of Colorado, 2012, para. 11). Any episode of rape or sexual assault is included in this definition of harassment.

For purposes of this project, an empirical focus on mandatory reporting engages practical concerns around the violence–organization relationship. The known gap between the number of mandated reports and documented rates of violence prompt a series of questions: How do individuals, groups, and organizations come to recognize those kinds of violence that require reporting? How can and should organizations communicate about sexual violence, and what impact does that communication have on efforts to respond to and prevent violence? In short, how does mandatory reporting implicate what is legible as violence, what power dynamics

circulate around violence in relationship to gender, race, and sexuality, and how do those dynamics play out in the (mis)recognition of, communication of, and response to violence?

Theoretical Significance of Questions Regarding the Violence–Organization Relationship

Questions about the violence–organization relationship are also of theoretical significance, and I outline three reasons for their importance in this section. First, the relationship between organization and violence remains under-theorized. Existing accounts of the relationship tend to rely upon a narrow set of conceptualizations, ones that prioritize a modernist, liberal, rational actor. These approaches tend to put individuals—not organizations—at the center of questions about violence. Scholars across a variety of disciplines and theoretical commitments observe this tendency. Catley and Jones (2002) state that understandings of violence that prioritize the individual are both dominant and hegemonic: "We have found that decisions are generally made in favour of the representation of violence as an individual physical act . . . This representation has become so widespread that it is often assumed that this is what violence 'really is'" (p. 33). In this passage, Catley and Jones suggest that organizational processes are rarely intelligible under the rubric of violence. Philosopher Žižek (2008) also notices this trend. He distinguishes subjective violence (that experienced by persons) from objective forms of violence (racist and sexist comments, system-wide violence, the effects of capitalism, etc). He argues that scholars and the public tend to focus on the subjective forms of violence, and that this focus blinds intellectuals and societies from the objective and systemic forms of violence. That is, in the intellectual pictures that academics and activists alike create, episodes of dyadic violence are so centered and foregrounded that processes of organizational violence are backgrounded at best and, more likely, outside the picture's frame. Definitional

tensions around violence, then, are implicated in questions about the relationship between violence and organization.

Second, questions about the relationship between organization and violence also implicate social power dynamics. Presser (2005) argues that most definitions of violence draw upon legal frameworks that are premised on the idea of an intentional actor. Consequently, the actions of political, organizational, and economic actors—such as large corporations—are hardly ever understood to be violent. Presser highlights that the prioritized understanding of the relationship between violence and organization is classed. That is, violence associated with extraordinary wealth and the circulation of large amounts of capital tends to be overlooked.

How violence is understood in relationship to organization is not only a classed problem, but also a gendered one. Hearn and Parkin (2001) assert that organization is "*fundamentally constituted* in the interrelations of gender, sexuality, violation and other oppressions" (p. 20). For these two scholars, gender, sexuality, and violence all pattern organization and organizing. Noticeably absent from Hearn and Parkin's statement and their more extensive studies, however, is a focus on race. This absence is reflective of broader theories in organization studies and in organizational communication where attention to race is, overall, neglected (Ashcraft & Allen, 2003; Nkomo, 1992). To assert that organization is fundamentally constituted through gender and its relationship to violence without also exploring race risks reproducing an erasure that has long been a cause of concern. Without a consideration of race, some of the complexities of power dynamics that animate the relationship between violence and organization are not intelligible. Questions about the violence–organization relationship are thus of theoretical import because dominant ways of responding to these questions often render raced, sexualized, and gendered power dynamics invisible.

Third, questions about the relationship between organization and violence are theoretically significant because they implicate communicative problematics. In their call for more research on the relationship between violence and organization, Hearn and Parkin (2001) argue for more attention to "the processes by which violence and violation becomes recognized, named, problematized and managed within specific organizations" (p. 48). Given the theoretical assumptions I outline in Chapter 3, I assume that recognition, naming, problematization, and management of violence are all communicative processes. Thus Hearn and Parkin set up a lacuna that communication theory is well positioned to address and interrogate.

More specifically, *feminist* communication theory is especially poised to grapple with this gap. Rakow and Wackwitz (2004) claim that the central concern of feminist communication theory is to "subject ideological and institutional systems . . . to interrogation, to seek out and confront our own internalized attitudes of prejudice and depreciation of self and other, and to develop theories accounting for those . . . practices, systems, and attitudes" (p. 7). Feminist communication theory is thus defined as a critical and reflexive project and, as such, it offers resources for making the mundane seem strange. This analytic approach is crucial for articulating the discursive apparatus that, due to its raced, sexualized, and gendered specificities, makes violence a commonplace. Further, attention to the raced, gendered, and sexualized implications of the violence–organization relationship is consistent with an increasing turn to intersectionality in feminist communication theory (e.g., Buzanell, 2000; Gajjala, 2002; Hedge, 1998; Rowe, 2000).

Feminist communication theory further attends to the relationship between communicative responsiveness and violence. In an essay tracing the questions of postmodernism for feminism, Butler (1991) draws upon both Irigaray and Foucault. She argues that some

versions of contemporary subjectivity require "a fantasy of autogenesis," of a subject that is "its own point of departure" (p. 155). This iteration of subjectivity, she argues, is connected to violence. If being a subject requires that one be independent, not relational, then pleasure can be derived from effectivity, from being able to exact impact on the world without consideration for the effects of that impact on specific people. This pleasure, Butler argues, played out during the U.S. invasion of Iraq in the First Gulf War. Given the necessity of disconnected, independent influence on the world, the U.S. enacted the law by sending a message: launched missiles were, as Butler says, "a certain act of speech" that killed the subject to which they were addressed and were, therefore, a "refusal of communication" (p. 157). The "message" ensured the subjectivity of he who sent it because it erased any possibility that the message could be transformed or negotiated. Although Butler is not a communication scholar, the implied claim that physical objects can commit speech acts blurs a discourse–material divide in ways that are gaining momentum in the communication discipline and, further, she draws these acts together with gender and questions about the origins of violence.

The relationships Butler traces among communication, violence, and material impact are also taken up among those well within disciplinary boundaries. Foss and Griffin (1995), for instance, in their work on feminist invitational rhetoric, make a similar claim: Traditional communicative success is measured by one's ability to shape the world, to have effects, to be instrumental. This emphasis on a narrowly defined version of communication prioritizes one's ability to change the other, regardless of that other's desire to experience change. It does not require, of communicators, that addressees be afforded freedom of determination or, indeed, dialogue. This distinctly gendered mode of communication, Foss and Griffin argue, reinforces pleasure in dominance, a dominance upon which violence is predicated. Though Foss and

Griffin do not grapple with violence as explicitly as Butler does, I draw these pieces together because they begin to illustrate a feminist, communicative project around violence. Verbal and physical weapons both communicate, and their material impact is often achieved through transmission rather than transaction. Thus disconnected from thought-to-be feminine norms of reciprocity, the absence of communicative response becomes associated with both violence and masculinity.

Questions about the relationship between violence and organization, then, are of theoretical significance for three reasons. First, the questions remain under-theorized in studies of organization. Theorizations tend to erase attention to organization in favor of an individual focus. Second, the specific areas of under-theorization involve communicative problematics around how varied positions in discourse produce violence. Third, these questions grapple with problematics of central concern to feminist communication theory: those of gender, agency, and violence as they are connected to race and sexuality.

The chapters that follow proceed accordingly: In Chapter 2 I review existing literature on the relationship between organization and violence in both organizational studies and feminist studies. I thematize and mark difficulties that organize that literature, namely around the extent to which violence is tethered to a discrete event, a contained location, and physical harm. Writing against a progress narrative, I illustrate how threads of the traditions I outline inform my position in this dissertation as well as how those literatures could be usefully complicated through conversation with one another. In Chapter 3 I detail my epistemological, ontological, and methodological assumptions. As I discuss my decisions around research design and data analysis, I outline my commitments to feminist poststructuralism, standpoint theories, and intersectionality as guiding frameworks for the project.

Chapters 4, 5, and 6 consist of data analysis. In Chapter 4 I argue that difficulties around balancing interpersonal and institutional demands on communication are endemic to mandatory reporting at CU. For some participants, personal efforts to support victims of violence exist in tension with the requirement to make reports. Further, some participants suggest that the university struggles to communicate its care for organizational members while also complying with federal law. In Chapter 5 I argue that mandatory reporting does not accomplish what it purports to do because of difficult-to-detect associations with privilege, particularly whiteness, heterosexuality, and masculinity. Through attention to both individual and institutional intersectionality, I suggest that mandated reporting is unevenly distributed across university members and centers. In Chapter 6 I suggest that the organization–violence relationship is established through references to university knowledge and agency. Together, the deployment of these concepts works to mask the partialities in what the university can know of violence and ensures that the university appears to be an agent of nonviolence.

In Chapter 7 I conclude the dissertation by highlighting contributions to feminist theory, organizational theory, and communication theory. In particular, I suggest that an empirical focus on violence resonates with feminist efforts to theorize via dilemmas, extends standpoint theory to organizational knowledge projects, and develops conversations about the link between discourse and materiality as they are attached to (non)human actors. As a whole, this dissertation centers tensions and contradictions around communication, organization, violence, feminisms, and intersectionality. In it, I trace difficulties around how to know violence, how to speak violence, how to interpret violence, and the social locations of each of those processes. I trouble discursive connections between nonviolence, victim-centeredness, and communication. Without

abandoning the possibility of nonviolence, I pursue and articulate the violent aspects of

communication and the communicative aspects of violence.

Chapter II

LITERATURE REVIEW

In the following sections, I first review literature from organizational studies that explores the violence–organization relationship. I then discuss literature that focuses on the relationship between sexuality and organization and, in so doing, implicates violence. Following these two sections that focus on literature from organization studies, I consider conceptualizations of the violence–organization relationship in feminist studies (not necessarily overlapping with organization studies). Finally, I consider specific work on sexual violence in the context of higher education and feminist work on mandatory reporting.

Consistent with the theoretical tensions and affinities I will discuss in Chapter 3 on research design, I approach the conventional mode of reviewing literature with some hesitation. Prioritized modes of academic argument create an expectation that scholars will justify and legitimate their studies by gesturing toward the "new." These arguments often require an assumption that knowledge claims evolve through progressive accumulation. I do not reject this teleological approach, in part because of the critical modernist inflections in some of my positions in this project. I do, however, want to mark that writing intended to fashion then fill gaps risks eliding complexity and contradiction. At times, characterizations of existing literature that favor progression over complexity operate in the service of whiteness, masculinity, and wealth.[1] I thus adopt a hybridized approach to characterizing existing work. At times I gesture toward missing knowledge. More often, though, I write through tensions in existing work on the

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[1] For an example of this, see Wiegman's (1995) work on the linear narrative surrounding the status of intersectionality in women's studies. She argues that when intersectionality is cast as a recently adopted corrective to the whiteness of feminist work, scholars erase the always present work of feminists of color as well as continuous contestations around the viability of the category "woman."

violence–organization relationship. Some of these tensions are implicit, others explicit. In so doing, I suggest that the play of ideas around event/process, container/network, and physical/verbal map a productive space in which to grapple with the raced, classed, and gendered dynamics of theorizing the violence–organization relationship.

<div style="text-align:center">Organization Studies Approaches to the Violence–Organization Relationship</div>

Existing studies tend to cast the relationship between violence and organization in one of two ways. Violence is either cast *as* organization and as inherent to organizing, or violence is cast as something that happens *in* organization. Each of these approaches carries with it a number of tensions around the definition of violence and its antecedents or causes, and I discuss these in the following sections.

Violence as Organization

Some organizational scholars, working from an assumption that violence is an inherent aspect of humanity and that the natural condition of life is one characterized by chaos, argue that any process of organization necessarily involves violence (e.g., Bergin & Westwood, 2003; Pelzer, 2003; Westwood, 2003). Organizing is taken to be a process of civilizing, one that limits an assumed original freedom. Violence is taken to be a natural part of human life, inevitable in all eras and in all places. The possibility for its eradication does not exist. Though violence is thus embedded in an argument about nature, some scholars who view violence as organization suggest that the specific manifestations of violence as organization shift in relationship to discourse. Westwood (2003), for example, suggests that although the violence of organization is universal, economies of violence are particular. He argues that, "Within particular discursive frames violence is legitimised, sanctioned, circumscribed, and delineated. The discourse establishes the occasions for the use of violence and signals the nature, extent, and variety that

can be perpetrated within specifiable situations" (p. 277). For Westwood and others who make similar arguments, violence precedes communication and social interaction, but the specific forms and functions of violence are intertwined with located discursive practice.

Violence as organization, then, carries a particular set of assumptions about the value of violence. Rather than being always something to be abhorred, violence is infused with transformative potential. As Bergin and Westwood (2003) state, violence is taken to be "not only inherent to processes of organizing and ordering, but also productive and creative, providing the means by which the new becomes a possibility and the prisons of convention and orthodoxy challenged" (p. 217). Violence as organization assumes a sheen of revolution, a sense that it is a mechanism for refiguring the status quo. New order, in this logic, requires violence. Working from this set of assumptions, these scholars argue that many understandings of violence evacuate the radical potential in being violent. Bergin and Westwood (2003) suggest that most accounts of violence and organization are rooted in managerial bias. Attention to violence is thus "informed by a legalistic concern for the protection of rights and property that sometimes clothes itself in a humanitarian rhetoric" (p. 213). Bergin and Westwood argue, then, that an argument that organization is required to check violence works to sustain power dynamics that are violent in and of themselves. Although Bergin and Westwood, along with others who make similar arguments, attend to power in this sense and could perhaps be read as attending to class issues, they do not attend to the gendered and raced specificities of for whom being violent has radical potential. In this literature, a cyclical relationship between violence and organization emerges. As Pelzer (2003) argues, violence necessitates organization because organization orders violent chaos, but organization produces violence because organization moves away from some natural state of being, one inherently characterized by violent chaos.

The underlying assumption of this strand of scholarship—that violence is organizing/ordering and organizing/ordering is violent—is not always explicitly stated. For example, Hearn (2003) develops the idea of *organization violation*, those "structures, actions, events and experiences that violate or cause violation. Violence then goes beyond physical violence, harassment and bullying to include intimidation, surveillance, persecution, subjugation, oppression, discrimination, misrepresentation and exclusion, leading to experiences of violation" (p. 254). Attached to problematic inequalities, these processes are designed to impose a particular social order based on power. Organization violations, then, are processes that occur over time and that are embedded in systems of organizing. The assumed cyclical relationship between organizing and violence is clearer in Hearn's (1994; 1998) discussion of the criminal justice system. Designed as a response to violence, police and other branches of the law enforcement are organized around the use of violence. Sanctioned enactment of violence is used to eradicate violence and thus, "These very conditions of making violence available [to law enforcement] make further violence possible" (Hearn, 1998, p. 182).

Understanding violence as organization and organization as violence requires temporal and spatial assumptions about both violence and organization. Because violence as organization calls attention to *processes* of ordering, violence is understood to occur over time and across various sites. Linstead's (1997) work reflects this set of assumptions about the nature of violence. Drawing upon psychoanalytic theory, Linstead suggests that violent events accumulate to order the psyche, and that this order plays out in subsequent interactions in a variety of contexts including the workplace. That is, violent organizing processes influence subsequent processes in organizations. Said differently, "identity-forming non-organizational experiences of

violence can shape subsequent behavior within organizations" (p. 20). Organizing as violence—

and its attending imposition of order—thus exceeds the organization.

Violence in Organization

A second approach to the relationship between violence and organization assumes that an

organization can influence the occurrence of violence, but does not assume that organizing is an

inherently violent process. This strand of argument tends to focus more on moments of violence

between individuals and less on systemic violence. As Catley (2005) summarizes, "violence is

cast as a problem *for* organisations rather than a problem *of* organization" (p. 8). Violence, then,

is most often understood to be a phenomenon that occurs between individuals. Organization, in

this understanding of violence, is a site at which violence occurs. Chamberlain, Crowley, Tope,

and Hodson's (2008) distinction is reflective of this approach: "individuals act out sexual

harassment, [and] they do so within the context of organizations" (p. 263). Violence is enacted

through interpersonal interaction, and that interaction occurs *in* organizations.

Among those scholars who prioritize this understanding of the violence–organization

relationship, the status of organization as a site of violence is understood in two ways. For some,

organization is *the* determining factor for the occurrence of violence. Chamberlain et al. (2008),

for example, argue that "patriarchy and gender socialization help explain the cultural foundations

underlying sexual harassment and victims' responses, but organizational context governs

whether and how sexual harassment actually transpires in a given workplace" (p. 265). In this

argument, the meanings of violence are generated through social discourses and power dynamics

that exceed the organization, but whether or not violence occurs is determined in a given local

organization. This assumption has led some scholars to generate typological accounts of

organizations in which violence is likely. Salin (2003) for example, suggests that bullying

occurs often when particular enabling structures or organizational antecedents, motivating structures or incentives, and precipitating processes or circumstances are all present in any given organization. Conrad and Taylor (1994) similarly suggest that sexual harassment is likely given particular dimensions of task and organizational structure, organizational power dynamics, and isolation of those who experience harassment. In these accounts, characteristics of organizations create conditions in which violence occurs *in* organizations. In a second approach to the status of organization, some suggest organization is *a* determining factor in the occurrence of violence. Lutgen-Sandvik and Tracy (2011) adopt this approach when they argue that three levels of communication are involved in workplace bullying: micro-discourses, or those interactions between individuals, meso-discourses, or "organizational climate, culture, policies, and procedures" (p. 7), and macro-discourses, or those social systems of meaning that condone bullying. Whether organization is the determining factor or one factor among many in the existence of violence, for both approaches, violence exists *in* organizations.

Tensions in the Violence–Organization Relationship

These two approaches to the violence–organization relationship, one that casts violence as organization and one that casts violence as a phenomenon in organizations, are not bifurcated approaches. Rather, they are collections of assumptions around which tensions in figuring the organization–violence relationship cohere. Tracy, Lutgen-Sandvik, and Albert's (2006) work on bullying offers an especially illustrative example of the ways in which these tensions inform scholarship on violence and organization. Tracy et al. assert that studies of bullying are often cast in terms of managerial and functional lenses: How can organizations maximize employee satisfaction? Minimize reduced productivity? Enhance worker retention? Their critique is grounded in the assumption that organization is a power-laden attempt to order violence, and that

the process of ordering may generate violent outcomes (in this case, the violent outcome is lack of scholarly attention to people's *experiences* of violence). This line of reasoning is consistent with the violence as organization approach to the violence–organization relationship. Tracy et al. also argue that bullying is an un-gendered phenomenon. Rather, it is a universal and pervasive experience. This argument seems, at first glance, to be consistent with an assumption that violence is a natural part of human interaction. Yet in moving toward this assumption, Tracy et al. also move away from it. Scholars have argued that organization is aligned with masculinity, rationality, mind, and the public, and that the wresting of these qualities from femininity, emotionality, body, and the private marks organization with a violent tendency manifested through many forms of inequality (e.g., Acker 1990; 2006). By disavowing gendered dynamics of bullying, Tracy et al. distance themselves from aspects of this argument and, in so doing, cast bullying as primarily about violence *in* organization rather than violence as organization. To draw out these tensions in Tracy et al.'s work is not to find fault in their conceptualization of the violence–organization relationship. Rather, it is to notice the tensions involved in articulating the violence–organization relationship and to begin to articulate the collection of assumptions around which both the violence in organization and the violence as organization approaches cohere.

In my reading, the violence–organization relationship in existing literature is articulated in relationship to three tensions. How a particular theorization threads together these two approaches—violence in and violence as organization—is connected to how that theorization navigates the tensions I outline below:

1. *Event–process:* Temporal boundaries of violence are implicated in the violence–organization relationship. When violence is understood as an event with a clear

beginning and end, violence is more likely to be cast as a phenomenon *in* organization. When violence is understood as a process that pervades everyday life, violence is more likely to be cast as organization.

2.   *Container–network:* Spatial boundaries of violence are also implicated in the violence–organization relationship. When violence is understood as an episode or event, it is also likely to be understood as occurring in a particular place. Organization, then, is likely to be understood as a container and a site for violence. When violence is understood as a process that accumulates through systems, violence is more likely to be understood as occurring across diffuse geographies, not rooted to a particular location. Given this understanding, organization is more likely to be understood as a porous entity—more like a network than a container—embedded in social and cultural forms of order and discourse.

3.   *Physical–verbal:* The discursive boundaries of violence are implicated in each of the preceding tensions. As violence is understood more as an event that occurs in a container, attention is more likely to be drawn to physical forms of violence, and individuals are more likely to be identified as those who enact violence. As violence is understood more as a process that exists in networks, more attention focuses on the accumulation of communicative meaning. Though physical violence does not entirely fade from view, discourses become more and more implicated in definitions of violence. As understandings of violence move in this direction, structures—more often than individuals—are thought to enact violence.

These three tensions are intertwined. Movement toward an aspect of one tension accompanies movement toward a related aspect of another tension. I read Catley and Jones (2002) to be

reflecting the ways in which each tension is embedded in the other:

> This, then, is our difficulty: violence takes many forms, but when it appears in a 'sovereign' act of individual physical violence it is obvious, and recognised as being violent. When violence is symbolic or structural it tends to disappear from view. These are political, but also theoretical difficulties. The difficulty of recognizing linguistic injury relates to the fact that, as Butler indicates, 'there is no language specific to the problem of linguistic injury, which is, as it were, forced to draw its vocabulary from physical injury'. The invisibility of structural violence results at least in part from its dispersion and non-localisability, and from the way that it is considered legitimate and hence 'not really violence'. (p. 34)

In this rendering of the problematics around violence, the more an understanding of violence relies on physical force, the more spatially bound is the definition of violence. The more spatially bound and physical understandings of violence become, the less understandings of violence incorporate processes that exceed a single moment in time. As these definitions are prioritized, the organizational and structural elements of violence fade from view.

Thus accounts of the violence–organization relationship are embedded in struggles over the definition of violence itself. And renderings of the violence–organization relationship are implicated in the (mis)recognition of violence. As Hearn (1998) argues, "The definition of violence is contested. This contestation is itself part of the process of the reproduction of and indeed opposition to violence" (p. 15). In this project, as I pursue how the violence–organization relationship is articulated, I center the process of definitional contestation, and I suggest that the three tensions I have outlined here may be important discursive sites at which reproduction of and opposition to violence occur in relationship to discourses of gender, race, and sexuality.

Organizational Studies Approaches to the Organization–Sexuality Relationship

Questions about the relationship between organization and violence have been present, to some extent, in scholarship on organization and sexuality, and this literature is important for this study because it has centered questions about the power dynamics around gender, sexuality, and organization. Organizational scholars have noted that, because sexuality has often figured the public/private relationship, sexuality is central in writing particular gender performances through and out of organizing (Clair, 1993b; DiTomaso, 1989; Gutek, 1989; Parkin, 1989). Working from this claim, scholars take two related and sometimes overlapping positions in regards to violence and its relationship to sexuality and organization.

First, some scholars with explicit or implicit affinities with re-eroticization theory argue that sexuality is a subjugated element of organization and that attempts to exclude sexuality from work serve managerial purposes. As sexuality is controlled, profit is enhanced. A taboo on organizational sexuality and sexuality in organization not only supports managerial goals, but also, as some argue, reinforces a divide that maps masculinity onto work, femininity onto life: Masculinity and work are equated with rationality, dispassion, and mind while femininity and home are equated with emotion, passion, and body (thus sexuality). Thus, in critiques of some feminist work on sexual violence and organization, these scholars argue that attention to violence risks reinforcing the sequestering of sexuality from organization and limits a feminist project aimed at troubling the gender binaries that pattern organization (e.g., Burrell, 1984, 1992). Gutek (1989) argues "there is little systematic description of non-harassing sexual behaviour at work and few attempts to understand sexuality at work aside from determining whether some particular class of behaviour is or is not harassment" (p. 57). Her statement reflects a broader

argument that attention to violence has so pervaded scholarship on sexuality and organization that the productive possibilities of sexuality have been neglected and under-theorized.

Some scholars also take a second, related approach to the status of sexuality and organization. They argue that available forms of sexuality are always inflected through dominant forms of masculine (hetero)sexuality (e.g., Collinson & Collinson, 1989). Thus, studies of sexuality and organization are really attentive to *masculine* sexuality and organization. Brewis and Grey (1994) caution,

> By conceptualizing erotic desires as repressed or colonized by organizations, Re-eroticization theory is led to championing sexual violence as part of the recognition of erotic pluralism. We argue that such erotic desires are not innate but the product of exercises of power, and that simply to validate sexual violence as part of the danger implicit in pleasure would be retrograde. (p. 68)

Brewis and Grey point toward an unmarked assumption among scholars who want to emphasize the pleasure in sexuality in order to disrupt organizational control of sexuality: Sexuality is thought to be innate and natural, not the product of particular social systems of power. By rendering sexuality as a located and specific phenomenon that is constituted through social interaction, Brewis and Grey reassert that dominant forms of sexuality implicate violent gender and power dynamics in organization.

Scholars working the relationships between organization and sexuality then engage a tension. On the one hand, an exclusive focus on the violence of sexuality can be read as an argument for eradicating sexuality from organization. Noticing only the negative manifestations of sexuality supports a case for the de-sexualization of the workplace, and this risks reinforcing a problematic dichotomy that separates the feminine from the workplace. On the other hand, to

focus only on the pleasures of sexuality risks prioritizing already dominant forms of violent, masculine heterosexuality. Noting this tension inherent in research on organization and sexuality, Gherardi (1995) says that work on organizational violence "must explore the ambiguous and uneasy relationship between violence and pleasure" (p. 62). In the remainder of this dissertation, I attend to this relationship when I focus on the pleasure attached to privilege and dominance. Pleasurable sexualities disconnected from potential violence do not figure centrally in this work. The project is thus open to critiques of a focus on violence such as those I discussed earlier from Gutek and Burrell. That work, however, is primarily concerned with the relationship between organization and sexuality (and violence is then a secondary concern). This project is primarily concerned with the organization–violence relationship, and indeed many feminists argue that violence is not about sex. Thus pleasure does not figure centrally in the analytic chapters that follow. Although this approach may leave some readers wanting for the problematization Gherardi invites, it nonetheless offers theoretical resources for pursuing the three definitional tensions I have outlined around the violence–organization relationship.

Sexual Harassment and Organization

In this section I map some of the contours of the sexual harassment scholarship and, in so doing, point toward the tendencies of this scholarship to map itself onto the event–process, container–network, and physical–verbal tensions in the relationship between violence and organization. I point toward areas for more development of this literature.

First, the vast majority of studies on sexual harassment and organization rely on empirical data generated from accounts of those who have experienced violence (e.g., Bingham, 1994; Clair, 1993b; Dougherty, 2011; Wood, 1992). By focusing only on individuals' *experiences* of violence, these studies tend to reinforce (sometimes inadvertently) conceptualizations of violence

as an event in a container. Tacitly recognizing this tendency, Dougherty and Smythe (2004) argue that scholars have an underdeveloped understanding of how organizational cultures influence the *process* of sexual harassment, in part because of equal employment policies that focus on particular instances or episodes of violence. Moving toward a more processual understanding of harassment requires not only turning away from an event focus but also turning away from a focus on those individuals who experience violence. Dougherty (1999) articulates the reasons why these shifts are important: "The social construction of sexual harassment occurs not only during talk about sexually harassing experiences but also during talk about the possibility of sexually harassing experiences" (p. 438). Thus violence is constructed not only in violent events, but also in the discursive processes that exceed an event. Dougherty continues, "to understand the complexity of sexual harassment in organizations, then the social construction of sexual harassment by all members of the organization must be considered" (p. 438). Here again, Dougherty calls for orientations to violence that move beyond a focus on a single victim and perpetrator, a framework that focuses on event not process. Clair (1993b) too, in a study on how individuals use discursive framing devices to communicate sexual harassment, argues, "it would also be of benefit to study these framing techniques at different levels of society (e.g., how do formal organizational policies . . . frame sexual harassment)" (p. 133). In my reading of each of these statements, scholars are marking the importance of developing articulations of the violence–organization relationship that move more fully toward the processual and network aspects of the definitional tensions around violence.

Catley and Jones (2002) note that popular and academic studies of violence tend to focus on physical and "spectacular" forms of violence to the exclusion of verbal and everyday violences, including what Brewis and Linstead (2000) call *ritual violence*. The literature on

sexual harassment and organization, however, has avoided this trend in some unusual ways. Given the scaffolding of legal definitions and disciplinary tendencies of communication studies, literature on sexual harassment and organization generally focuses on the verbal aspect of the physical–verbal tension in understandings of violence. Studies tend to locate harassment so purely in the realm of the symbolic that attention to violent touch and violent physical force is less often considered. Communicative studies of violence may thus have something to offer back to the dominant and hegemonic understandings of violence as a physical phenomenon. Developing the existing literature on sexual harassment toward studies that center these forms of violence might also be useful given charges that communication research understands discourse to be overly forceful and neglects the material, physical world (Ashcraft & Harris, in press). A focus on sexual violence traditionally conceptualized as requiring a physical element—rape and sexual assault for example—could move toward a more sophisticated rendering of the physical–verbal tension in definitions of violence, a rendering that communication is already well positioned to offer because of its resistance to dominant understandings of violence that prioritize the physical.

Finally, existing work on sexual harassment and organization tends to neglect categories of difference other than gender and sexuality. Only two existing studies in the field take race as a central analytic in harassment (Allen, 2009; Richardson & Taylor, 2009). Yet many scholars note the importance of developing intersectional accounts of this form of sexual violence. Dougherty (1999) argues that "researchers must begin to explore how the experiences of other marginalized groups interact with gendered standpoints to create a unique vision of sexual harassment. It is important to understand how race, class, and gender interact to create a complex construction of sexual harassment" (p. 463). Townsley and Geist (2000) say, "Perhaps

most importantly, the analysis in this paper largely ignores the subject positions of race and class" (p. 213). Although organizational scholars seem to agree that race and class are important dynamics in sexual harassment, the imbrication of race and class with gender and sexuality remains under-theorized. Without a more intersectional approach, interventions in sexual harassment will be limited at best. At worst, knowledge of harassment and attempts to prevent it may reinforce the privileges of whiteness and wealth.

Feminist Studies Approaches to the Sexual Violence–Organization Relationship

Although organizational scholarship on violence and organization has neglected race and class in its accounts of violence, scholarship in feminist studies has developed a robust critique of the racism implicit in some iterations of the organization–violence relationship. In particular, this literature critiques an event approach to sexual violence and argues that understanding sexual violence to have strict temporal boundaries effaces the systemic elements of violence that cohere around the intersections of race and gender.

These scholars make consistent arguments for the importance of understanding violence as something that moves beyond an event that starts then stops. Marcus (1992), for example, argues that rape is "a scripted interaction which takes place in language" (p. 390). In this conceptualization, rape is not a moment, but rather one point in a process of gender subordination in which different systemic powers are attached to masculinities and femininities. Smith's (2005) definition similarly critiques the idea of violence as an event: "Sexual violence is a tool by which certain peoples become marked as inherently 'rapable.' These peoples then are violated, not only through direct or sexual assault, but through a wide variety of state policies, ranging from environmental racism to sterilization abuse" (p. 3). By figuring sexual violence as a tool or a mechanism for achieving particular relationships of power, Smith calls attention not to

any moment of physical violence with a beginning and end, but to ongoing relationships of sexuality, racism, and colonialism. Also weaving together a critique of an event–individual framework, Hengehold (2000) and Breckenridge (1999) argue that violence is individualized and contained within professional legal and therapeutic discourses. The consequence is that

> Rape then appears to be a case of singular misconduct in relation to an established norm for sexual behavior. Moreover, culpability for rape is laid at the feet of individual rapists, while the ways in which the state legitimizes sexual violence by tolerating high levels of predation in the prison system or restricting girls' access to sexual education seem to fall outside the scope of rape prevention. (Hengehold, 2000, p. 209)

Together, these approaches suggest that to understand sexual violence as only an episode misses the ways in which rape and other forms of sexual assault are embedded in larger cultural discourses, structures, and organizing processes that circulate through and beyond any single moment or perpetrator.

Several feminist scholars note specific consequences of a turn away from the larger organization of sexual violence: the reinforcement of gender and racial stereotypes in the service of subordination. Holland (2009), in an analysis of the public discussions surrounding the violence that U.S. soldiers committed at Abu Ghraib, argues that violence operates as a justification for rigid gender norms. Rooted in the protectionist logic of chivalry, public discussions suggested that the inclusion of women in the military, in traditionally masculine roles, created gender and sexual confusion. This confusion led to the inappropriate use of violence. Instead of asking systematic questions about the appropriation of hegemonic masculinity in the service of military violence, conversations focused on a few individuals whose performance of gender was deviant. Thus, violence was reduced to a problem of individuals, not

one of organization. In a similar critique of individual and event-bound understandings of violence, Enck-Wazner (2009) argues that news media representations of Black male athletes who commit intimate partner violence appropriate and reinforce racist stereotypes. Drawing upon ideas about Black male rage and hypersexuality, attention to the race of violent perpetrators reinforces the hegemonic prioritization of whiteness such that individuals, rather than problematic systems of racial power, are cast as violent.

In a related set of critiques, feminists and critical race theorists have discussed the aporetic racial analytic embedded in the individual–event framework for violence. Feminist anti-violence campaigns often rely on or promote state legal intervention, and this close affiliation with legal recourse invites into these feminist campaigns what Messer-Davidow (2002) calls a "judicial preference for the individualist model" (p. 275). The individualist model, many have argued, imbues state responses with explicit or implicit racial overtones. For example, Hengehold (2000) argues that "it is impossible to disentangle" rape from the violence of a legal system that disproportionately incarcerates men of color who are already subject to state violence (p. 193). Consequently, efforts to use the legal system to combat violence against women have often reinforced racial stereotypes that associate blackness with violent hypersexuality (Bumiller, 2008). Noting the imbrication of anti-violence initiatives with legitimated state violence, Davis (2000) argues

> because the primary strategies for addressing violence against women rely on the state and on constructing gendered assaults on women as "crimes," the criminalization process further bolsters the racism of the courts and prisons. Those institutions, in turn, further contribute to violence against women. (para. 15)

A tangle then emerges: In an effort to redress violence through the legal system, feminists have adopted an emphasis on individual equality and justice, and this liberal emphasis on individual equality sometimes eclipses a more thorough critique of the systems and structures that produce those inequalities (Mohanty, 2003). Although spurred by "progressive ideals," feminist anti-violence work has often "deferred to the more pressing prerogatives of security, public health, preservation of the family, and other demands to maintain order" (Bumiller, 2008, p. 7), and the maintenance of order and preservation of family is often code for the preservation of White privilege. Feminist studies thus offers a discussion of the racial dynamics that animate theorizations of the violence–organization relationship. Together, this literature suggests to me that scholarship that fails to theorize the processual elements of violence risks complicity with whiteness. This literature, however, has not yet been taken up in a significant way in the organizational communication or organizational studies discussions of the violence–organization relationship, and this project aims to draw these literatures into conversation.

Feminist Studies Approaches to Sexual Violence and the Academy

In an argument that resonates with feminist concerns about feminism's complicity with some troubling forms of systemic violence, scholars have argued that sexual harassment in U.S. universities is increasingly privatized and commodified. Mohanty (2003) argues that many attempts to disrupt sexism and racism in the academy teach students to be "sensitive" to difference, and that this reduces complex phenomena to individual, attitudinal, and psychological levels of analysis. Clair (1993a) echoes this argument. She suggests that policies and communication about sexual harassment assume that harassers will act rationally and that formalized and individual responses are more appropriate and effective than an informal rumor mill, a class action lawsuit, a boycott of harassers' classes, or the solicitation of media attention.

Clair suggests that these communicative practices, ironically, reproduce and reinforce the mechanisms that enable harassment by drawing attention away from systemic and organizational violence.

The mainstreaming of harassment at the academy has led to an increasing number of people responsible for responding to harassment and violence. As Bumiller (2008) puts it,

> sexual violence has become everybody's problem not only culturally but administratively. Employers, teachers, lawyers, doctors, therapists, and the like are expected to watch for the signs and symptoms of sexual violence and if they detect such, they are often required to take appropriate action to protect victims, treat clients, and report to authorities. (p. 14)

Clair (1993a) argues that involving third parties in responses to harassment may usefully disrupt a tendency to individualize experiences of sexual violence. Although the increasing reach of sexual violence responses at the academy may be very productive, there are also limitations to this approach. First, sexual violence is one of the most underreported crimes, especially on college campuses (Felson & Paré, 2005; Orchowski, Meyer, & Gidycz, 2009). When students do report experiences of sexual violence, they are likely to report to university officials who are not involved in formal reporting processes, and they are far more likely to report to female faculty and staff than to male faculty and staff (Bingham & Battey, 2005). Further, Bingham and Battey (2005) argue, "the risk to female professors for helping a victim of sexual harassment is greater because of their more tenuous status and power in the academy" (p. 133). This argument is consistent with Seymour's (2009) finding that the work of intervention in violence is itself gendered. That is, those who are responsible for responding to and transforming violence in organizations experience their responsibilities along gendered lines: Men who do intervention

work find it empowering and see it as an opportunity for growth; women who do intervention work feel burdened, angry, and diminished. Thus university responses to sexual violence and the experiences of those who are responsible for those responses are embedded in the same gender and power dynamics from which violence emerges.

Further, some scholars argue that the mainstreaming of sexual harassment in the academy may have some unintended consequences that belie the goals of feminism. One of the academy's goals is to ignite intellectual life, and feminists argue that the intellectual is infused with desire and sexuality (Gallop, 1997; hooks, 1994a; Trethewey, 2004). Echoing those who champion organizational re-eroticization theory, Gallop (1997) argues that sexual harassment and discrimination have become decoupled such that any display of sexuality around the academy becomes suspect.

Though the academic discourse around harassment in the academy makes discussions of sexuality complex, many argue that education and pedagogy—diffuse practices that occur not only in the classroom but across the university writ large—are primary venues for activist disruption of sexual violence. Brodkey and Fine (1992) argue that feminist pedagogy "begins by animating the policies and procedures that contribute to harassment" (p. 90). Clair, Chapman, and Kunkel (1996) argue that one important way to revalue marginalized voices, especially in the context of sexual harassment, is to prioritize the telling of personal experiences in classrooms (while avoiding confessional imperatives). In an explicit statement of this strand of feminist argument, Gallop (1997) says:

> Feminists who write about teaching have stressed the importance of the personal, both as content and as technique. Feminist teaching often involves connecting personal material and feelings to the subject matter, encouraging students to include personal content in

discussion and writing assignments. Many feminist theorists of education even go so far

as to make the ultimate standard of learning personal: learning should be judged by its

effect on the person. (pp. 62–63)

Education—one of the university's primary goals—thus becomes a troubled endeavor. Higher

education organizations are a site at which sexual violence occurs at high rates, and the gendered

and raced elements of this violence produce unequal opportunities for intellectual development.

Yet those invested in stopping this violence are implicated in feminist discourses that both

disrupt and reinforce the organization of sexual violence and that both transform and are

disciplined by the discourses around gender and sexuality. Feminist academics and activists

have developed a number of strategies for disrupting sexual violence at universities and colleges.

Of these, mandatory reporting is especially laden with the definitional tensions around the

violence–organization relationship.

Feminist Studies Approaches to Mandatory Reporting

Feminists engage in conversations that both laud and critique mandatory reporting. Most

existing studies focus on medical and law enforcement, but few studies focus on mandatory

reporting in higher education. Mandatory reporting may be a useful and effective policy for a

number of reasons. Some studies suggest that policies that require third parties to report

episodes of violence enhance systems of accountability and punishment for perpetrators of

violence and mark the severity and criminality of intimate partner violence and other forms of

sexual assault (e.g., Larkin & O'Malley, 1999). Smith (2000) found that most survivors of

violence are in favor of mandatory reporting policies, but that many of those same survivors

perceive little benefit from the reporting and fear future retaliation from perpetrators. In addition

to these direct arguments to support mandatory reporting, some other scholars also suggest that

mandatory reporting may be effective because it disrupts the individualization of violence.

Fitzgerald, Swan, and Fischer (1995), for example, argue that a problematic assertiveness

paradigm "holds the victim responsible for responding appropriately" (p. 117) and dominates

many of the formal processes designed to address sexual harassment. This paradigm fails to

recognize the variety of responses that people who experience gender-based violence utilize and

neglects to acknowledge that assertive responses may not always be effective. Similarly, Clair

(1993a) argues that requiring the victim to file complaints excludes other possible responses,

including third party interventions. Given these arguments, mandated third party reporting may

be laudable both for removing the burden of reporting from those who have experienced violence

and for distributing accountability across institutional actors beyond the victim–perpetrator dyad.

Yet mandatory reporting policies may be equally problematic (Daire, 2000). Many argue

that the responses of institutions and support providers can re-victimize those who experience

violence and harassment (Ahrens, 2006; Campbell, Wasco, Ahrens, Sefl, & Barnes, 2001; Maier,

2008). Clair (1994) says, "the bureaucratic discourse surrounding the proposed solutions to

sexual harassment often leaves victims of harassment feeling victimized twice over" (p. 249).

Several studies have found that those who experience violence are strongly opposed to

mandatory reporting and fear retaliatory violence as a result of mandated reports (Gielen et al.,

2000; Sullivan & Hagen, 2005). Further, Karjane, Fisher, and Cullen (2002) suggest that

academic "sexual assault policies that emphasize criminal justice imperatives (e.g., to report

disclosures of the crime against the victim's will) or higher education imperatives (e.g., to

maintain the school's image as a safe haven) at the expense of the immediate and long-term

needs of the rape victim" may lead to reduced reporting rates (pp. 93–94). Further, some studies

suggest that those tasked with making reports may not do so. Rodriguez, McLoughlin, Bauer,

Paredes, and Grumbach (1999) found that less than half of participating physicians would comply with mandatory reporting policies if their patients did not consent to the reporting. To date, studies have not explored how those in the academy required to make reports of sexual violence respond to and negotiate those policies.

Toward Research Questions

Each of these literatures prioritizes particular tensions in approaches to the violence–organization relationship, and drawing them together highlights some of the absences in each set of research. First, organizational studies scholarship writes through the container/network tension (e.g., in the interplay between violence as and violence in organization) in ways that may help to problematize the event focus that feminist studies critiques. Organizational work on sexuality, in particular, poses questions about the extent to which a focus on sexual violence may serve the interests of the already dominant (e.g., may support de-sexualization of the workplace in the service of managerial interests). These organization studies questions resonate with the questions that feminist studies asks about the complicity between anti-violence projects and the racialized state. Finally, feminist studies scholarship offers avenues for articulating connections between race, organization, and violence, relationships that as of yet are missing in organizational scholarship.

In the opening chapter, I argued for the practical and theoretical significance of an empirical focus on mandatory reporting in higher education. Having drawn together literatures around organization, communication, and feminism, I suggest that these existing ways of grappling with the organization–violence relationship map a line of inquiry useful for marking the intersectional erasures in theorizations of organization and violence in each of these literatures. To pursue this project, I propose the following questions:

RQ1: What tensions animate the discourse around mandatory reporting of sexual violence at the University of Colorado Boulder (CU)?

RQ2: How are race, gender, and sexuality implicated in the discourse around mandatory reporting of sexual violence at CU?

RQ3: How are violence, organization, and their relationships articulated in the discourse around mandatory reporting of sexual violence at CU?

In the next chapter, I detail my approach to answering these questions. I discuss epistemological, ontological, and methodological assumptions that guide my research design and analysis.

Chapter III

RESEARCH DESIGN AND METHODOLOGY

In this chapter, I discuss the methodology and methods I adopt to answer my research questions. I first discuss some of the definitional and theoretical assumptions I make around each one of three important concepts for the project: communication, organization, and discourse. I then discuss some of the ontological and epistemological assumptions that animate the project. Finally, I discuss my data selection and analytic strategies.

Important Concepts

Communication

One of Craig's (1999) theoretical traditions, as it is connected to feminism(s), informs my discussion of communication. In Craig's rendition of the critical strand of communication theory, communication is theorized as "discursive reflection" (p. 147). Thus cast as an inherently reflexive activity, communication is an ongoing process of noticing the ways in which seemingly disinterested communicative acts are, indeed, value laden and inflected through power. Craig's characterization of this part of the field suggests that communication is an activity oriented away from distortion, toward emancipation.

To the extent that feminism has a complex relationship with this modernist telos, a sense of direction toward some more utopic future is inflected through this dissertation. Critical communication scholarship, however, does not always problematize its implicit dichotomy between distorted and accurate realities, and feminisms are often suspicious of theoretical gestures that leave claims to Truth untroubled. *Feminist* communication scholarship, then, is skeptical of a desire to escape from power, even when that desire is its own. Although this feminist tradition exists in relationship to Craig's critical strand of communication scholarship, it

is distinct. Where Craig identifies "ideology," "dialectic," "oppression," and "resistance" as the meta-discursive vocabulary for critical theory, feminist communication theory trades in different terms: voice, agency, politics, sexuality, and violence.

My use of the term "communication" also reflects disciplinary understandings of communication as both transmissive and constitutive. In the field of communication studies, meaning is at times distinct from matter (information-centered approaches) and, at other times, meaning is all that matters (meaning-centered approaches). The term "communication" thus points to persistent concerns about how to theorize relationships between the material and the discursive (Angus, 1998; Aakhus et al., 2011; Cloud, 1994; Tsoukas, 2000). This doubleness of communication resonates with the feminist ontological and epistemological assumptions I outline in subsequent sections. I turn next to a discussion of the assumptions I make about organization.

Organization

Organization operates in two senses in this study. First, I conceptualize organization as a site, as something akin to the "container." The university, as a site where mandatory reporting is enacted and sexual violence occurs, is an organization in this sense. Second, I also conceptualize organization (or organizing) as phenomenon that occurs around particular processes or objects, in this case, sexual violence. In this study, mandatory reporting is one element of the organizing that shapes conversations about, understandings of, and responses to sexual violence.

Some scholars take the interplay between organization and organizing as central to the analytic work of organizational communication (e.g., Mumby & Stohl, 1996). The dual conceptualization of organization with which I am operating is woven together with these disciplinary conversations. Further, this conceptualization of organization is resonant with

interdisciplinary discussions regarding the problem of violence. As I discussed in Chapter 2, the interplay between conceptualizations of organization as a site (or container) and as a network (roughly akin to a process) is one of the key tensions that animates scholarly conceptualizations of violence. Conceptualizing organization as both site and process, then, places this project in conversation with organizational communication as well as interdisciplinary violence scholarship. I turn next to a discussion of the third important concept in this study, discourse.

Discourse

Foucault, organizational theory, and feminist poststructuralism all inform my use of the term discourse. For Foucault (2002), discourse is a set of "practices that systematically form the objects of which they speak" (p. 54). Building from this definition and other poststructural theory, I assume that any discourse is bound up in other discourses. This assumption draws upon concepts often referred to as dialogism (e.g., Bakhtin, 1981; Frank, 2005) or as intertextuality (Kristeva, 1980). If discourse is always bound up elsewhere, then when a subject produces discourse (either externally via writing or speech or internally via things spoken to oneself), that discourse is never of her own making. Because subjects are presumed to be produced in discourse, as a consequence, they are never autonomous or individual.

This approach to discourse shares affinities with theories of discourse that operate in organizational scholarship. Indeed, I adopt Grant, Hardy, Oswick, and Putnam's (2004) statement that organizational discourse is "the structured collections of texts embodied in the practices of talking and writing (as well as a wide variety of visual representations and cultural artefacts) that bring organizationally related objects into being as these texts are produced, disseminated, and consumed" (p. 3). Further, postmodern organizational approaches to discourse assume that discourse is inherently characterized by fragmentation and paradox

(Putnam & Fairhurst, 2001). When contradiction appears to be absent from discourse, critical scholars assume that seeming coherence is a symptom of masked privilege. My approach to discourse is centrally concerned with power and, as such it is affiliated with Mumby's (2004) description of critical approaches to organizational discourse. I, however, trace a lineage through a feminist tradition distinct from the veritable collection of dudes Mumby cites, including Marx, Althusser, and Gramsci.

Echoes of Foucault's words are evident in feminist approaches to discourse, like in Gavey and Schmidt's (2011) definition of discourse as "systems of statements . . . that cohere to provide a particular way of understanding an object" (p. 438). Feminists assume that these systems of statements are not neutral. Rather, discursive systems are inherently laden with "political interests and in consequence are constantly vying for status and power" (Weedon, 1997, p. 40). A central feature of feminist approaches to discourse is, as Bacchi (2005) describes, attention not only to the effects of discourse but also strategic thinking about how to employ discourse for political outcomes. Questions about the relationship between subjects (human or otherwise) and agency become central theoretical concerns for feminist approaches to discourse. In particular, feminists have adapted Foucault's work to theorize the omnipresence of the political as well as the multi-directionality of power (Mills, 2004). Any position in discourse is thus not best understood in relationship to a single axis of difference (e.g., patriarchy), but in connection to shifting sites of power that simultaneously enjoy privilege and marginalization. Feminist approaches to discourse are thus closely linked to intersectional theory.

Although some feminist approaches to discourse (e.g., Anderson & Doherty, 2008; Speer, 2005) share a concern about the relationship between, as Alvesson & Karreman (2000) describe it, discourse and Discourse, those conversations belie a non-poststructural set of assumptions.

As is characteristic of work in this tradition and especially in feminist poststructural work around intersectionality (e.g., Dill, McLaughlin, & Nieves, 2007; Knudsen, 2005), distinctions between levels of analysis (along with agency v. structure) blur but do not dissolve completely.

In my approach, I do not use the term discourse to reference statements that reflect reality. In this sense, discourse has been assigned some constitutive force, and this aspect of its definition distinguishes it, for purposes of this study, from communication. I use the term communication to reference the complex interplay between both transmissive or informational approaches to talk/text and constitutive or meaning-centered approaches. I have elected to make this distinction for a particular communicative audience for this dissertation, however drawing these lines is somewhat false and, indeed, a disciplinary project that risks simplifying interdisciplinary feminist conversations.

For instance, under the sign of "discourse," Gavey (2011) describes the problematic through which we communication scholars often buttress our academic egos:

> We have to be pragmatic and acknowledge that *feminist* poststructuralist scholarship requires (careful and wise) theoretical impurity; it requires us to work simultaneously with two theoretically contradictory understandings of language—as descriptive on one hand and constitutive on the other. (p. 187)

Further, feminist theory has experienced a trajectory similar to that of communication studies. Against a predominant notion of innate gender, feminist theory invested heavily in social constructivist approaches in order to wrest gender (social) from sex (biological). Left in politically troubling popular discourses of post-feminism and post-gender, feminist theory has recently reshaped its interventions via a return to the body and the material fixity of some aspects of gender (e.g., Alcoff, 2006; Barad, 2003). Communication studies, too, takes a critique of

transmission as its disciplinary impetus (Craig, 1999), yet amidst charges that everything becomes discourse, communication has recently been pushed toward a material turn (e.g., Ashcraft, Kuhn, & Cooren, 2009). Although I have opted to use "communication" to mark dual investments in representational and constitutive aspects of discourse, the theoretical duplicity it signals is not the sole purchase of the field of communication studies.

Having articulated connections between discourse and communication, two other relationships warrant brief comment: organizational communication and organizational discourse. Given the definitions I have outlined, I adopt the following definition of organizational communication: *discursive reflection* (a) at a site (the university) and (b) around a phenomenon (sexual violence). Mandatory reporting is an instance of organizational communication in each of these senses: It purports to reflect and represent sexually violent events that occur at CU, and it also shapes the sexual violence that it is said to represent. Organizational discourse is closely related. In this study, organizational discourse is conceptualized as *a system of tension-laden statements* that both (a) form a phenomenon (sexual violence) at a site (the university) and (b) are organized around a phenomenon (sexual violence). Mandatory reporting is both a system of tension-laden statements that form sexual violence at the university and a system of tension-laden statements that are organized around sexual violence.

This definitional work, of course, encounters some difficulties. First, these definitions risk casting organizational discourse, not organizational communication, as the exclusive site for feminist poststructural theorizing. Second, some of the definitions I have offered for organizational communication and organizational discourse risk collapsing communication and discourse. For instance, the definition of organizational communication as "discursive reflection around sexual violence" sounds much like organizational discourse when it is defined as "a

system of tension-laden statements organized around sexual violence." To some extent, the convergences and divergences of these definitions are reflective of larger theoretical conversations that are somewhat optimistic about hybridized approaches to discourse and communication (e.g., Fairhurst & Putnam, 2004; Jian, Schmisseur, & Fairhurst, 2008). Keeping these theoretical debates in mind, for purposes of this study, I assume that both organizational communication and organizational discourse occur in three types of interactions: interpersonal talk, texts, and talk in public meetings. I move next to a discussion of the ontological and epistemological assumptions that animate the concepts I have outlined in this section as well my selection of methods for this project.

Ontological and Epistemological Assumptions

Given my feminist commitments, I embrace a productive tension around ontology. I align myself with some of the quasi-foundational elements of critical modernism that emphasize contingent knowledge in a real world (e.g., Sandberg, 2005). Because feminist projects are always implicated in pragmatic political strategy, feminist theoretical work on violence considers the ways in which arguments about violence circulate not only in the academy, but also in popular culture. Some members of the public argue that inconsistencies in accounts of sexual violence are evidence that sexual violence either does not occur or is not serious. Both Katie Roiphe's *The Morning After* and the public discrediting of the hotel employee who alleged that the former Director of the International Monetary Fund, Dominique Strauss-Kahn, assaulted her are examples of this thread of argument. Given this conversation, I think it important to position and qualify arguments against claims that sexual violence is made up, claims that challenge the broader political project of eradicating violence. Noting this aspect of a struggle over violence,

feminists often mark the risk of emphasizing discursive contest at the expense of a focus on the real and are therefore at pains to claim the material consequences of the phenomena they study.

In relationship to these claims, the same community of feminist scholars of sexual violence of which I am a part is invested in complicating the models of power and agency embedded in the ontological assumptions that organize the critical modernist project. Fonow and Cook (2005), summarizing the intellectual trajectory of women's, feminist, and gender studies of late argue that, "Resistance and power reside in many different locations and arrangements and . . . agency is always an ongoing, changing accomplishment" (p. 2224). This multi-directional and multi-locational conception of both power and agency is vital in arguments that write against the totalizing victimization of sexual violence (e.g., Lamb, 1999; Phillips, 2000). This more Foucauldian vision of power is central for thinking through fantasies of victimization (Fowles, 2008) and in approaching a phenomenology of perpetration (Presser, 2005; Wood, 2004). As Presser (2005) argues, these split commitments—to a reality of violence and to a poststructural and (related) postmodern rendering of power and discourse—generate a challenge; to think through feminism around violence necessitates a radical reflexivity that (a) meets feminist commitments to theorize from lived experiences and (b) disrupts a problematic gendered order which, for critical modernists, suggests that real power is in the hands of men already. This is to say that much of the feminist research on violence, including my own, makes strategic choices about ontological stances. This strategy emerges from the assumption that tensions in discourse, and the struggles around them, shape reality.

Epistemology

These dual ontological commitments are reflected in my epistemological stance, one that draws upon both standpoint knowledge production and feminist poststructuralist approaches to

discourse. Standpoint theory has effectively interrupted knowledge projects that maintain White masculine privilege by appearing to be neutral, objective, and universal (Collins, 2000; Harding, 2004; Hartsock, 1998). Standpoint epistemology critiques positivism by articulating sophisticated links among identity, experience, and knowledge. Although standpoint theory has grounded effective political agitation (particularly around identity politics), it also risks reifying an essentialized knowing subject. This coherent (and individualized) knower is of concern for scholars with poststructural affinities and, in this project, is particularly problematic because organizational violence is obscured when knowledge–agency–violence is rooted in an individual subject. Poststructuralism troubles the anthropocentrism of knowledgeable action. In sum, although at odds around the subject, both standpoint and poststructuralist feminist epistemologies share a concern for situated knowledge (Haraway, 1988).

The way I weave these two traditions together is particularly evident in my approach to intersectionality. Some of the best-known intersectional scholarship has focused on embodied identities (e.g., Crenshaw, 1991; McCall, 2005). A second strand of intersectional theory, however, adopts a discursive approach (Flores, 2006). For example, Collins (2005) argued that blackness can be decoupled from Black bodies such that a discourse about blackness, as it intersects with poverty, circulates around marginalized groups of many colors (including some individuals with White bodies). As I seek to make claims about contradictions and paradoxes in the discourse around sexual violence, I tack back and forth between discussing intersectional bodies in organizations and intersectional discourses attached to organizing. My goal is to "understand existing power relations" in the relations of "language, subjectivity, social processes and institutions" (Weedon, 1997, p. 40). In order to accomplish that objective, I highlight the inherently political, contested nature of epistemology and account for the trouble of either

abandoning the body completely or of anchoring knowledge so fully to it that knowing becomes an island.

In the sections that follow, I discuss my strategies and rationale for data selection and collection. Given that the project seeks to mark its own partialities, in each of these sections I point toward the research process as an object of the research. This dissertation is itself part of the discursive struggle it seeks to map. Although my discussion of data collection is bent by the linearity of social scientific research design, I wrote extensively on this problem before making the decisions outlined here. This writing or "data" emerged from my own wrestling with how to engage mandatory reporting in two respects. First, as an instructor committed to critical pedagogy and as someone who regularly engages students around issues of sexual violence, the mandatory reporting policy has required careful thought and writing around my teaching. Second, the ethical dilemmas of securing Institutional Review Board (IRB) approval vexed me for a full year before I began data collection: Because I am an instructor at University of Colorado, I am bound by mandatory reporting when I engage any university members, including during research interviews. Thus the discourses I seek to map are implicated in the shape this project can and does take around data selection, collection, and analytic strategies.

Data Selection and Collection

Site Selection

Although the theoretical concerns of this study involve organizations of many kinds—military, government, large corporations, educational institutions, law enforcement, etc.—I focus on sexual violence in the context of colleges and universities in the United States. The selection of colleges and universities is intentional. First, the age group most at risk for sexual violence and intimate partner violence is similar to the age group of college students (Catalano, 2007).

Further, many studies have documented the high rates of sexual violence on U.S. college

campuses (Fisher, Cullen, & Turner, 2000; Koss, 1988; Koss, Gidycz, & Wisniewski, 1987).

Fisher, Cullen and Turner (2000) found that college students are at higher risk of experiencing

sexual violence than their similarly aged, non-college counterparts. Because institutions of

higher education are organizations where sexual violence occurs at some of the highest rates,

they are an especially important place to map the tensions in discourse around sexual violence,

and they are especially good sites to theorize the ways in which university communication

influences understandings of the relationship between organization and violence. These aspects

of U.S. universities make them a useful site at which to develop the practical implications of the

questions I pose in this project. Institutions of higher education also are a useful site at which to

develop the theoretical implications of the questions I pose. As I mentioned in the opening, the

legal discourses surrounding higher education in the U.S. have opened a space in which, in some

moments, organizations are considered to be accountable for violence. These conversations

trouble the dominant conceptualization of violence as purely an individually perpetrated

phenomenon. Further, U.S. universities tend to prioritize whiteness, masculinity, and

heterosexuality in their students and employees, in their curricula, and in their organizational

practice. Thus universities offer a useful place from which to theorize the intersectionality of the

violence–organization relationship.

Of the many colleges and universities in the United States, I have selected University of

Colorado Boulder (CU) for this study for several reasons. First, because I am a participant in

this institution, I have insider knowledge and already established networks. This membership,

and the relationships I have already established at CU, help me to engage tensions around the

mandatory reporting of sexual violence, especially those positions in discourse that are not

dominant or prioritized. My own role as a person bound by mandatory reporting offers not only an additional site for theorizing the discourse that shapes the violence–organization relationship.

Second, CU's mandatory reporting policy is one of the most all-encompassing university policies in the United States. I evaluate all-encompassing using two criteria: the number of university personnel categories bound by the policy and the extent to which the requirement extends across multiple contexts and roles. Unlike the policy at many other institutions, CU's policy requires that more people than administrators make reports. Instructors, coaches, and many staff members are bound. Further, unlike the policy at many other institutions, university personnel who are bound by the policy in *any* role they play are bound by the policy in *all* roles they play, even when they are performing a role that is not bound by the policy. Given that CU's policy is one of the most all-encompassing in the United States, I assume that tensions in discourse around sexual violence are more fully present here than in other university settings. If more people in more situations are bound by the mandatory reporting policy, the reach of the policy makes it likely to have more influence. More reporting may happen here than elsewhere, and opportunities for informal social support without the requirement of reporting may be more limited here than elsewhere.

Finally, CU's mandatory reporting processes are held in high regard in the U.S. Many of those involved in administering the mandatory reporting obligation at CU offer training and recommendations to other universities around the country. CU is recognized as a leader on this issue in part because of a high visibility lawsuit against the institution that was resolved in 2007. In the wake of paying one of the largest sums of money associated with a Title IX case, CU is thought to have developed more thorough and robust mechanisms for responding to sexual violence than peer institutions that have not received such public scrutiny. For these reasons, CU

is one of the best places to study what goes well with mandated reporting and to understand the problems still attached to the practice. Indeed, in the final days of my work on this project the U.S. Office of Civil Rights announced that they were opening an investigation at CU regarding complaints about how it responds to sexual assault on campus.

Problem Selection

Although many specific problems could be useful for grappling with theoretical issues around the violence–organization relationship, mandatory reporting engages each of the three tensions I outlined in the Chapter 2: event–process, container–network, and physical–verbal. First, the mandatory reporting policy at CU figures violence as both event (e.g., a single episode of rape) and as process (e.g., hostile environment sexual harassment). Second, in the Title IX case against CU that I mentioned in the previous section, a key question concerned the status of the university as a contained or networked organization. Third, the policy mandates reports of and responses to both verbal and physical forms of violence. Mandatory reporting thus engages the three definitional tensions around violence that I identified in my literature review. Mandatory reporting also engages two other important issues. First, because Title IX has mandated institutional rather than individual responses to violence, and because mandatory reporting operates in relationship to Title IX, mandatory reporting is figured in tension with dominant assumptions that individuals, not organizations, are primarily accountable and responsible for violence. Finally, because mandatory reporting is so entrenched with the legal system, and because the legal system prioritizes a particular raced, classed, and gendered consciousness, mandatory reporting is one place to engage the absences produced through particular configurations of the violence–organization relationship vis-à-vis tacit assumptions about justice in the United States.

Data Selection

To grapple with the discursive struggles around sexual violence in relationship to the mandatory reporting policy, I engage organizational communication in three ways: through conversing in interviews, through reading organizational documents, and through both observing and participating in university processes. More details about each of these three moments of organizational communication and the reasons why they are appropriate given my approach to this project are discussed below.

Interviews. Feminist interviewing has commitments to and resonance with phenomenology. These resonances exist in both academic and activist knowledge production. Drawing upon Marxist feminism(s), many feminist interviewers assume that knowledge is connected to experience based on social location. Indeed, in subsequent chapters I note places where my study participants make statements about the importance of their identities for their knowledge of mandatory reporting. This style of interview also draws upon activist consciousness raising, the notion that transformative knowledge is practiced through the collective narration of experience.

Although my own approach to interviews is grounded in feminist knowledge production and activism, given my commitment to feminist poststructuralism, I do not always assume a correlation between identity, experience, and knowledge. Working from poststructuralism's complication of individuated subjects, and informed by Clarke's (2005, 2007) postmodern iteration of grounded theory, I assume that interviews are moments where positions in discourse are articulated. These positions in discourse are not necessarily representative of voices attached to bodies with particular identities. Rather, "each voice is formed in an ongoing process of anticipation and response to *other voices*. Each voice always *contains* the voices of others"

(Frank, 2005, p. 966). Accounts of experiences, perceptions, and meaning are woven through historical, cultural, and institutional contexts (DeVault & Gross, 2007; Scott, 1992). Utterances during interviews, the positions of interviewees and interviewer, and interviews themselves are never their own product. Instead, they are embedded in, productive of, and reflective of the tensions around which violence and organization are articulated. Because I do not expect that particular people will voice any single position or set of positions, this approach to interviews allows for and invites paradox, instability, and fluidity in my engagement with each interview. By conceptualizing interviews in this way, I am foregrounding the interplay of positions in discourse both enabled and constrained.

To engage the complex of voices and positions around mandatory reporting, I interviewed 19 people who fell into at least one of two categories of university personnel. First, I spoke with eight individuals who are *responsible for designing, implementing, or advising about the mandatory reporting policy*. Some individuals in this category are bound by the mandatory reporting obligation and some are not. I recruited interviewees from the Office of Discrimination and Harassment, the Office of Student Conduct, the Dean of Students Office, the CU-Boulder Police Department, the Office of Victim's Assistance, and the Office of Diversity, Equity, and Community Engagement.

A second category of interviews includes those university personnel who are *bound by the policy and interact with people who could experience violence*. I interviewed 11 individuals meeting these criteria. Regardless of whether these individuals interacted with people who have experienced sexual violence, each interviewee in this category was able to speak to (a) their knowledge of the policy, (b) their comfort/discomfort with aspects of the policy, and (c) the relationship between the policy and their other obligations associated with their university

role(s). I recruited interviewees in this category from the GLBTQ Center, the Center for Multicultural Affairs, the Women's Resource Center, the athletics program, the Student Outreach Retention Center for Equity, Housing and Dining Services, the first-year student orientation programs, and from faculty and graduate student instructors across a variety of academic programs.

Two categories of university members were excluded from my interviews. First, I did not interview undergraduate students. Although these students are among the university members who most often experience the sexual violence about which the university communicates, they are not bound by the mandatory reporting policy. Additionally, although feminists, in general, advocate methods that emphasize experiences of a phenomenon under question, those feminist methodologists who study sexual violence often advocate a different approach. Repeatedly they have called for studies that focus less on those who have experienced sexual violence and more on systemic, institutional, and organizational responses to and efforts to prevent sexual violence. In Chapter 2, I discussed how this approach is advocated across scholarship on violence in organizational studies, communication studies, and feminist studies. My decision to exclude undergraduate students, then, is consistent with these calls to move away from dyadic conceptualizations of violence that focus primarily on a discrete event.

Second, I have also excluded from interviews those university personnel who are not bound by the policy and who also are not responsible for providing advice about the policy. This includes, for example, some counseling and most medical professionals. Individuals in this category are certainly part of the organizational communication of sexual violence, but they are not bound by the mandatory reporting policy and thus do not navigate tensions around what is enabled and constrained specifically in relationship to mandatory reporting.

In total, I talked with these 19 interviewees for 21 hours. The transcripts of these conversations amounted to 341 single-spaced pages.[2] Although I did not ask interviewees to record any information about their identities, participants did mention identity affiliations during our conversations. I take these to be the identities that participants considered to be important for the conversations we were having. I provide a general description here to give readers a sense of the interviewees as a group, although I have avoided individual descriptions (except in cases where interviewees gave me explicit permission to do so) in order to enhance protection of confidentiality. Many participants described personal connections to this work: Three identified themselves as survivors of gendered violence and two more said they were close friends with a survivor. Three participants described themselves as feminists. By my (fallible) visual judgment or specific information participants described, 11 interviewees were between the ages of 18–40, and the remaining eight were 40–60. Four interviewees were male, 14 female. Four participants described themselves as people of color, and two identified with the LGBTQ community. Three participants were graduate students. Many participants mentioned the importance of current or prior professional affiliations. Two interviewees mentioned work with law enforcement, six identified themselves as educators or teachers, four identified themselves as lawyers, and three identified themselves as advocates for marginalized populations. Although I did not ask explicitly whether participants had made mandated reports, among those bound by mandated reporting, six indicated that they had needed to make a report, and two indicated that they had never needed to make a report. A schedule of questions used for these semi-structured

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[2] Pages of transcription do not include at least half of three interviews in which the interviewee requested that I turn off the recorder. These numbers also do not include hours spent engaging member reflections.

interviews appears in Appendix 1. A list of participant pseudonyms and the category of interviewee that individual fell into is also included in Appendix 2.

Documents. Documents provide another site at which to map available positions in the discourse around mandatory reporting. To do so, I draw upon an organizational communication tradition of analyzing texts. As Putnam and Fairhurst (2001) state, "Critical theorists . . . view texts as institutionalized forces or networks of intertextual relations that sustain power. In the postmodern perspective, text becomes a metaphor for organizing, the constellation of discursive practices, and the array of multiple fragmented meanings" (p. 115). I seek to map the ways in which discourse operates with and upon documents, excluding some positions while including others. As I read, I am informed in part by deconstructive textual readings that trouble dichotomies and binary thinking in the service of playing hierarchical patterns through alternative possibilities (Calás & Smircich, 1991; Mumby & Putnam, 1992; Martin, 1990). Additionally, the Montreal School's assumption that texts have some amount of agency also informs my approach to documents in this study (Brummans, 2007; Cooren, 2004).

For purposes of this study, I examined publicly available university documents that explicitly address how university members should report sexual violence. These documents included, for example, the Office of Discrimination and Harassment's online training platform for mandatory reporting and the Office of Victim's Assistance documents on mandatory reporting. I include these documents because they not only make explicit statements about the communication of sexual violence, but also they contain absences and silences that reflect and inform tensions around the organizational communication of sexual violence. In the recursive spirit of this project, the documents involved in my ongoing conversations with the institutional review board are also included among the texts analyzed. In these documents, I both create and

analyze the organizational communication about sexual violence around mandatory reporting. In total, I analyzed 63 documents for this dissertation. Because I do not cite or quote all of the documents I analyzed, a complete list of the documents included in the study appears in Appendix 3.

Participant observation. In participant observation, I draw on a tradition of feminist ethnography in which I work the insider–outsider tension. In this project, I am inside the institution that I study, and thus subject of and to its discourses. I generate the discourse around the violence–organization relationship. Yet my research position is one of outside-ness as well, of a critical analytic language and participation in a political economy of academic knowledge that is both of and not of the problematic I engage. Working this insider–outsider tension through participant observation is intended to "de-center dominant discourse, and to continually displace and rework it to determine how power organizes social life and what forms of resistance are generated from social locations outside the matrix of domination or relations of ruling" (Naples, 2003, p. 53). Though I hesitate at Naples' gesture toward an escape from power, I do resonate with the explicitly political aims of this engagement. That resonance is informed through knowledge of the impossibility of fully achieving these political goals precisely because working the insider–outsider tension reproduces some of the relations of power that I study. And working the insider–outsider tension is not only about my role as participant observer: I engage people who are, too, at various moments, insiders, outsiders, and insider–outsiders. We produce those shifting relations in our interactions, and in critically engaging these interactions, we disrupt some dominant discourses and appropriate, play with, and reinforce others.

Although I share a position in discourse with many of those university personnel with whom I engage—a commitment to eradicate sexual violence—I hear Stacey's (1988) concern in

my ear: "The greater the intimacy, the apparent mutuality of the researcher/researched relationship, the greater is the danger" (p. 24). For Stacey, the "danger" is not that the introduction of emotion and closeness into the research process can disrupt objectivity. Rather, Stacey is worried that empathy and an ethic of caring (Collins, 2000) can be exploitative. That is, given seeming affiliation, feminist research encounters a risk around emphasizing connectedness while also offering critique. Thus, as Borland (2007) argues, "the paradox of ethnographic authority, then, remains: The feminist's ethical commitment to reveal the relations of women's oppression will at times conflict with her commitment to honor voices and experiences of other women with whom she collaborates" (p. 623). Although I do not focus on "women" in the way Borland may intend, I encountered these tensions at many turns in this project. For example, in conversations I had with members of the Office of Discrimination and Harassment (ODH) during the design of this project, we discussed a shared commitment to the eradication of violence on campus. The ODH representatives with whom I spoke are invested in legal forms of recourse, and although I am sympathetic to their position, I also see that the legal discourse of the policy is, in part, formulated to protect the university, not primarily those who experience violence, discrimination, and harassment (although ODH representatives say they are neutral and do not protect the university). This dual commitment on the part of the ODH was evident when representatives of the office asked to review and edit reports related to this study before I publish them. Highlighting the dual commitments of the mandatory reporting policy— both to justice around violence and to legal protection for the university—risks casting the ODH representatives in a fashion in which they do not cast themselves. This is precisely the type of tension of which Borland speaks.

As I conducted participant observation for this project, I attended in-person Office of Discrimination and Harassment trainings. In these sessions, university members—both those responsible for designing and implementing the policy as well as those bound to report—engage in interpretation of and communication around the policy and sexual violence. These gatherings offer opportunities to both observe and engage tensions around communication of sexual violence in relationship to mandatory reporting. I also attended open campus gatherings that addressed sexual violence and/or mandatory reporting. For example, the university hosts a Gender and Racial Justice Forum and conducts orientations for first year students regarding sexual violence. I did not participate—in my research role—in closed events (e.g., classes, faculty senate meetings, administrator-only meetings) or in undergraduate-student-only events (e.g., Take Back the Night). These exclusions are based on ethical and theoretical concerns. My decision not to attend closed meetings is based on efforts to minimize risk to those affiliated with this research. My presence as a researcher at public gatherings creates no more risk (as the IRB figures risk) than those in attendance would otherwise experience, but the risks involved with researcher presence at closed meetings are more complex. I have excluded undergraduate-only events for similar reasons to those I discussed for excluding undergraduates from interviews. This study is designed in concert with numerous calls to move away from scholarship that relies on those who have experienced violence. Further, during provisional fieldwork I conducted before my official data collection began, I noted that undergraduate students who are active around CU campus violence clearly articulated that it is not their responsibility to provide testimony about violence. In total, I attended 18 events that amounted to 33 hours of official fieldwork and 70 pages of single-spaced field notes. Because I am a member of the institution,

the counts for my unofficial fieldwork are much higher: I cannot quantify the hours I have spent

in informal conversation with others at CU regarding mandated reporting.

Each of these three research practices—interviews, document gathering, and participant

observation—is embedded in the phenomenon that I am studying. Thus, each implicates the

tangle of power and discourse around the articulation of the violence–organization relationship.

This can be seen, for instance, in the various ethical obligations I bring to the project. My

commitments to feminism alone require ethical actions in tension with themselves. On the one

hand, I am committed to mitigating the well-documented sense of re-victimization that those

who experience violence encounter when they are not granted control over the juridical process

that follows violence. On the other hand, the liberal inflections in some of my feminist

commitments lead me to support the rigorous application of the law until its standard of justice is

not so colored by masculinity and gendered by whiteness.[3] Ethics as outlined in the mandatory

reporting policy and ethics institutionalized through the IRB are also in tension in this project.

Under mandatory reporting I am required to reveal identities of any individuals, including

participants, when I learn about violence. Under the IRB, however, I am bound to protect the

confidentiality and identity of research participants when revealing their identities could increase

risk of personal and/or professional harm to them. In conversations with university personnel I

outlined these competing ethical commitments and the irony that a policy designed to build

knowledge about sexual violence precludes many kinds of research that could contribute to that

knowledge. Reflecting on the ways in which feminist research often grapples with tensions like

these, DeVault and Gross (2007) say, "Feminist researchers, acutely aware of the harms

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[3] As they have worked to improve the justice system, feminists have often critiqued the "reasonable man" standard and other masculine biases in U.S. law. For a brief discussion of the law's racial biases, see Chapter 2.

produced by generations of male-centered research that distorted women's realities, have set themselves an even higher ethical standard. In some cases, they have challenged disciplinary codes of ethics" (p. 187). In other words, feminist projects, because of their critical inflections and attention to power dynamics, often question or problematize established ethical standards even as they enact them. Thus the tensions that emerge in each of this study's research practices are themselves a part of the study, a site at which I both critique and produce the organization–violence relationship as I explore how the organization–violence relationship is communicated.

Data Analysis

In the opening to this section on research design and methodology, I marked strategic epistemological and ontological commitments that reflect historic tensions in the development of feminisms. These feminist affinities influence my analytic strategies. Feminism has long been committed to *emic* knowledge claims and to interpretive representations of experiences, knowledge, and standpoints associated with femininity. Feminist efforts to prioritize situated knowledge (Haraway, 1988) are part of a political project to disrupt hegemonic epistemologies through recourse to some real and perhaps essential qualities of the world that dominant modes of academic production have missed. This feminist political project is inflected through the problematic of false consciousness: If experience is assumed to correlate in some way with particular identities and knowledge, feminist methodologists risk either essentializing (by suggesting some correspondence between identity and experience) or needing to claim false consciousness (when the experience and knowledge claimed by a participant of a particular identity support and reinforce hegemonic forms of power and knowledge). These conversations emerge in critiques of an ahistoric and universalized approach to experience as a methodological category (Scott, 1992) and in extensive conversations about intersectionality, a refusal to rest on

easily demarcated categories of difference. Feminist analytic methods, then, both ground

knowledge production in marginalized positions and epistemologies while also working to

trouble the assumptions that produce those positions and epistemologies. To work the

productive tensions between modernist–interpretive and postmodernist–critical analysis, I have

drawn upon elements of grounded theory and feminist poststructural approaches to discourse in

my analysis.

My analysis proceeded through three phases. In the first phase I conducted coding

similar to that which is done in grounded theory and thematic analysis (Charmaz, 2004; Owen,

1985; Strauss & Corbin, 1998). Rooted in an impulse to categorize and organize based on

careful attention to what emerges from the ground up, grounded theory bears a residue of

modernism. Yet, as Clarke (2005) argues, grounded theory's commitment to located knowledge

suggests an affinity with postmodernism's commitment to trouble universal claims.[4] In this

phase of coding I adopted Clarke's emphasis on position (rather than voice), one that she uses to

allow for contradiction in individuals' and organizations' stances. This emphasis resonates with

the poststructuralist notion that individuals speak and are spoken through complexities in

discourse. It is also a useful way to advance my commitment to intersectionality.

Intersectionality works to re-present continually the complex relationships among categories of

difference, and Clarke's emphasis on positions offers an avenue for moving beyond the trappings

of identity-based approaches to intersectionality toward a more fluid and unfixed rendering of

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[4] Although I find Clarke's postmodern adaptation of grounded theory useful for the feminist
dilemmas I engage in this work, I am not doing situational analysis. Clarke discusses the
importance of discourse, but for me her three phases of mapping (positional, situational, social
worlds/arenas) depart from the communicative approach to discourse I want to employ. For
example, she uses the term "narrative discourses." In communication studies, these two words
signal quite different and, at times, incommensurate schools of thought.

the dimensions of race, gender, and sexuality. Further, I also adopt Clarke's attention to nonhuman actors. This decision is consistent with a poststructural problematization of human-only agency. My attention to nonhuman actors prompts my use, in subsequent chapters, of aspects of speech act theory.

Practically, this first phase of analysis started with a mess of notes. I mused about the dilemmas and difficulties that participants named explicitly, and I also looked for bits of discourse across transcripts, field notes, and documents that contradicted one another. I grouped these initial notes into overarching tensions, and for each emergent tension developed a description, identified key exemplars, and made notes about how that tension related to others. I then used this "codebook" as I read transcripts, field notes, and documents again in a second round of coding. After this second pass at coding, I refined my notes on the relationships between the tensions, eliminated some tensions, joined others together, and added new ones. Although I initially used event/process, physical/verbal, and network/container (as described in Chapter 2) as sensitizing concepts, at this phase of analysis I decided that these three tensions would not provide an organizing schema for the findings. This first phase of coding provided the bulk of the analysis that appears in Chapter 4 (the most interpretive and emic of the three findings chapters).

In my second phase of analysis, one that started later than but overlapped with the first phase, I engaged in conceptual and theoretical play with the data. In this roughly 65-page document (the count is unclear because this phase involved several evolving documents with some overlapping content), I drew upon the literatures in which I ground this project: an interdisciplinary violence literature, organizational scholarship, communication theory, and feminist theory. I collected relevant concepts (e.g., Bessant's term *opaque violence*) and

quotations from scholarship I was reading or had read. For each item in the collection, I wrote along two trajectories. First, I wrote about how the concept or passage connected to my data in order to explore how it could help to develop an analytic claim that would answer a research question. Second, I wrote about how the concept or passage missed, left out, or got something wrong about what was happening in the data. This second phase of writing was an effort to use critical scholarship as an analytic tool and also to locate and place the theoretical contributions of this work. My use of Ahmed's (2012) non-performatives as a framework for Chapter 5, and my subsequent development of the terms organizational handicapping strategy and organizational standpoint (both discussed in Chapter 7) emerged from this phase of analysis. This phase of analysis also led to some work that does not appear in this dissertation. For example, I played a bit with the literature on assemblage, but ultimately found it not to be as generative as other conceptual work. I also developed a conference paper connected to the interpersonal communication literature on disclosure and privacy management theory, however that work develops an argument on the periphery of the overarching trajectory of this dissertation.

In my third phase of analysis, I repeated phases one and two. After the first phase of analysis, the tensions I identified seemed to do little to help my discussion of intersectionality and the organization–violence relationship (matters that the second and third research questions grappled with). Further, I had identified "knowledge" as a theme that connected violence and organization, however in some rather uncomplicated ways. Consequently, in this third phase of analysis, I conducted another round of coding, this time looking exclusively for two themes: race–gender–sexuality and knowledge. This round of coding led to two insights: First, that a theme I identified in the first phase of analysis, "recognition of violence," became much richer if understood as commentary on intersectionality and second, that "knowledge" also related to

standpoint epistemologies, organizational openness, and correspondence theories of language. In this third phase I also read the data again with absence and Derridian deconstructive assumptions in mind. This lens on the data helped to develop, for example, my reading of *Simpson v. Colorado* that appears in Chapter 5 (and is developed in much more detail in an article currently in press at *Management Communication Quarterly*). As I repeated phase two of analysis to develop more theoretical depth, I drew upon conceptual work from a book chapter I co-authored on discourse, organizational agency, and violence (Ashcraft & Harris, in press) and from a pilot project that used textual analysis of university documents to grapple with feminist communication theory on silence and voice.

The expectation that quality analysis is planned prior to its execution seems to produce excessively neat accounts of these processes in academic work. While I have written with those textual demands in mind, I also note that the development of my analytic claims, like that of most rigorous qualitative projects, involved some amount of accident and intuition that is difficult to describe. In addition to the phases I have detailed above, I also had a number of false starts. These are evidenced in the 166 single-spaced pages of excerpts I cut from Chapters 4–7. These documents are not drafts. Instead, they consist of analytic claims that I decided not to develop, additional explanations for bits of data, sentences that were better included in other projects, and so forth. I mention these documents that shadow my dissertation in order to highlight the contingency of each of the chapters that follow.

After drafts of the findings chapters were complete, I reviewed my analysis with participants who had agreed to be contacted again following their initial interview.[5] In total, I

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[5] Although most participants were willing to be contacted again, some elected to give verbal rather than written informed consent to the study in order to maximize my ability to protect their confidentiality. Per the complexities of the IRB protocol for this research, if a participant opted

received comments and critiques from four of 11 participants who provided written informed

consent. Participants offered feedback about claims that resonated and ones that did not, and

they added additional thoughts prompted from their reading of my analysis. These member

reflections (Tracy, 2010) are an opportunity for "reflexive elaboration" (p. 844) from which

participants and I add nuance to my emic analysis and notice moments where my critical analysis

is inconsistent with their own interpretations. I also shared my findings with a number of

colleagues at other academic institutions who provided similar feedback, a practice sometimes

called "peer debriefing" (Spall, 1998). Although these conversations occurred haphazardly

through phone calls, meetings, conference presentations, and emails and are thus difficult to

measure, my records indicate that I completed at least 40 hours of peer debriefing. Because

these colleagues also work at institutions of higher education that are bound by the same federal

laws that operate at CU, their feedback is useful not only because of their academic training in

research production, but also because they too are part of the discourse around mandatory

reporting of sexual violence. As such, their feedback provides me with one sense of the

transferability (Tracy, 2013) of the analysis I develop in subsequent chapters. Further, in concert

with the idea that voices are always dialogic, I have used these conversations to do reflexivity in

community, beyond my individual authorship. In the next section I elaborate upon how I am

doing reflexivity in this text.

Reflexivity

Reflexivity has become a cornerstone of feminist methodologies. I laud its utility for

disrupting researcher–researched relationships, complicating objectivity, and vitiating the notion

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to provide verbal consent, I could not contact that person again as part of the formal research
processes, even if he or she was willing to have additional conversations with me.

that knowledge is impersonal. The importance of this methodological orientation is well established in feminist literature (Fonow & Cook, 1991; Gill, 1995; Hesse-Biber & Piatelli, 2012; Pillow, 2003). All too often, however, a circumscribed authorial reflexivity—in which a writer reflects upon him or herself—is where methodological expectations for this kind of qualitative work stop.

This purely confessional approach to reflexivity puts demands on feminist authors to perform, in some texts, a rather boring (and not terribly transgressive) version of femininity. In everyday life, those who are women, who are queer, and who are of color are often not afforded control of their bodily, physical, emotional, and psychic boundaries. Indeed the enactment of sexual violence often produces both male and female women via wresting control of boundaries away from them. A culture of sexual violence depends upon the expectation that women be knowable objects: an open book (to use an academic metaphor) or an open pair of legs (to use a sexual metaphor). The confessional imperative in some iterations of reflexivity risks reproducing this expectation when it emphasizes disclosure: Be a good woman/feminist/methodologist by offering yourself up for analysis and examination. In short, reflexivity disciplines some academics to internalize and value as methodological sophistication a metaphorical transparency, uncovering, and stripping that produces subjects for the masculinist gaze. I thus rarely engage authorial reflexivity because, around sexual violence, I find it theoretically, methodologically, and politically dull.

Further, authorial reflexivity is at odds with some of the assumptions I make in this project. In the midst of poststructuralist commitments to disrupt the idea of an author as an independent entity, authorial reflexivity risks taking the individual as pre-given. Indeed others have voiced this critique. Bourdieu, for instance, "declines to enter the game of intimist

confession" and "sees no need to make resounding private revelations" because he takes reflexivity to be "the social at the heart of the individual, the impersonal beneath the intimate, the universal buried deep within the most particular" (Bourdieu & Wacquant, 1992, p. 44). Macbeth (2001) further argues that, "The positionally reflexive discourse may preserve more of its oppositional genealogy than we commonly imagine. . . . It organizes a professional gaze that locates the foundations for knowledge production and methodological rigor in the skeptical–analytic ego" (p. 41).[6] Thus not only does authorial reflexivity preserve a discrete individual knower, but it also predicates knowing upon Cartesian skepticism in which people think about the world that is separate from them, and mind assigns meaning to matter.

Given these critiques of authorial reflexivity, I position the reflexive work I do in connection to both intersectionality and standpoint theory. By locating knowledge claims, standpoint theory develops "strong objectivity" to illustrate the ever-present partiality of knowing (Harding, 1991). Haraway (1997) usefully explicates this criterion for analysis conducted via standpoint:

> Strong objectivity insists that both the objects and the subjects of knowledge-making practices must be located. Location is not a listing of adjectives or assigning of labels such as race, class, and sex. Location is not the concrete to the abstract of decontextualization. Location is the always partial, always finite, always fraught play of foreground and background, text and context, that constitutes critical inquiry. Above all, location is not self-evident or transparent. (p. 37)

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[6] Macbeth's term, "positional reflexivity," is synonymous with the term I am using, authorial reflexivity.

In my reading, Haraway is talking about reflexivity of the kind that I engage in this dissertation. Through Haraway's lens, the dissertation as a whole is motivated to locate knowledge. It is not about locating me as a researcher, but it is about locating the institutional knowledge of violence, a configuration of which I am a part. Moments where the institutional knowledge project around mandated reporting presents itself as neutral, universal, or transparent, are moments where this analysis (a part of that institutional knowledge project) can enhance the university's strong objectivity. Thus the text, rather than the author, becomes the site of reflexivity. As Macbeth (2001) suggests,

> A central theme of the reflexive text is thus one of writing the disruption of realist assurances about representation and textual coherence *into* the text and, often enough, the disruption of the text itself by various devices and experiments in textual display. (p. 43)

Throughout this dissertation, my emphasis on tension is an effort to invite dis-coherence.[7] In particular, my claims about facts in Chapter 5, echoing those of participants, are designed to mess with "realist assurances" in ways that preview the argument I make in Chapters 6 and 7 regarding the relationship between communication and violence.

My approach to reflexivity is thus grounded in my theoretical and political commitments, and it is also bound to personal decisions about the sustainability of academic work. Researching violence is inherently painful, frightening, and often depressing. As I approach my seventh year of full-time work on these issues, I am acutely aware that these encounters with despair and ugly aspects of humanity take a toll on me. Out of necessity, I have created careful strategies for continuing this work. Some readers have asked me for writing that more fully

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[7] I have avoided the word "incoherence" because it connotes something that makes no sense. By "dis-coherence" I mark the ways in which seemingly incommensurate ways of thinking make sense and, indeed, cohere, through their paradoxical disconnections.

engages the sensuality of scholarship, particularly emotion. They have wondered aloud about how I react to the accounts of violence that I hear and how those reactions influence my analysis. Although I have reflected upon this aspect of analysis extensively, I have elected very rarely to write these reflections into this project. I cannot dwell in that emotional space in my writing and also finish a dissertation: It is debilitating.

In a book on the role of emotion in researching rape, in particular the impact of becoming a witness for countless traumatic testimonies, Campbell (2002) says this:

It is the cumulative effect of hearing *all* of these stories that defines what it feels like to study rape. . . . It is not impossible to hear stories of rape over and over again. But it does take a certain amount of resourcefulness to figure out how to hear this information and respond to one's emotional reactions to that information. (p. 66)

Indeed, doing research on violence often produces psychological phenomena that crisis counselors and social workers routinely experience: vicarious trauma and secondary traumatic stress (Baird & Jenkins, 2003; Figley, 1995; Schauben & Frazier, 1995). Like those in various helping professions, researchers of trauma often find that their emotional and physiological bodies (unlike their conscious minds) are unable to distinguish representations of violence (in participant stories) from violence itself. Thus as a community of violence researchers, we find the experiences of participants bleed into us. Experience, then, becomes a troubled unit of analysis. Both authorial reflexivity and many feminist approaches to violence presume the primacy of an individual's encounter with the world (whether emotional, physical, or communicative). Although I am sympathetic to these phenomenological impulses, in researching violence, those impulses produce insufficient analytics. In violence, trauma circulates and lives and is experienced beyond an event and beyond a container of flesh.

In subsequent chapters, I adopt, at times, an intentionally distant tone. Although a more thorough engagement with the effects of researching trauma, and the methodological necessities for that work, is the subject of a paper I am developing, that conversation does not appear in this dissertation. I invite readers to engage the absence of my commentary on the touch and feel of this work as an enactment of one core element of organizational discourse around sexual violence. That absence underscores and reiterates the analytic claims I develop about the trouble with mandated reporting. If I cannot bear to speak about my own response to the violence that others have experienced, what does that reveal about an organization that sutures its accountability for violence to the willing disclosures of those who have experienced assault and those who, like me, hear about it?

Chapter IV

INTERPERSONAL AND INSTITUTIONAL DILEMMAS:
NAVIGATING TENSIONS AROUND MANDATED REPORTING

"I remember her saying to me, 'This is really hard.' . . . It signaled to me that this wasn't just worrying about her grade." Emily began to recount her experience of the mandated reporting obligation. As an instructor, Emily prioritized supporting students through all kinds of difficult life events: abortion, addiction, depression, death. She said that talking with her students about these issues was an integral part of honoring them as whole people, not just as a developing brain. In the story that Emily told me, a student visited her to discuss a difficult experience that she had not yet spoken about to anyone. Emily continued describing the experience to me:

And she was really quiet for a couple of minutes. And it took her a while to sort of talk. . . . When she finally did start to talk, she said that she thought that she had been raped. And she didn't really say anything else at first and then she sort of composed herself . . . I said, "Oh my god, I'm so sorry." And I gave her a hug and she was just kind of crying, like on me, and it was just really emotional for both of us. . . . It got a lot harder from that moment, actually . . . So it was later in the day and . . . I was just thinking about what had happened and just, like, trying to kind of make sense of it. And then this kind of light bulb went off in my head that made me think, "Oh, like, shit. Is this that? Is this—has this—have I just actually—my saying, asking her or saying, like, obviously trying to just let her talk—have I like basically put myself in a mandatory report situation?" Instead of saying in that moment, "Before you continue, I need to let you know that if you tell me anything that—that's about this, x, y, or z, I'm going to have to report it." That didn't go

through my mind at the moment of it. It was just like, "Oh my God. Like let me just

help in anyway I can."

Unsure whether she was required to make a report to the appropriate campus office, Emily called

the Office of Victim Assistance, a confidential center that offers advice about mandatory

reporting. Emily continues her narrative by describing her phone call with the victim advocate:

But at that moment, it was almost impossible for me to talk. Like I felt so overcome by

just feeling like I was completely like shackled by this [mandatory reporting] system.

And—and I just felt like I was completely betraying her. Is like what I felt in this exact

moment. And so then [the victim advocate] sort of stopped me in the telling of it and like

sort of started checking in with me to make sure I was okay. And I thought that was

really nice. I guess I had such an extreme emotional-type reaction to it that she was kind

of concerned that it was like bringing up something for me. Like I had had an experience

of sexual assault. Which I haven't. But it was—that's how upset I was. . . . Then I felt

terrible. Like . . . I'm the only person you felt comfortable telling, but now I'm going to

kind of defy that trust.

I have elected to open this chapter with Emily's story, and to quote her at length, because she

viscerally narrates the sound and feel of a conversation that prompted a mandated report. All but

one other interviewee alluded to the difficulties Emily's story highlights: Simultaneously

navigating institutional reporting requirements and interpersonal ethics (including Emily's desire

to maintain trust in her personal relationship with her student) is not straightforward. Emily's

story is thus representative of some of the most salient tensions that participants in this study

described. It is also, however, importantly different from the accounts in many other interviews

because Emily includes detailed and extended descriptions of the specifics of her conversation.

Emily and I had known each other for several years before this interview and, as such, we had already developed rapport and mutual respect that led us to meta-communicate extensively—both before and during this interview—about how the two of us could discuss mandated reporting and also protect the privacy of those we care about (including her student). I knew, before the interview began, that Emily had made an official report about the story she and I would discuss and that Emily was confident she had fulfilled her obligation as a mandated reporter. These factors let the two of us talk more candidly, even as we clarified together our institutional roles in the interview, than I was able to speak with many other participants. As such, Emily's story—as I return to it throughout the chapter—helps to illustrate both the dilemmas around mandatory reporting and also how those dilemmas shape the discourse around sexual violence at University of Colorado Boulder (CU). In short, this narrative is a starting point for answering the question that focuses this chapter: What tensions animate the discourse around mandated reporting of sexual violence at CU?

Using grounded theory and thematic analysis, I identified one overarching theme in the data I collected: relational and procedural norms. The theme emerges from participant accounts of managing their dual roles as both organizational actors and people in personal relationships. Because the two roles are attached to different sets of rules for interaction, participants sometimes struggle when both norms operate simultaneously. An analysis of this theme and the tensions associated with it comprise the first half of the chapter. In the second half of the chapter, I argue that the interactions between interpersonal-level and institutional-level demands on talk reflect ongoing dilemmas in feminist theory regarding the appropriate site of intervention for social justice: How should the personal (individual) and the political (institutional) be reconciled to change racism, sexism, and their complex intersections with other forms of

difference? Further, mandated reporting shapes discourse about sexual violence such that particular kinds of talk are both present and absent at the university. The presences and absences that I identify in this chapter set up the arguments I develop in subsequent chapters regarding the racialized–gendered recognition of and moralized knowledge about violence.

Relational and Procedural Norms

In the discourse around mandatory reporting, relational and procedural norms are at times complementary, at times contradictory. *Relational norms* prioritize rules for interpersonal and social encounters. These rules are usually tacit: They are not written, not published in a handbook or policy, and not always explicitly discussed between the people who use them. These norms emphasize networks of connections between people, focus on lived and felt experiences, and often emphasize the expression of warmth and empathy. Relational norms usually, but not always, are discussed independent of an institutional context. One-to-one relationships are prioritized rather than a set of roles or expectations governed by membership in the university. *Procedural norms*, in contrast, are usually explicit. They are formal mechanisms and rules that govern interaction and talk. Further, those rules apply to two people who occupy particular institutional roles. Often these procedural norms operate in connection to police enforcement, the legal–juridical system, or federal law. In the following two sections, I highlight two tensions associated with the theme relational and procedural norms: support v. report and caring v. compliance. A summary of the claims I make about these two tensions appears at the end of this chapter in Table 1.

Support v. Report

This tension occurs at the interpersonal level as participants negotiate conversations with those who disclose episodes of violence. Relational norms dictate that mandated reporters offer

support—in the form of listening carefully, offering empathy, and protecting the privacy and autonomy of those who talk about experiences of sexual violence. Simultaneously, procedural norms require mandated reporters to share the information they hear about with the designated university offices and personnel. For some of the participants in this study, support v. report was experienced as a tension when they perceived a conflict between doing relational work and fulfilling their professional obligations. For other participants, support v. report was not experienced as a tension because reporting was included in their understanding of ways to communicate support to those who have experienced sexual violence. To illustrate the interplay between support and report, the following sections detail five sub-themes: the purpose of disclosure, the experience of support v. report, concerns about control, clarity and complexity, and report as support.

The purpose of disclosure. At the heart of this tension are divergent interpretations of the reasons why a person discloses experiences of sexual violence. CU's online discrimination and harassment training module articulates the rationale for the mandatory obligation to report: the university "requires supervisors to report discrimination, harassment, and related retaliation when they become aware of the concern *because ultimately, the Complainant is telling someone about the conduct in order to get the behavior to stop* [emphasis added]" (University of Colorado Courses, 2012). All five participants who are responsible for implementing and overseeing the mandatory obligation to report offered similar statements. The same rationale was reiterated in most of the university trainings on sexual harassment that I attended, like in this statement from a trainer to an assembly of new faculty members: "If someone is coming to you, they are coming to you because they want it [the discrimination or harassment] addressed." These explanations assume that a person's intent for disclosing about a violent episode is instrumental. Although the

word "ultimately" allows room for other reasons why a person might speak about a violent experience, that same word suggests that other reasons cannot and do not trump the prioritized reason: enabling concrete responses that solve a problem.

This rationale for the mandatory reporting obligation marginalizes or minimizes many of the reasons why a person might disclose an experience of sexual violence. Drawing on the work of communication scholars, especially those who develop genderlect theory, I argue that the prioritization of instrumental reasons for disclosure, seen in the discourse around mandatory reporting at CU, has troubling gendered implications. Communication scholars acknowledge that *one* purpose for communication is to initiate concrete action, but they are also careful to note that not all communication is intended to solve problems (e.g., Craig, 1999). Some kinds of communication are used or intended to establish relationships and seek support. Disclosure researchers Derlega and Grzelak (1979) identify the following reasons for self-disclosure: catharsis, self-clarification, self-validation, and reciprocity. In short, some communicators choose to disclose information in order to seek empathy or connection but do not expect or want a concrete action to result from their interaction.

Tannen (2001) and Wood (2013) have argued that these perceptions about the purpose of communication are gendered. Some communicators who prioritize masculine uses of speech take communication to be a "report" and tend to use communication to demonstrate knowledge, solve problems, establish authority, and navigate rules. Communicators who prioritize feminine uses of speech take communication to be a way to build "rapport" or to establish mutually beneficial, equal relational positions.[8] I draw upon this theory's argument that many men and

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[8] The earliest iterations of genderlect theory risked essentializing by saying that "report" exemplified men's speech and "rapport" exemplified women's speech. More recent iterations of the theory respond to this problem by arguing that any individual uses both masculine and

those who are comfortable with traditional performances of masculinity tend to employ

communication primarily as report and that many women and those who are comfortable with

traditional performances of femininity tend to employ communication more often as rapport. If

we note this empirical trend, and apply it to the assumptions about disclosure embedded in the

discourse around mandatory reporting, the stated goal for the obligation to report is one that, at

best, prioritizes a rationale for disclosure associated with masculinity. It may even close space

for the use of disclosure for purely relational reasons. In short, this statement about the

mandatory reporting obligation argues that disclosure is *really* for instrumental purposes, not for

soliciting advice, support, and empathy alone. Disclosure is figured as a "report."

This prioritization of a masculine rationale for disclosure, and the accompanying

marginalization of feminine uses of disclosure, produces the support v. report tension in how

university members navigate the mandatory reporting obligation. A document from Office of

Victim Assistance (2012) gestures toward this tension. The document reads:

As a staff or faculty member of the CU community, you play many different roles.

Sometimes, however, those roles can come into conflict. . . . Because you are a visible

and trusted person in the community students are likely to come to you for advice,

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feminine styles of speech, but that women tend to be socialized into prioritizing "rapport."
Genderlect theory has thus become grounds for establishing some general differences in men's
and women's uses of communication. When genderlect theorists note these empirically
demonstrated differences, they offer several caveats. First, uses of communication vary more
within a group of women than between men and women. Second, they acknowledge a risk of
reinforcing a dichotomy between men and women (or between masculinity and femininity).
Third, they are careful to note that the theory is not intended to be deterministic. Rather, it is
grounded in social construction and assumes that, although empirical differences exist in speech
styles, these are socialized, changeable tendencies. Genderlect theory has not suitably addressed
how to conceptualize femininity in concert with "report," but this particular theoretical dilemma
is beyond the scope of the current discussion. Instead, with full awareness of the limitations of
genderlect theory, I focus on how the mandatory reporting obligation prioritizes a particular
version of speech.

assistance or support. However, if a student discloses that they have been the victim of a

crime, you may have a duty to report. The duty to report can be upsetting and

challenging for both you as staff and the student. (para. 1)

In this passage, the role conflict a staff or faculty member may experience is marked by the word

"however." Advice, assistance, and support are cast in opposition to the reporting requirement.

By highlighting a possible mismatch between the person's reasons for speaking and the

university employee's obligations, this document tacitly acknowledges that disclosures about

experiences of sexual violence may not *ultimately* be about stopping the behavior.

The experience of support v. report. In one of the many moments in which a

participant and I co-navigated the tangle of our multiple roles on campus, Meg and I discussed

the many reasons why people speak about sexual violence. As we greeted each other, and before

we began the interview, Meg told me about an ongoing employment issue, one that involved

university policies but that was not about violence, discrimination, or harassment. Later in the

conversation, as we started to discuss the particulars for the interview—how I would protect her

confidentiality, our joint obligation to make mandated reports, and the interview consent form—

she said that she "shouldn't have mentioned" the employment dispute. She went on to say that

she had told me about it as a friend (we know each other from our work at the university) and

that she "needed to talk about it." She mentioned that, because of administrative requirements,

she had been told not to talk about details regarding the issue. We talked for some time about

many people's need to discuss issues of concern in order to solicit informal support (but not to

trigger a procedural response). It seemed to me that Meg was suggesting that she had wanted to

express the stress she had been encountering as a result of the employment dispute, but that she

had not wanted her discussion to do more than evoke listening from me. As we talked, we both

reflected upon how the specter of mandated reports shifted our conversation. We had both initiated our discussion by prioritizing the relational norms that govern our friendship and collegial interactions. Yet as we began to talk more about mandated reporting, Meg's framework, and my own, shifted toward more caution, and a bit of frustration regarding the worry we both experienced about what kinds of support we could offer each other. In this encounter, Meg and I noticed that procedural norms are not our first mode for approaching interpersonal encounters. Rather, unlike the formal rationales offered for mandated reporting, in which disclosure is primarily instrumental, we both assume that the primary reason for disclosure is to build rapport. Thus, we automatically prioritize relational norms, and our roles as mandated reporters require a shift in this prioritization. For those study participants who experienced support v. report as a tension, relational norms governed their automatic responses to disclosures of sexual violence, and procedural norms emerged after those initial responses. A shift in frameworks for interpersonal encounters, from relational to procedural produced the most acute tensions in experiences of support v. report.

Most participants acknowledge that, for some people who disclose, the mandatory reporting obligation can seem helpful, in which case the participant did not experience the support v. report tension. For instance, Meg described talking to a student who disclosed that a university employee was stalking her. When Meg told the student about her obligation to report, the student replied, "Oh, you care." In this case, and other similar ones, because the person making a disclosure expressed that reporting seemed to be supportive, the mandated reporter sensed a consonance between relational and procedural norms.

Other participants, however, found that they experienced support v. report as a tension when those who disclosed sexual violence expected relational norms to guide interaction and

were surprised that, instead, procedural norms were operating. Deb, for instance, works in a job

where she frequently hears about sexual violence. She described an interaction with a student in

which that student told her about a friend who was experiencing intimate partner violence. Deb

said this:

> You know, for the student telling us, I don't know if she would have told us if she really
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> realized that we would have to tell somebody. Like she—she was like, "Oh my gosh!
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> Now [my friend's] going to be angry at me." And she was crying and upset. So it was
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> like—we're really comfortable dealing with these kinds of things. We're really—you
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> know—this is something we're used to. . . . And still, that was hard. You know? And it
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> was complex to realize like, "Oh, I'm in the middle of this and now I'm really realizing I
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> gotta report this. And now I gotta back up and tell the student, 'You know what? I
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> should have said something before. I wasn't quite, you know, I was in that role of
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> supporting *you* and hearing what you had to say. But now I'm realizing this is something
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> I'm required to report.'" And having to navigate that with a student who's crying who's
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> like, "Oh my God, really? What have I done?"

In Deb's description, of note is the distinction she makes—a temporal one—between being in a

mode of supporting and being in a mode of reporting. She says she *was* in a support mode

initially, but then during the conversation realized that the discussion—the *now*—required her to

be in a report mode, one that required her to *back up* and acknowledge that she should have said

something *before*. In differentiating what she was doing and what she should have been doing,

Deb draws out the ways in which, for some mandatory reporters, report and its procedural norms

are not their first, primary approach to interpersonal interactions. This temporal distinction is

also present in Emily's story that opens this chapter: She describes *initially* trying to offer help

and *then* realizing, after the conversation with her student, that she was required to make a report. Emily mentions that if she had realized her reporting obligation during the conversation, she would have interacted differently with that student instead of inviting her to talk more openly about what was troubling her. Thus for those participants who experience the support v. report tension, mandatory reporting shifts the normal, automatic logic that shapes their responses to disclosures of sexual violence. The difference between their automatic response and the mandated response, as well as their perceptions of the discloser's expectations and reactions, produces the experience of the support v. report tension.

The experience of support v. report that some participants describe may be connected to broad expectations about disclosure that govern interpersonal interactions. Existing work on privacy management theory highlights that those who disclose information deemed private understand that information to be a form of property and assume that those to whom they disclose will abide by tacit rules for protecting privacy (Petronio, 2007). As Thompson, Petronio, and Braithwaite (2012) argue, "Original owners also assume that once they tell private information, they expect the recipient to abide by the way they wish them to handle the information. Thus, original owners see the recipient having fiduciary responsibilities for the disclosed information" (p. 57). Thus, when mandated reporters experience tension between support v. report, they may be responding to norms that operate in many interpersonal encounters. Indeed, Thompson, Petronio, and Braithwaite (2012) found a similar tension among academic advisors to student athletes who experienced a "privacy dilemma" when the professional obligations of the advisor required disclosing private information about an athlete in a way that was different from what the athlete expected. The experience of support v. report in

the context of mandated reporting at CU, however, seems to be more acute because of the connections between sexual violence and loss of control.

Concerns about control. Many participants suggested that although mismatches between expected and mandated responses to disclosure may not be troubling in some contexts, a mismatch is particularly troubling when people make disclosures about their own experiences of sexual violence. Because the trauma of rape, assault, and harassment involves loss of control, those who talk about those experiences and are surprised about mandated reporting may re-experience some of the feelings associated with the original violence. As Sam says, "I really feel like in some ways mandatory reporting can kind of mirror or mimic the—the way that the action that's being reported takes away somebody's control." In connection to this concern, many participants suggest that they are comfortable with the university's approach to mandated reporting only if those who disclose experiences of sexual violence know that their disclosure will prompt a report. One interviewee, Rachel, articulates this concern explicitly:

I think for me, in terms of being a therapist and a victim advocate, it's important for me, for the person that I'm meeting with to feel like they have choices. And so sometimes I struggle with the nature of that policy. Because people may share something with someone that they feel they—that's a—you know, someone that they can, that they have a connection with. Like let's say for instance a student has a connection with a professor and decides to share something. And then, you know, may not be aware that—that the professor may have a duty to report the incident. And so there's this place I think where it can become—there's this grey area that I think that we can create some discomfort for people because someone who may face something like sexual harassment or sexual violence, you know, may then lose some—some sense of control in that situation.

In this statement, Rachel suggests that those who disclose about sexual violence often are operating through relational norms and expecting a particular kind of support (consistent with the rules articulated in privacy management theory). Like Sam, Rachel is concerned that those who have experienced sexual violence may lose a sense of control when they disclose about sexual violence that mirrors the loss of control in violence itself. This concern resonates with a number of researchers who argue that institutional actions can re-victimize those who experience sexual violence (Ahrens, 2006; Campbell, Wasco, Ahrens, Sefl, & Barnes, 2001; Maier, 2008).

To avoid this loss of control, participants say repeatedly that all university members, especially undergraduates, need to be aware that the tacit rules about privacy do not operate when people talk about sexual violence. Yet many participants believe, as do I, that the university is not doing an adequate job of alerting university members about the implications of mandated reporting for interpersonal interaction. As of now, the primary venue in which undergraduate students learn about mandated reporting is in their several days of first-year orientation sessions during the summer before they enroll in university courses for the first time. In my observations of these sessions, the discussion of mandatory reporting constituted about five minutes of one session in which a session leader said this: "Most people on campus are not confidential. If a person is a supervisor, they have a mandatory obligation to report." This session did not include a definition of who is a "supervisor." Given the hubbub and bustle that accompanies first-year orientation, most participants claim, as Deb does, that undergraduate students "don't know that basically everybody at the university is a mandatory reporter. They think they can talk to somebody in confidence and, you know, and then next thing they know—." My own experience suggests this is also the case: In a class of 28 students enrolled in "Sex, Violence, and Communication," two of my students knew about CU's mandatory reporting

policy, both because I had spoken with them about it. Although all had attended the first-year orientation session in which mandated reporting was discussed, none remembered the contents of that presentation. Further, in this particular group of students, many enrolled in the class because violence has in some way touched their lives and thus, in general, they are more informed about violence and responses to it than the general population of CU students.

Because most of the mandated reporters with whom I spoke believed that undergraduates do not know that procedural norms shape responses to disclosures of violence, these participants do conversational work to alert potential disclosers of the difference between tacit expectations and actual rules for these conversations. Almost every single interviewee, every sexual harassment and discrimination training that I attended, and several documents I analyzed all rehearse a similar script, one designed to alert a potential discloser that procedural, not relational norms govern the interaction. All of the interviewees—except for two graduate student instructors who participated—described listening carefully for signs that a student or other person might disclose an experience that would require them to make a report. If the mandatory reporter heard one of those signals, the mandated reporter would then let the person know of their duty to report. The script, very similar to the one Emily mentions in passing in the vignette that opens this chapter, goes like this one from the Office of Victim Assistance (2012) online documentation called "How to Handle Mandatory Reporting":

> If you suspect that a student might be getting ready to tell you that they have been the
> victim of a crime you might consider doing the following:
>
> 1. Say to the student: "I think I know where you are going with this. While I
>   absolutely want to support and listen to you, I need to let you know that I may not
>   be able to keep your information confidential. If this is something that you don't

want anyone else to know about we can call somebody right now who is

confidential." Make sure you let the student know that you want them to be

heard!

2. If the student agrees you can contact the Office of Victim Assistance . . . an

advocate can meet with the student in our offices, or come to you. (para. 5)

To mediate the tension between support v. report, a tension that is more acute when disclosers

are not aware that procedural norms are primary in an interaction, mandated reporters do work to

highlight the difference between what may be expected (support only) and what will happen

upon disclosure (support followed by report). Mandated reporters do this work in order to, as

they suggest, preserve choice and control for those who may disclose about sexual violence.

Clarity and complexity. In the midst of the difficulty that many of the participants I

interviewed describe around navigating support v. report, the mandatory reporting obligation was

often lauded for the ways in which it *helps* mandatory reporters to resolve that tension. Many

participants said that the mandatory reporting obligation reduces a sense of burden, pressure, and

responsibility associated with the complexities involved in relational norms. That is, it provides

a great deal of clarity about what is supposed to happen following a disclosure of sexual

violence, and that clarity minimizes the difficulties that surround the nuances involved in

negotiating interpersonal interactions. In contrast, however, some participants argue that in an

effort to provide clarity around these interactions, the university has not done a good job of

highlighting for mandatory reporters how to attend to the nuances involved in having

conversations about sexual violence, regardless of an obligation to report.

Among those who laud the clarity of the policy, these three statements (from separate

interviews) are representative of the comments participants made:

Melanie (bound by mandatory reporting): It's mandatory. I don't have to wrestle with it at all. I'm going to do that. I'm going to be open with my student that I have to do it. . . . I think the fact—with me mandatory reporting—it at least protects—protects me a little bit. . . . I don't want to fight about whether or not I should tell. It's easier to be like, "This is the rule."

Audrey (enforces mandatory reporting): I guess would just say that I honestly have heard from, particularly faculty members, who are very appreciative that they can say to a student who discloses something, you know, "I'm going to move this on to the appropriate person." Because it removes the responsibility from them, and they don't want—many of them don't want that responsibility. So I think that's another thing, just that's worth mentioning is that I do definitely hear from faculty who say, "You know, I'm calling you. I know I'm required to. And now it's yours." And I think that, I don't know. I just think that's another—I don't know if it's a benefit or a detriment or how you categorize it, but it's just another aspect of the mandatory report that I do hear from faculty. Particularly faculty. Is that they're grateful that they don't have to have the delicacy or, you know, knowledge of all of these, you know, sort of intersecting requirements to know how to address some of the things that come forward.

Bonnie (bound by mandatory reporting): I think it's necessary. I think it's helpful for staff on the campus. When they know it's mandatory, when you use the word *mandatory* reporting, I think it takes people off the hook. It takes supervisors off the hook. You know, sometimes supervisors don't want to be the heavy or the bad guy because they work with these people every day. But when it's a mandatory obligation to report sexual

harassment or sexual assault I think it's clear cut. People need structure. They need a

clear cut responsibility and so I think it's great.

In these examples, participants highlight increased ease of interaction that results from the ways

in which the mandatory obligation to report excuses them from relational maintenance activities

that they would otherwise be expected to perform: offering accounts for why they are going to

re-disclose, making judgments about what the appropriate course of action is, evaluating the

truthfulness of the disclosure, managing nuances of power differentials between bosses and

subordinates. They suggest that the mandatory reporting obligation reduces conflict around how

to proceed and lessens a burden of responsibility for knowing how to respond.

Yet some participants worry that, in an effort to create clarity that may help reporters to

navigate relational and procedural norms, that clarity manifests itself—institutionally—as a lack

of skill building around the complexities involved in providing support and simultaneously

making reports. That is, the clarity loses some of the important nuances that, if not held open

and at the fore of talking about sexual violence, become problematic. Don names this issue

explicitly:

And that's probably the thing that needs—that people need more training . . . to

understand—opportunities to understand how to do that and maintain a good relationship,

a good mentor relationship with someone or—being with this person that you care about

for whatever reason and you want to hold their trust and confidence and you do that in a

way that allows them to kind of maintain their wholeness and fulfills your obligation to

report. There's ways to do that, we just need to be better about the training.

Deb's comments are also an exemplar of this position. She discusses, first, K–12 teachers who

are obligated to report instances of child abuse. At one point in her career, Deb trained these

teachers around their obligation to report. She mentions that although the reporting obligation is clear for these professionals, the complexities around how to manage the relationships involved are significant: K–12 teachers are often embedded in communities in which they have ongoing, long-term relationships with not only the children in their classrooms, but also the parents, siblings, and extended family of those children. Reporting abuse in the context of a family is highly complex. Deb suggests that similar complexities exist around making reports at CU, but that those complexities are not discussed, and that training is not offered about how to address those complexities in the context of an interpersonal interaction.

> **Deb**: [K–12 teacher's] relationship with the student and the student's family is complex . . . and for them to be implicated in this, you know, like them identifying abuse or hearing about abuse, it's a threat to them in their teacher role. So, like, working with teachers in the school systems of, you know, helping them understand their role. Helping them do the kinds of things in an ethical way that they were required to do without feeling like they were sucked into the—you know, like all of these kinds of ways for them to kind of be in their role and be okay with it. Not be terrified but then be able to do the right thing for the—you know, for their job and for the student, you know those kinds of things.
>
> **Kate**: Gosh, so many complexities to navigate there.
>
> **Deb**: *So* many complexities. You know. So then to come to the university and have people be like, "Yes, we're all mandatory reporters," was like, "Wow, and everyone's okay with that?" You know, no downsides here? And that's just the way it is.
>
> . . .

Kate: I think one of the things you're suggesting is that just having a requirement to report, you know, there needs to be something more around kind of helping people to develop *skills* around how to have those conversations and navigate all of that.

Deb: Yeah.

Kate: It sounds like what you're saying is, like that's an example of that. Like, "Look, here are these people who are really well trained in how to have these conversations and even then it's difficult."

Deb: Even then it's hard! You know? Like I have lots of, you know, I've trained other people on how to do this and there are times when I'm like, "Oh, I don't know if I'm doing this very well." You know, I mean so, and then all these folks who are mandatory reporters out there, they have zero training. They don't understand their role, and so I think you're just, you're even potentially creating *more* of a risk of, you know, the university being liable for, you know.

Deb's concern seems to be that in an effort to simplify and provide clarity around how to make mandated reports, the university has prioritized procedural norms to the extent that relational norms are not discussed. It's clear that supervisors must make reports, yet the effects of that requirement on the relational dynamics between a reporter, a person who has experienced violence, an alleged perpetrator, and the network of people that connects those three individuals are not at the forefront of conversations. This leaves mandatory reporters, as Deb, Don, and others suggest, with few concrete skills for communicating in a way that is sensitive to those multiple, overlapping relational dynamics. Deb's and Don's sense that little skill building is occurring around how to negotiate making a report is consistent with my own observations of the trainings during which supervisors learn about the sexual harassment and discrimination policies,

of which the mandatory reporting obligation is a provision. Across five trainings (together lasting approximately eight hours), I observed a total of twenty minutes of discussion of the obligation to make mandatory reports. These twenty minutes of discussion amount to 4% of the total training time.

Mandated reporting may thus create clarity around how to respond to disclosure that relieves mandated reporters of some of the relational maintenance responsibilities that could detract from organizational responses to knowledge of sexual violence. Mandated reporting may also, however, in the midst of creating clarity, gloss over some of the complexities involved in navigating the relational aspects of mandated reporting such that the institution does not help mandated reporters who do experience a tension between support and report to resolve and address that tension.

Report as support. Four of the thirteen participants bound by the reporting obligation, in their endorsement of the mandatory reporting obligation, suggest that they do not experience support v. report as a tension because making a report is a way to offer support. They accept that people who disclose information to them may be upset because, as they suggest, sometimes people react poorly when you offer them help that they need. Melanie, for instance, acknowledges that some mandatory reporters may be uncomfortable about their obligation to report:

> I guess, you know, you could have the feeling like, "If I do this, am I betraying my student?" Or the student could feel betrayed. I suppose that that could happen, but I think at some point you have to kind of let it go and realize, as long as they got help. Whether or not they're mad at me or not. You know.

Melanie compares this to the anger a loved one expressed when she forced that loved one to get help for an eating disorder by telling other people about the disorder. For Melanie, reporting instances of violence—and other types of problems—is one way to provide people with the support they may need. Melanie offers this account of report as a form of support on an interpersonal level. That is, she is concerned about getting the individual who experienced violence "help," and the possible betrayal or anger she alludes to exists between the person who experienced violence and the person who makes the report.

Elsewhere, report as a form of support is articulated in terms of a conflict between interpersonal- and institutional-level commitments. For instance, Pat, who has held several different positions at the university, said this when I asked about her overall impression of mandatory reporting:

> **Pat**: [long pause] Hmm. That's hard. I think I would say—I would say it's evolved, I think, as I get higher up in administration here. I see it's more important. Like I see the importance more than I did, I think as a [role] where it was more one-on-one with students. It was just harder to support it because it would shut people down from talking or telling you things. And so I'd worry about them, you know, not getting the support they needed because once they say it it's kind of like the ball is rolling now. Whether or not they want it to be. And I guess, I mean, I kind of still struggle with that. But on the other side I see the administrative side. We're trying to support and make sure that people are held accountable and that they're not a threat to the community. Like I see that side as well.

In this exchange, Pat articulates the tension between support and report at an interpersonal level. That is, she says she struggled with endorsing the mandatory reporting obligation when she was

working "one-on-one with students." In those situations, the obligation to report prevented an opportunity to offer support. In contrast, however, Pat's endorsement of the mandatory obligation to report comes through her perspective as an administrator where she is somewhat removed from interpersonal interactions with students. For Pat, the obligation to report is an attempt for the university to offer support by creating a safe community in which its members are held accountable. That is, for Pat, report is a form of support for the organization.

As report is articulated as a form of support, the tension between support and report shifts. In order for report to be support, in this data, one of two things happens. First, if framed at an interpersonal level, the reporter articulates an acceptance of possible negative reactions from the person who has disclosed an experience of violence. This acceptance seems to be attached to a confidence in the reporter that he or she knows what is best to do in the situation, even if that course of action conflicts with the desires of the discloser. This assumption—that others know what is best for a victim—is embedded in mandatory reporting for all kinds of experiences (as discussed in Chapter 1). Second, report is articulated as a form of support when the procedural norms governing reporting are seen as a useful tool that operates in the service of a better community, better climate, and ultimately a safer environment. That is, many of those who do not experience support v. report as a tension prioritize *organizational* rather than *individual* goals and outcomes. For those who experience a tension between support and report, and who struggle with navigating the relational norms that animate the tension between support v. report, two conditions are present. First, these reporters prioritize a victim-centered approach that emphasizes providing choices and control for disclosers. That is, these reporters prioritize an interpersonal-level, rather than an institutional-level approach to mandated reporting. Second, expressions of discomfort with mandated reporting also involve a reluctance to make decisions

on behalf of others when others do not agree with those decisions. As I alluded to at the opening

of this chapter, these different positions in the discourse around mandated reporting reflect a

dilemma inherent to feminist activism: How are the personal and political best joined? How

should interpersonal and institutional level change be linked, especially when those changes may

be at odds with one another? I return to this idea in the conclusion of this chapter and in

subsequent chapters, especially Chapter 7.

In addition to the support and report tension, relational and procedural norms also

animate a second tension, one that I call caring v. compliance. This tension is similar to support

v. report in that it centers the ways in which sensitivity and accountability are communicated. It

differs from support v. report, however, in that it occurs primarily around how the university—

not individual university members—is able to communicate that sensitivity and accountability.

Thus report as a form of support, to the extent that it highlights differences between interpersonal

and institutional framings, pushes the analysis toward this next tension.

Caring v. Compliance

The caring v. compliance tension operates at an institutional level. For those who

perceive a tension between caring and compliance, the procedural norms that animate university

processes are not consistent with care. These participants suggest that mandatory reporting is

motivated by threat of litigation and is thus an inauthentic form of institutional care. In contrast,

those who do not perceive a tension between caring and compliance articulate two different

accounts of mandatory reporting. For some, university processes grounded in procedural norms

are a form of caring. That is, mandated reporting shows that the university takes sexual violence

seriously enough in order to take action to support victims and hold perpetrators accountable.

For others, however, a tension between caring and compliance does not exist because the university's mandatory reporting is not about compliance at all.

Mandatory reporting is about compliance. Participants who are bound by mandatory reporting, but who are not responsible for its enforcement or implementation often voiced suspicion and skepticism of the policies because of a perceived connection to litigation and compliance. This skepticism emerges first in questions about why particular kinds of incidents require reporting, but others—that might be equally of concern—do not. Emily, whose story opens this chapter, articulates this line of thought:

> **Emily:** I think about the things that students have shared with me over the years. Experiences like with their abortions. A student that was addicted to heroin and was like struggling to attend class. You know. Parents' deaths. Thoughts of like, you know, how they didn't feel good about themselves. Like body issues. I mean everything from, "I've been having trouble with alcoholism." Just everything under the gamut. "I'm really depressed." Boyfriends, girlfriends, like everything you can sort of think of . . . I think as an instructor I sort of make myself available and tell them I care about them as whole people. And so I feel like there's been a lot of stuff that people have shared with me that they don't share with other people and so when my student tells me how hard it is for her, that she's going—gone through this abortion this semester and how much it's affecting her school work and that she's from a really Catholic family and no one in her family knows about it. That's an incredibly hard experience for her that I don't have then go tell someone about.
>
> **Kate**: Right.

Emily: And so this feels like, with sexual assault, it's like, that seems upsetting to me that—I'm not trying to compare the two but sort of the experiences are equally hurtful to those two people. And I don't get a say as to how I help the girlfriend who had the abortion. Maybe she needed victim's advocates as much as this other person. But we don't think about it in those same ways. And I feel like where it frustrates me is like it seems like, well, because of the abortion, the university isn't culpable for anything. Whereas for sexual harassment, it makes me worry that that's where they're investing caring into. Is where they could be culpable for something.

Kate: Like a lawsuit?

Emily: Yeah, like a lawsuit or parents or things like that. And I guess that that concerns me . . . And I think that that's—that's where I get a little bit caught up in it. It's like, why do I have to tell the university about a student's experience of sexual assault but I don't have to tell them when they're like, struggling with heroin addiction. Like that to me is interesting. It's not interesting. It's problematic. Like my student that was struggling with heroin addiction went into rehab facilitation and we figured out ways to do—like do assignments and things like that. . . . But it's like why is that person not being forced to have university intervention and this other person is? Like how do we make those calls? I guess, I don't know. That concerns me.

Emily suggests that the university makes decisions about "caring," and communicating that caring, based upon culpability. That is, those kinds of incidents that the university perceives could invite criticism from students' parents or even lawsuits are those incidents that require reporting. Emily highlights the variety of students' struggles and wonders aloud about the university's obligation to offer, as she says elsewhere, "protection from and support for" issues

in addition to sexual violence. She suggests that sexual assault is treated differently from other kinds of difficulties because of the compliance/litigation framework that animates it.

A similar set of questions around why sexual assault (and harassment and discrimination) are subject to such an expansive reporting requirement when other things are not came up during a social gathering for the academic department to which I belong. I was telling colleagues about the particularly challenging set of issues with which my students were dealing. I relayed one story, among others, about a student of mine who, during the middle of class and in front of his classmates, said that he wanted to kill himself. One of my colleagues asked if I had to make a report about the incident. I said that I hadn't, but that I had walked the student to psychological services where I detailed for a counselor, who then met with the student, what had been said. Although I didn't say this at the time, I wish that there *had* been as stringent a reporting structure for that incident as for sexual assault so that I could feel confident that the student was getting the support he needed, and so the institution, not just an individual counselor, had a way to know that this student was at risk of harming himself (and, by my judgment, given the way the episode played out in a very public class setting, of potential risk to elicit emotional trauma in his classmates). In response to this story, an academic advisor said that she had met with a student several times and had noticed that he was not sober in several meetings with her. At first she figured it was something not too alarming, but then she started suspecting he was using something harder, like cocaine, because he was constantly itching his nose. She wondered aloud about what to do about this. It is not an incident that requires a report to a particular institutional arm. She said that she does not think he is a danger to himself or others, but things are clearly far from okay. This set of conversations again reflects questions around the motivation for mandatory reporting of sexual assault in particular: What distinguishes the types of harm that

students may experience (whether inflicted by self or other) in the mandated requirements to report? Participants who are not responsible for implementing or enforcing mandated reporting repeatedly answer this question by pointing to the legal apparatus that exists around employment- and education-related discrimination.

Other participants similarly voice suspicion of a litigious and compliance framework arguing that if the university's primary goal is to offer support and care for those who have experienced violence, then mandated reports would be made to counseling and psychological professionals, not to legal professionals. Sam, echoing several other participants, says this:

> Maybe instead of a mandatory reporting you have a mandatory referral to OVA [Office of Victim Assistance] or, you know, something that—something that would—that would carry a more—a more victim-centered approach.

Both Sam and Emily interpret the university's motivations for mandated reporting, and both—like others who are not quoted here—suggest that mandated reporting is heavily influenced by litigation and compliance. Although they cite different evidence and reasoning, both arrive at a similar conclusion: A policy rooted in compliance is not a policy about caring.

This suspicion or skepticism around the extent to which the mandatory reporting provisions are about caring also emerges in participant descriptions of the training through which university supervisors learn about their obligation to report. These are the words and phrases that those who have attended (but not run) the training used to describe it: "inoculation," "immunization," "band-aid," "cattle call," "check that off your list," "stamp on your butt," "a joke." In interview conversations surrounding these descriptors, participants who are bound by the mandatory reporting obligation frequently say that they cannot remember the contents of the training, but that their perception of how it was run leads them to believe that it is a superficial

exercise so that the university can say that its employees are informed about their obligations. Few of the participants say that these trainings are an effort to institute real change. In this list of training descriptors, participants point toward a sense that training is governed by procedural norms that emphasize the transmission of definitions and policy wording but that omit the complexities of enacting relational norms along with those procedural norms. Emily articulates this interpretation of the training sessions:

Emily: It feels like, to me, that [discrimination and harassment] training is one of the biggest ways the university is proactive around these issues. And it's great that it's there. But I feel like the tone is less about, like, supporting people and more about, "Here's like the legal ways that you don't get sued." And you don't—like that you basically cover the university's butt or something like that. Instead of, like, let's actually do something . . . Like teaching people how they actually would have that conversation. Like a mock thing or maybe actors doing a video or something like that could be way better. I feel like.

Kate: Yeah, so it's getting the, "Thou shalt not x, y, and z," but not, "When you're doing the thou shalt not-ing, what does it feel like? How do you enact that? What does it mean for experience or the actual—a person's in front of you?"

Emily: Yeah, because it's much more. It's sort of as though the rules are designed—in my opinion—it almost takes the humanness out of it. It's very dry . . . it strips it of emotion and humanness and the ways that those situations are not easy. Like it's just sort of like, "Do x, do y, do z," but not actually thinking about, "What is this like when it actually is occurring and happening to people?" Especially if it's someone that you have a mentoring type of relationship with or whatever it might be. And I think that's just completely not there.

In this interview excerpt, Emily suggests that the "human" element is missing from the university's most "proactive" moment on harassment and sexual violence. The missing element is the one that acknowledges relationships and felt experiences. In the effective message about what to do and not to do, the *how* to do it gets lost. This reading of the training sessions, one that many study participants share, is another piece of evidence used to suggest that mandatory reporting is primarily about compliance. Just as in the support v. report tension (at the interpersonal level), the caring v. compliance tension seems to be articulated around a lack of institutional acknowledgement of the complexities of the relational norms in which many university members are embedded.

When participants criticize mandatory reporting for its associations with compliance, they implicitly make judgments about the university's ethical obligations. Consistent with a feminist ethic of care, these participants are concerned that the university fails to practice "motivational displacement" (Noddings, 2003). Motivational displacement occurs when, in unequal relationships, the person offering care orients toward the needs of the person for whom care is provided. In my reading, participants are adapting this ethical framework for interpersonal relationships in order to charge that the university is caring for itself, thus failing to attend those in less powerful positions, in this case, those individuals who have experienced sexual violence. As such, the university's actions are ethically suspect. This critique emerges from relational norms and thus is concerned about what occurs within relationships. Much of feminist theory, however, wrestles with the extent to which relationships can and should be used as a site for larger, structural transformation. Indeed, some feminists, especially those associated with parts of the U.S. second wave, argue that compliance and the law should be primary

mechanisms for producing more justice (and care). Consistent with this line of reasoning, other participants argue that mandatory reporting is, indeed, about caring.

Mandatory reporting is about caring. The account I have outlined, that mandatory reporting is about compliance, exists in contrast to a second account participants offered. These alternative accounts are offered by every one of the six participants who enforce and implement mandatory reporting and, occasionally, though less often, from some of those bound by mandatory reporting. For example, Audrey, who enforces mandatory reporting, says that the trainings on sexual harassment and discrimination for university employees and students are evidence of caring:

> Every incoming student has heard about these policies and knows what they are. And has heard from [name] or someone else from my office, also has heard from the police and has heard from victim assistance and knows. It is a small component of what they hear at orientation. But compared to where we were five years ago, I'm proud at least to be able to say, *we care so much about this that everybody hears it* [emphasis added]. Because we didn't—we didn't do that five years ago.

Audrey suggests that compliance is a form of caring. That is, the procedural norms that the university uses to be sure that all incoming students receive training are evidence that the university cares. In this interpretation of institutional-level reasons for having mandatory reporting, Audrey makes a move that is similar to those who discuss interpersonal encounters where they see report as a form of support. In this excerpt, Audrey does not articulate a tension between caring and compliance because compliance is a form of caring.

When Audrey's account is contrasted with those who suggest that mandatory reporting is about compliance, divergent interpretations of caring emerge. For those like Emily and Sam

whom I discuss in the first section, the procedural norms that govern compliance are inconsistent with caring. That is, institutional actions governed by relational norms (such as having counseling and psychological professionals receive mandated reports) are the way for the organization to communicate caring. For those like Audrey, however, procedural norms do not preclude caring and, indeed, even communicate caring.

Some of those participants who enforce and implement the mandatory reporting obligation suggest that mandatory reporting is about caring in a way that differs from the excerpt I have just discussed from my interview with Audrey. Rather than suggesting that compliance is a form of caring, these accounts suggest that mandatory reporting is *not* about compliance. In interviews with this group and in training sessions on mandatory reporting, I heard repeated efforts to distance mandatory reporting from a compliance framework. The following are examples of these efforts.

> **Audrey**: I think of it [mandatory reporting] less in terms of liability and more in terms of, you know, what is the right thing for this person? Who's, you know, who's experienced something. . . . I don't think of it as much in terms of compliance. . . . I don't know that it [the development of mandatory reporting] was from the bottom, like, "Okay, let's comply with the recommendations." I think it was like, "Okay, what do we need to do to make sure that we are having an equitable process." So I don't know that it was so much like, "What do we need to do to comply?" But I think it was more sort of like, "We really need to look at how we are handling these types of cases when they come forward."
>
> **Emma**: And the other thing I just want to add to that is you know we talk about one of the goals of the obligation to report for us to make sure that the victim or the alleged

victim is safe and also resourced and that they have support and even confidential support if that's what they're looking for on campus.

Ashley: You know, I think, the legal piece is not where we focus our attention. I think for us, you know, it's—we see that the university has a role in creating a welcoming, healthy, safe environment for everybody that's here. And that means doing everything that the university can do to prevent sexual violence, sexual harassment, gender discrimination, protected class discrimination, and harassment.

Training on discrimination and harassment policies for graduate student instructors: The trainer says, near the beginning of the session, that the office that administers the policies is not here to defend the university.

In these interview and field note excerpts, there's a repeated effort to frame the work of those who enforce mandatory reporting in terms of a concern for victims and a commitment to equitable educational environments. These goals are positioned in opposition to compliance and litigation. That is, these participants say that mandatory reporting is "not to stave off litigation," that the policies were not designed in response to the question, "What do we need to do to comply?", and that the "legal piece" is not the focus. This effort to distance mandatory reporting from litigation and compliance is curious to me: Each of the speakers in the excerpts above is a lawyer, several of those responsible for implementing the policy are Title IX compliance officers, and the definitions of reportable events are drawn largely from legal discourse. Further, although participants disagree somewhat about the extent to which *Simpson v. Colorado* drove the policies that created mandatory reporting, the procedures are largely consistent with the recommendations and requirements set by the U.S. Office of Civil Rights. The work done under the auspices of these policies is subject to audit by the U.S. Department of Education in

connection to federal funding related to Title IX. Given these ways in which the work of enforcing and implementing mandatory reporting *is* intertwined with both litigation and compliance, what might lead to these repeated and recurring disavowals of that connection, or to efforts to frame the work otherwise?

Navigating relational and procedural norms in caring v. compliance. A partial answer emerges from the contrast between those who interpret mandatory reporting as being primarily about compliance and those who interpret mandatory reporting as being primarily about caring. Those who implement and enforce mandatory reporting may be responding, in part, to a discursive demand to communicate caring, something threatened when institutional actions are perceived to be in the service of litigation and compliance.

This discursive demand may emerge from moments, like many that occurred during interviews for this study, in which participants suggest, like Emily does, that a "human" quality is missing from mandatory reporting and the processes surrounding it. Meg, for instance, in an interview that she requested not be recorded, uses the word "cold" to describe the Office of Discrimination and Harassment. She says that she is not "looking for a woman's touch," but does want to hear someone thank her for making reports and documenting incidents. She wants to have some sense of kindness in her interactions with that office. Her comments get both of us to reflect, during the course of the interview, on the masculinist logics and rationalities of the legal system. We wonder aloud about how the staff of the Office of Discrimination and Harassment—overwhelmingly female—navigates expectations about lawyerly performance in a system that prizes neutrality and objectivity, where a woman's body may be read in opposition to those expectations. We talk about if Meg's sense of "cold" is a reaction to the staff's efforts to enact that performance successfully. We then wonder about what kind of emotional labor is

involved in the work that they do, especially in hearing lots of reports of discrimination and harassment. We wonder if the job involves some vicarious trauma, and hypothesize that the "cold" Meg perceives could also be a coping mechanism for the demands of the positions the ODH staff occupies.

This conversation with Meg again illustrates the ways in which the caring v. compliance tension is linked with relational and procedural norms. Meg is hoping for warmth and empathy in her interactions with policy enforcers, yet she does not perceive those qualities. I interpret her expression of frustration to be a product of, in part, a response from the office that is more consistent with procedural norms. If caring is communicated only through relational norms, and if procedural norms seem to be antithetical to the institutional communication of caring, then the efforts of those who enforce mandatory reporting to say that mandatory reporting is about caring and *not* about compliance may be a discursive response to the demands of relational norms. That is, given the many discursive moments in which mandatory reporting is disarticulated from caring and its associated relational norms, efforts to frame mandatory reporting as a relational norm and to frame procedural norms as a form of caring may be a response to the idea that mandatory reporting is primarily about compliance.

If I read this instance through some of the tenets of genderlect theory that I discussed in the section on support v. report, Meg seems to be evaluating institutional caring via a feminine ruler. That is, her perception of coldness seems to stem, in part, from her sense that talk is being used not to develop rapport, but to get things done according to university processes. This prioritization of instrumental uses of talk is associated with masculinity. Although I do not quarrel at all with Meg's concerns about the "human" quality of her interactions, I do wonder if her reading—like those of some other participants—closes the potential for a rich, queered space

in which feminist institutional caring (coded feminine) is accomplished via the persistent use of talk for action (coded masculine).

This tension—around caring and compliance as they are connected to relational and procedural norms—shows up in discussions of mismatches between lived and felt violence and legal definitions that drive university policy. At a meeting about sexual harassment on campus that featured representatives from the Office of Student Conduct and the Office of Victim Assistance, Melissa Hart, a CU law professor who specializes in discrimination, distinguished between experiences and criminal or civil standards. She talked about the difficulty of the university validating an experience when it does not meet those criminal or civil standards for harassment or discrimination. An interview participant echoed these sentiments when I asked her about a sense of frustration that students on campus had voiced at a spring 2012 gender and racial justice forum:

> **Rachel**: With working with the police department, there could be things where someone—lived experiences that this has really been scary, painful, isolating, violating, whatever it may be—and that the police may not deem it as a crime because it doesn't fit within what is legally constituted as harassment. Or what's legally constituted as a sex offense or sexual assault. So I think that's where the frustration can lie, for someone who is feeling violated and has felt like something has happened that is not okay here. But it's not fitting within the legal definition of a crime then their needs, you know, what they may need may not get met through the police department.

In the same campus meeting where Melissa Hart spoke, a student identified herself as a complainant in a case through the Office of Discrimination and Harassment (ODH) (this means her complaint was issued against a university employee, not a fellow student). She said that she

thinks she would have been "steamrolled" in the meeting she had with the ODH if she had not been accompanied by an advocate from the Office of Victim Assistance. She mentioned that she was asked to be objective, that she thinks her experience "was not validated," and she remarks, "But I know I was extremely emotional and maybe not objective." She said, "I can't imagine that what this person was doing was in line with the policy," although it sounds like the response to the case did not result in any serious reprimand for the person she accused. To me, she sounded frustrated with the process. As she told this story she called the person she accused a perpetrator, then paused and remarked that she was not sure how to refer to that person. The representative from the Office of Student Conduct stated, "We like to call them respondents." The student replied, "Well, *I'd* like to call him a perpetrator." Those at the meeting, about twenty-five people, all laughed together.

Where Ms. Hart and Rachel both explicitly point to a possible mismatch between lived experience and criminal, civil, or legal standards for harassment, discrimination, and assault, the student's comments at this meeting tacitly point to that same mismatch. She said that she did not think her experience was validated. Part of that sense seemed to arise from the light punishment that was the outcome of her case, and another part seemed to emerge from the request that she be objective. According to the student's account, the formal university systems required of her the absence of emotion. Validation—which I read here as an element of the institutional communication of caring—seems to have been absent because of the emphasis on a type of objectivity that is disconnected from emotionality. At the end of the exchange—when the student paused and remarked that she did not know how to label the person she issued a complaint against—we see the interplay between compliance and caring as they map onto relational and procedural norms. The OSC representative offered the language of compliance—

that is, the label that is attached to a person who is accused in a case under the harassment and discrimination policies. This label emerges from a procedural logic, that is, he is labeled "respondent" in a system that centers the formal investigation of harassment, a name that identifies his role in that process. The student retorted by reasserting that he is a "perpetrator," a label that identifies him through the negative interaction that she had with this man, through an interpersonal encounter, and the violation of the tacit rules that govern those interpersonal encounters. Thus, in the midst of a description of the ways in which this student experienced frustration around a lack of caring (in the form of missing validation), and a frustration with compliance (in the emphasis on her being objective, and in her sense of possible "steamrolling"), we see also the ways in which this frustration is threaded through a prioritized procedural norm that frames experience in terms of standards that are not those of a person who has experienced harassment or assault. The laughter in the room, to me, was a recognition of and appreciation for the way this student refused to have her own experience defined in terms that did not fit for her.

In her refusal to adopt the legal vocabulary for her own experience, this student marks a simplification that occurs around prioritizing procedural norms. Filtered through the lens of institutional roles, the terms "complainant" and "respondent" seem to obfuscate the relational context in which sexual violence most often occurs. Other participants articulate this concern. Sam, for instance, argues that the policy is predicated on an assumption that sexual violence occurs independent of fraught, ongoing interpersonal interactions.

> **Sam**: I think that the people who—who are really high up in the chain, I just think that they live in a lot of the dominant culture ideas about rape and sexual assault and gender violence. So, kind of the—the fear of false reporting. The idea that, you know, people who are rapists are either complete strangers or people who just misunderstand consent

and they didn't mean to do it. And so when your dichotomy is between those two choices it's pretty easy to make a mandatory reporting policy for stranger rape. Because there's no social implications of telling somebody and then following a case along a stranger rapist. But when it's, you know, when the great majority of sexual assault happens between somebody the victim knows and in most cases somebody they're close to if it's a friend or a partner or ex-partner or a friend of a friend, somebody that they know. The implications of mandatory reporting get a lot more complicated.

Sam suggests that the policy itself was written assuming that rape occurs in the absence of ongoing relationships. He suggests that the mandatory reporting provisions would have been designed differently had they accounted for the complexities of relational norms. That is, the particular procedural norms that animate mandatory reporting seem to require the absence of relationships in order to work effectively. Sam offers a pithy summary of this point later in the conversation:

And so having a trust in that system, having a trust in that system I think in some ways blinds people to seeing the *social* piece of it.

In other words, by prioritizing compliance, and by emphasizing the procedural norms that govern compliance, the caring element—the element that is sensitive to relational norms—is not seen. For Sam, the mandatory reporting policy itself seems to require the closure of a tension between relational and procedural norms. As Sam articulates it, the policy itself assumes the world operates through procedural norms alone, whereas in the case of sexual violence, relational norms are ever present.

Although Sam points toward one closure—in the mandatory reporting policy itself—I read a second closure in the two interpretations of the institutional motivations for mandated

reporting. Those who argue that mandatory reporting is a form of compliance make an implicit argument for prioritizing relational norms. That is, they suggest that institutional responses to sexual violence *should* be about caring and the empathy, warmth, and support consistent with relational norms. This framing leaves little room for procedural norms to be articulated in terms of caring and instead preserves a bifurcation that places caring solely in the realm of relational norms. I am sympathetic to the ways in which some participants argue that mandatory reporting prioritizes procedural norms and compliance to an extent that relational norms are not given thorough attention, and I think that claim warrants careful consideration. I also want to highlight a space in which the accounts of those who enforce and implement mandated reporting may be working against the relegation of care to relational norms alone. For those who suggest that mandatory reporting is actually about caring, I read an attempt to complicate the caring v. compliance tension. One *could* read the suggestion that mandatory reporting is *not* about compliance as simple denial of fact. Alternatively, I can also read this suggestion as a way to discursively position procedural norms as relational norms. That is, this account suggests that processes and formalized rules are really about offering support and institutional care. Thus, this framework holds open, rather than resolving, the tension between caring and compliance by naming care as a procedural norm.

The Intersections of Interpersonal and Institutional Tensions

Thus far I have outlined two major tensions that operate in the discourse around mandatory reporting: support v. report (at the interpersonal level) and caring v. compliance (at the institutional level). In this section, I draw out the ways in which these interpersonal- and institutional-level tensions interact in order to produce both presence and absence in the discourse around mandatory reporting. In particular, interaction between the tensions both

prompts some talk about sexual violence and also stops some talk about sexual violence in ways that are consistent with what is known about whistleblowing in organizations. In the context of sexual violence, however, gender discourses generate some dilemmas peculiar to mandatory reporting at CU.

Mandatory Reporting Prompts Talk About Sexual Violence

Some participants suggest that mandatory reporting effectively creates talk about sexual violence. That is, as interpersonal and institutional demands on talk intersect, talk about sexual violence is present in ways that it would not have been otherwise. Those who enforce mandatory reporting, for instance, suggest that mandatory reporting prompts specific interpersonal conversations that, in turn, improve future relational interactions at the university. Mandatory reporting enforcers have what they call "educational discussions" with respondents during informal resolution processes. Sal and Audrey, in separate interviews, both describe this kind of talk:

> **Sal**: And so if concerns come in that, on the face, wouldn't violate our policy, that's when we would do an informal resolution. . . . So typically it's a conversation with the complainant, again, to get the concerns in detail. Conversation with the respondent about the concerns, you know, to allow the respondent a chance to respond, allow us an opportunity to have conversations with the respondent about, you know, "This was the way the behavior was received. This is the effect or the impact that it had." Conversations about what it is our policies require, what appropriate behavior looks like. Kind of just an educational conversation at that point.
>
> **Audrey**: They [mandatory reporters] know that it needs to go to one of two people who have the specialized knowledge and skill and all of the things that are required to handle

those cases. You know, I don't want an RA [resident advisor] trained to informally resolve going to a male student and being like, "You really can't go in the women's showers." Like that, that really requires a conversation about, "This is the policy. This is why we have it. This is how your behavior is impacting other people."

Both of these participants highlight the skill and nuance required to alert respondents to problematic behavior, help those people to understand the impact of their behavior on others, and to do so in ways that prompt behavior change rather than dismissal on the part of the person responding to the complaint. That is, those responsible for enforcing and implementing mandatory reporting suggest that the obligation to report creates a structure in which those who are trained in how to navigate difficult conversations are able to foster shifts in behavior for incidents that are not yet severe enough to constitute policy violations. Thus this group of participants articulates these "educational discussions" as one type of talk about sexual violence that is occurring that would not be if mandated reporting did not exist. Although these conversations rarely seem to be about assault (because an assault would most likely prompt a full investigation rather than an informal resolution), mandatory reporting enforcers suggest that this interpersonal talk creates institutional change through keeping minor issues from developing into full policy violations. Policy enforcers argue that skilled interpersonal interactions are one outcome of mandatory reporting.

Those bound by mandatory reporting also argue the converse: that skilled interpersonal interactions are an antecedent to mandatory reporting. For instance, Vin suggests that strong relationships increase the likelihood that those who experience violence will talk about it (thus prompting a report).

Vin: So it takes a lot of—yeah, and like you say, energy. A lot of work and energy. A lot of conversations of who they are. Like, "How did you do in class?" All of a sudden they're telling me something different besides the class. And you get to that . . . like, "Oh, I feel comfortable with you, [Vin], this is what happens." So you have multiple steps and multiple, just areas of intense, just intense buy-in.

Vin goes on to articulate at length the ways that he helps students to feel comfortable reporting violence, harassment, and discrimination to him. He describes learning about students' families, expressing interest in their daily lives, and a process of building trust. Vin suggests that without this "intense buy-in" created through strong relational connections, the institution's reporting obligation cannot be fully effective. Other participants implicitly echo Vin's comments when they say that they feel comfortable making reports because they know and trust the people in the offices that receive those reports. This suggests that strong relationships among institutional members are a key component of making talk about sexual violence more present at the university. Further, Vin's comments suggest that enacting relational norms well, in the form of offering interpersonal support, can enhance a mandatory reporter's ability to advance the procedural norms outlined in the mandatory reporting obligation.

Interpersonal interaction, however, does not always promote mandatory reporting. Those who enforce mandatory reporting suggest that one-on-one conversations can effectively prevent reporting, and the mandatory reporting obligation stops that from happening. For example, Audrey says this:

I definitely have seen faculty and staff say really inappropriate things to complainants. Like, "Are you really sure you want to report this? You know he's an athlete. You know he's on scholarship in the ROTC program." Right? I mean I definitely have seen, you

know, "He's—he's a PhD candidate responsible for hundreds of thousands of dollars of

research. You're going to ruin his life." I definitely have seen comments like that.

As Audrey articulates it, mandatory reporting generates an institutional demand on interpersonal

interaction that pushes back on attempts to shut down talk about sexual violence. When hearing

about sexual violence, some university members may reference relational norms, as in the

examples Audrey provides, that emphasize an individual's obligation not to disrupt or interfere

with someone's life. If effective, those appeals to maintain the status quo could stop talk about

sexual violence. Audrey suggests, however, that the procedural norms of mandatory reporting

give those who talk about sexual violence space not to capitulate to the relational maintenance

appeals that Audrey describes.

In most of these examples, interpersonal talk works in the service of institutional goals.

When university members speak about sexual violence, they increase the extent to which the

organization is able to respond to and stop various forms of harassment. Interpersonal talk

fosters the relationships in which disclosure of sexual violence is likely to occur and educates

respondents about problematic behavior. Further, participants argue that in the context of

mandatory reporting, interpersonal conversations are less likely to be used in order to stop talk

about sexual violence. In short, institutional efforts to achieve both caring and compliance are

intertwined with university members' abilities to successfully navigate support v. report.

Mandatory Reporting Stops Talk About Sexual Violence

Other points in the discourse around mandatory reporting suggest that the intersections of

interpersonal- and institutional-level tensions stop talk about sexual violence. Interpersonal

conversations and institutional reports seem to be at odds at some points in the discourse. Deb

discusses her running of an orientation session about consent and the visit of a university counsel

member to that session:

> **Deb:** The staff counsel came to one of our sessions to sort of see what we were talking
>
> about and then asked to meet with me, you know. And he walks this—such an
>
> interesting line of, you know, "What you're doing is really important. I really appreciate
>
> the education that you're providing to the students." But then there's always this other
>
> side of like, "If we set an expectation that this is what students will be held to," you
>
> know. . . . Like you don't want to have it . . . look too much like . . . people really
>
> understand consent and that's the university policy for them to understand consent. . . .
>
> So it's this like fine line. . . . I was like, "Oh, please don't come to any more of my
>
> sessions!" Like, "You're frightening me."
>
> **Kate**: So is there a sense that being—that kind of pushing on the skill building around
>
> consent—around—the skill building around any of these issues that we were talking
>
> about at the beginning could be a detriment to the university in terms of liability? I mean
>
> it kind of sounds like . . . if we actually talk about consent we would be doing ourselves
>
> harm?
>
> **Deb**: . . . The university wants to do enough to meet their liability requirements and that's
>
> important. You know? But then if they go above and beyond those requirements they
>
> worry that then it will raise their—the expectation about what is required and that that
>
> won't be uniformly done. . . . They usually ignore us but every once in a while
>
> [university counsel] will be like, "I would like to see what you're doing at orientation."
>
> And then it just becomes a little frightening. Like are you going to shut down what our
>
> program is doing because we're—we're—we're doing it a little too nuanced, you know?

Deb highlights a closure that she perceives around detailed and complex conversations about the interpersonal skills required for sexual consent. She suggests that the institutional level demands on talk, especially the compliance end of the caring v. compliance tension, prompts monitoring of the education that occurs around relational skills for sexual encounters. In short, Deb argues that mandatory reporting produces an absence of meta-communication about the interpersonal talk involved in healthy, safe, and nonviolent sexual encounters. She closes this excerpt by suggesting that the procedural norms prioritized at the institutional level trump and limit explicit talk about how to successfully enact ethical relational norms at an interpersonal level.

Deb highlights one process via which absence may creep into the discourse around mandatory reporting, and other interviews provide additional evidence of absences. The conversations I had as a part of this study included frequent moments where participants marked omissions in our discussion. Comments like Rachel's are characteristic of these qualifiers: "I can speak to the questions so I'm not breaking confidentiality and providing identifying information. So I'll try—so this might be somewhat abstract." In these moments where things go unsaid in interviews, the mandatory reporting policy is shaping talk about sexual violence such that the procedural norms that govern talk about sexual violence at the university also come to govern the interpersonal talk about sexual violence in the context of this study.

Yet those who are responsible for enforcing mandatory reporting object to the notion that mandatory reporting stops talk about sexual violence. They say this:

> **Emma:** I just want to say that, you know, the other challenge or discomfort that I think comes up, and you kind of touched on this when you were talking about the purposes of the study, is the perception that we get presented with on occasion, which is that—that somehow the mandatory obligation to report is aimed at or has the effect of, you know,

quelling the dialogue around these issues. Because that does come to our attention on occasion. . . . In a recent training . . . there was a lot of discussion about, "Well what happens if this comes up in a classroom setting. What if we're doing, what if we're having a discussion about sexual violence on college campuses and people end up disclosing, you know, very specific information?" And one of the things that I think [name] did a great job of explaining to that group was . . . we want people to talk about these issues. . . . And so helping people understand that we're not trying to quell the dialogue. We want people talking about the issues.

. . .

Ashley: You know we've had classes on campus where issues have come up and things have had to get reported and those can be some of the ones where it's like very reluctant, you know, because it came up in a class setting, wasn't expecting it, you know that kind of thing. But so part of it is that challenge of getting people thinking on the front end, you know, that they need to set the dialogue. Kind of like you did for your study, you know? Giving people sort of the disclaimer that if you're going to provide identifying information then I'm going to have this obligation.

In these excerpts, those responsible for enforcing and implementing mandatory reporting say that the policy is not designed to stop talk about sexual violence. They add the caveat, though, that allowing conversations to continue requires those who are mandated reporters to highlight the procedural norms that govern that talk at the university. Both of these excerpts focus on classroom conversations, and both Emma and Ashley argue that educational "dialogue" can occur without mention of specific, identifying details that would prompt a need for reporting.

Although those who enforce the mandatory reporting obligation are able to distinguish dialogue (which does not require a report) from talk that includes personal details (which does require a report), the difference in these kinds of talk may be harder to discern in pedagogical contexts that prioritize connections between the personal and the political. For instance, the campus theater group that runs some orientation sessions and educational programming about acquaintance rape facilitates and encourages open discussions that draw upon audience members' lived experiences. In one of the many performances that I attended, the session leader said to those in an audience consisting of primarily undergraduate students, "Feel free to share your own experiences," and, "This is a safe space." Myriad critical pedagogues address social injustices by guiding learning in which students notice connections between individual experiences and larger social, economic, and legal systems (Freire, 1970; Weiler, 1991; hooks, 1994c). Clair, Chapman, and Kunkel (1996), among other feminist educators, argue that discussing personal experiences in classrooms is an important way to revalue marginalized voices, especially in the context of sexual violence. Thus the distinction between dialogue and reportable disclosure may be difficult to maintain in classrooms organized around critical pedagogy.

In practice, both uncertainty about the reporting requirements and fear (like that which Deb describes in her interactions with university counsel) may lead to a troubling lack of meta-communication regarding the policy, something that I encountered both during study design and data collection for this project. Many people who did not participate in the study made comments like these: "I don't think I would tell you if I hadn't followed the reporting policy," or, "I don't think I'd be willing to participate in your study knowing what I know now." Two participants asked not to be recorded because they felt uncomfortable about being identified with

particular comments. In a clear moment where a participant reflects upon her hesitation and reluctance to speak openly about mandatory reporting at the university, Pat says this:

Pat: I mean I think it's, to be as honest as I was about the interview, I'll admit there's a little bit of like, I just told exactly what I thought. [laughs] You know what I mean?

Kate: A little hesitation about that?

Pat: Mmhmm.

Kate: Do you want me to turn this [the recorder] off by the way?

Pat: No, I mean,

Kate: Okay

Pat: I've already said the damaging things. But

Kate: So like a hesitation around being critical about the way things are happening here?

Pat: Yeah. Mmhmm.

Kate: Yeah. And like a sense of

Pat: Just 'cause like what if somebody got a hold of this and then—'cause that's CU right? I mean that's just—Even though I'm intimately involved with like working on this for campus and things like that.

In this excerpt, Pat alludes to a concern that by speaking directly, openly, and critically about mandatory reporting she could incur negative consequences. This sentiment is expressed most directly in her question, "What if somebody got a hold of this?" Pat's comments offer perhaps the clearest moment in which a participant expresses how the mandatory obligation to report shapes an interview.

The text of the Campus Sharing Information Act acknowledges similar fears regarding the institution's response to talk about sexual violence. This Colorado state law dictates what

information can be shared among campus administrators regarding instances of violence and, in particular, it allows campus police to, with victim consent, disclose information about violent crimes to campus authorities. Part of the act, regarding its "safe harbor clause," reads as follows:

> The [safe harbor] clause is intended to support the sharing of information regarding behaviors of concern with campus administrators by abating apprehension based in fears of personal liability for information sharing done in the good faith belief that the disclosure is necessary to protect the health, safety, or well being of any person; or to protect the property of any person or of the institution. (Levy, 2011)

The language in this act identifies "apprehension based in fears" as a deterrent to talk about sexual violence, especially making official reports. The specter of liability comes up here, as it did in Deb's discussion of her conversations with university counsel regarding consent training sessions. This clause suggests that concern about liability (at the heart of the compliance aspect of the caring v. compliance tension) detracts from reporting. As such, this document alludes to some absences in the discourse around mandatory reporting. That is, it acknowledges that institutional-level tensions may operate such that talk about sexual violence does not occur.

Although the fears mentioned thus far seem to stem from possible institutional responses to talk about sexual violence, participants also identify fears associated with interpersonal responses to talk about sexual violence. Emily dubs this phenomenon "peer fear": the idea that people are, in general, reluctant to voice discomfort with or objection to incidents of harassment because of imagined or actual responses from other individuals. These include dismissal, ostracism, minimization, and a social imperative not to get others in trouble. Many participants suggest that reporting can be scary, especially for undergraduate students. Vin describes an aspect of this "peer fear":

Vin: They just don't want to get in trouble. They don't want to be the person that told on that person. . . . It's a simple like, "Hey, don't go to [Vin] because he'll tell on you." So it's like, it's like that simple, you know. You know when you're in kindergarten . . . and they say, "Well if you're going to tell on your fellow student—" or what's it, "Don't tell on your fellow students," and that's a sign of a serious thing because that's what they do. They tell on each other for everything. "He didn't tie my shoe." "I'm telling the teacher!" "He threw my trash away." "I'm telling the teacher!" So it's still that—it's not as simple as that. But it's still that mentality of, "I don't want to be known for that person that tells."

Emily and Vin's discussion of "peer fear" is consistent with much of the literature on whistleblowing in organizations. Lipman (2012) asserts that whistleblowers are likely to experience social isolation, psychological pressure, and harassment after making reports, and that those possibilities deter people from reporting problematic incidents. Further, whistleblowing is often accompanied by negative emotional repercussions (Peters et al., 2011), damaged interpersonal relationships (Jackson et al., 2010), diminished career standing, or job loss (Gundlach, Douglas, & Martinko, 2003). Additionally, Gundlach et al. (2003) establish that individuals can be deterred from whistleblowing when other organizational members engage in impression management (including excuses, justifications, apologies, and threats) similar to that which Audrey described in the previous section.

Yet unlike the bulk of the whistleblowing literature that draws attention to both interpersonal-level (or micro) discourse and institutional-level (meso) discourse *in* an organization, the absences in the discourse around mandatory reporting at CU belie the ways in which talk about sexual violence is inflected, also, through social, macro discourses that exceed

the organization. Data from this study demonstrate moments where women, in particular, are explicitly discouraged from making reports in ways that draw upon sexist stereotypes. Meg, for example, relays a troubling story. In her office, there were several instances in which professional staff were flirting with and making inappropriate statements to undergraduate female staff members. Her supervisor, discussing the situation with Meg, recommended that they make a report. Meg called to make several reports at once on behalf of her office, and the investigator who received her report remarked to Meg that she called a lot. The investigator further suggested that she was reporting too much. Although Meg mentions that the incident prompted a meeting with those who run the office that receives reports in which they apologized profusely for the comments, Meg says it left her with a lasting negative impression.

As Meg recounts the story, the investigator was explicitly discouraging her from making reports. Elsewhere in the interview, Meg reflected upon a sense that her own credibility was being questioned given the number of reports she was making. Though Meg mentioned that at one point she had been a complainant in a case in which the respondent was dismissed from his job (and the level of severity of the sanctions suggests to me that Meg's sense of what needs to be reported is quite accurate), she discusses doubts about her own sense of what must be reported (as a result of the conversation with the investigator). Further, Meg and I discussed her impression that the investigator's response was connected to the idea that Meg, in particular, and women, in general, are hypersensitive and therefore not credible reporters of facts. Although I am sure the office receiving reports would find this episode to be embarrassing, I think it needs to be noted because it implies that, although reporting is required, there seems to be some tacit hope that people will not actually make reports of everything that is going on or that, when they do, their reports are met with disbelief about the high incidence of violence and harassment that

is occurring. That disbelief seems to be easily transformed, as it was in Meg's case, to skepticism about the veracity and reliability of individual reporters.

If mandatory reporting is really about getting behaviors to stop, producing system-wide accountability, and offering support to those who experience violence, then the policies and provisions are only effective if people make reports. The university's response to sexual violence depends upon an institution-wide willingness to talk about sexual violence because it is only those disclosures that trigger reporting, and it is only reporting that prompts the organizational response. Thus the effectiveness of the reporting obligation is enhanced as talk about sexual violence (and subsequent reporting) is encouraged. As some participants suggest, mandated reporting prompts formalized institutional talk about sexual violence. Simultaneously, however, mandated reporting can discourage and stop talk about sexual violence. Further, many participants suggest that mandated reporting of sexual violence can only be encouraged if factors that discourage talk about sexual violence are addressed, and these are larger, cultural systems of expectations that influence perceptions of sexual violence and that play out in specific interactions that participants discuss. Thus mandated reporting, as it is inflected through interpersonal and institutional tensions may contribute to both presence and absence of talk about sexual violence at the university.

Conclusion

In this chapter I have argued that the rationale for the mandatory reporting obligation at the university assumes that disclosure has primarily instrumental purposes, not relational purposes. That is, moments in which a person talks about an experience of sexual violence are assumed to be an effort to prompt an organizational, procedural response, not primarily relational responses (including sympathy, understanding). This assumption produces a tension, at the

interpersonal level, between supporting and reporting. In an effort to address this tension, especially the aspects of it animated by an emphasis on procedural rather than relational norms, mandated reporters engage in extra relational work. They highlight the differences between a tacit expectation that sensitive information is shared confidentially and the reality of reporting at the university. They argue that the university's efforts to promote clarity around mandated reporting end up simplifying responses to sexual violence to the extent that mandated reporters receive little comprehensive training in navigating the relational norms that are involved in any interpersonal encounter.

A second tension, around caring and compliance, emerges from divergent interpretations of the university's motivation for implementing mandated reporting. Some argue that mandatory reporting is about compliance and an effort to avoid litigation. Many participants argue that these motivations are an inauthentic or suspicious form of institutional care. Others argue that compliance—that is, creating procedures that educate university members about and prompt institutional responses to sexual violence—is a form of caring. Most of those who implement and enforce mandated reporting, however, disavow a relationship between mandatory reporting and compliance and instead articulate mandated reporting purely as a form of caring.

Both the support v. report and caring v. compliance tensions become acute around a sense that the institution has prioritized procedural norms to the extent that relational norms are ignored, overlooked, or denied. Support v. report seems to come up around difficulties in navigating the relational norms that exist in contrast to the procedural norms of reporting. Caring v. compliance comes up around the notion that mandated reporting and university training efforts attached to it prioritize procedural norms to the point that these efforts lose their human influence or, in other words, obscure relational norms.

As interpersonal and institutional tensions intersect, mandatory reporting prompts talk about sexual violence by prohibiting appeals to relational maintenance intended to stop reporting and generating "educational discussions" designed to change behavior. The discourse around mandatory reporting also indicates moments where talk about sexual violence stops, especially around concerns regarding liability and fear of retaliation. These points where talk stops are similar to the reasons that organizational scholars identify for why people in organizations do not blow the whistle when they know about wrongdoing. My analysis in this chapter draws together research on interpersonal communication, especially privacy management and genderlect theories, with organizational scholarship in order to highlight some of the specific dilemmas—and the gendering of those dilemmas—around reporting sexual violence. Scott-Hunt and Lim (2005) note that women, in particular, may experience dilemmas around whistleblowing out of a desire "to protect relationships . . . maybe because of the continuing cultural prescription for women to protect others, even proximate strangers, from harm" (p. 218). Although I am hesitant at their generalization regarding the category "women," Scott-Hunt and Lim's observation about the gendering of whistleblowing is important: A feminist desire to protect others from harm, specifically sexually violent harm, motivates both the caring aspect of institutional tensions and the reporting aspect of the interpersonal tensions I have outlined. Simultaneously, that same feminist interest in averting harm animates critiques of mandatory reporting: namely, the compliance aspect of the institutional-level tension as well as the support aspect of the interpersonal-level tension (for those who perceive report to be antithetical to support).

A struggle over simultaneously navigating institutional and interpersonal dynamics has been noted elsewhere. Spade (2011) has argued that discrimination and hate crime laws are limited because, in focusing on interpersonal incidents, they fail to address structural issues

surrounding violence. In the case of mandated reporting of sexual violence at CU, a paradox

emerges around addressing structural issues. Although mandated reporting is designed to

address organizational change, it is the movement *away* from relational norms—usually

manifested around interpersonal interactions—that seems to produce a failure around addressing

structural issues. That is, while mandated reporting seems to address organizational silences,

some participants argue that it does not address the ways in which social and cultural structures,

ones that exceed the organization, play out in interpersonal interactions. Thus procedural norms

seem to animate the meso-level response (organizational processes) of which mandated reporting

is an element, however those procedural norms seem to miss *both* a micro-level (interpersonal)

and a macro-level (social and cultural influences on those interpersonal interactions) that may

limit the effectiveness of mandated reporting.

Despite varied positions in discourse, all participants seemed to share a concern for

balancing appropriate responses both to individuals who have experienced violence and also to

broader patterns of sexual violence in organizations. The dilemmas that I have highlighted in

this chapter are consistent with those in feminist discussions of ethics. Under the sign of a

feminist ethic of care, Held (2006) argues that "questions of fairness, equality, individual rights,

abstract principles, and the consistent application of them" (p. 15) are associated with a moral

framework that prioritizes justice, not primarily relationships. Feminist philosophers have

argued that this justice orientation—one that resonates with much of what guides what I have

dubbed procedural norms—prioritizes masculine morality (or, in early iterations of the work,

men's morality) (Gilligan, 1993; Noddings, 2005; Kittay, 1999). In particular, those who

criticize mandatory reporting for its orientation toward compliance echo a tenet of the feminist

ethic of care, that ethical relationship requires "motivational displacement" (Noddings, 2003) in

which actors prioritize the interests of others in positions of vulnerability. This reading would suggest that mandatory reporting marginalizes feminine, relational modes of right action. In contrast, however, some positions in the discourse around mandatory reporting may also reflect what Wood (2013) identifies as a cultural bias in favor of feminine modes of establishing positive regard in which instrumental displays of support and caring are not often interpreted as such. If prompting university processes is, in its supposed masculinity, not interpreted as care, this may explain, in part, why far more participants experienced support v. report as a tension rather than, as some did, claiming that reporting is a form of offering support. Awareness that caring is understood through a feminine, relational lens may further explain the work that some participants do to distance mandatory reporting from compliance (and its accompanying instrumental, masculine logics).

The difficulties involved in navigating relational and procedural norms, at both interpersonal and institutional levels, as I have described them in this chapter, form one of the bases upon which I name and develop, in the concluding chapter, feminist dilemmatic theorizing. That is, I mark these kinds of struggles as central to feminist projects, politics, and ways of knowing. Indeed, the connections between the institution and the interpersonal that emerge throughout this chapter, and the difficulty of navigating both levels simultaneously, reflect ongoing dilemmas in feminist theory and activism. The tensions outlined in this chapter echo genealogical discussions about the relationships between the second and third waves of U.S. feminism in which vigorous contests occur over how best to balance individual-level and institutional-level interventions in sexism.

As I move toward the next chapters of findings, I want to highlight some implicit difficulties in the analytic mode I enact in this chapter. I am both haunted by and enamored of

feminist approaches to identity that posit difference as a tool for critique. These arguments have been central to cultural feminisms and, indeed, the identity politics out of which so much of intersectional theory emerges. At times I have written with those lines of thinking, for instance when I mark "rapport" as a kind of talk women are most often socialized to enact. I am also cognizant, however, that those approaches risk essentialism and reinforce gender (and other) binaries of which poststructuralists are so suspicious. As a result, at other times, I write against these feminist approaches, as I do when I claim that the mandatory reporting obligation prioritizes masculine modes of talk, not men's talk. As such, my application of genderlect theory and the "different voice" of feminist ethics lies somewhat uneasy next to arguments in which I highlight how mandatory reporting enacts feminist interests via using compliance as a masculinized mode of caring. Rather than rest on a linear narrative in which feminists first made arguments about women and then made arguments about femininity (that men or women perform), I work to use both these modes simultaneously. I continue this analytic effort in the next chapter as I both rely upon and trouble the epistemological tenets of standpoint theory.

Also embedded in my analytic mode (and in the discourse I analyze) is an assumption that talk about sexual violence is both useful and important. In the feminist theories of violence I draw upon, in the data I analyze, and in the field of communication studies, talk is often cast with a moral patina, one that is hinged to the idea that communication can reflect the world. As university members interpret accounts of sexual violence, disclosure is assumed to be a moment of uncovering and revealing some truth about the world. Indeed, my own analysis of the presences and absences in the discourse around mandatory reporting assumes that silences operate in the interest of dominant power configurations. Thus talk becomes a tool for emancipation and for change in the interest of equality. I pause here to question what an

investment in the goodness of talk does for theorizing the relationship between violence and

organization. In subsequent chapters I problematize the easy association between nonviolence

and communication that threads through this chapter. I argue that, although posited as

ontologically neutral, the knowledge constructed through disclosure about violence (and the

accompanying assumption that disclosure represents reality) is interested in dominant gender–

race–sexuality formations. I begin to develop this argument in the next chapter.

Table 1

Tensions Surrounding Mandatory Reporting of Sexual Violence

Tension		Level	Acute When	Resolved When
Relational and procedural norms				
Support	Report	Interpersonal	-Assumed purpose for disclosure is instrumental. -Relational norms govern automatic response to disclosure. -Discloser is surprised and/or does not want report. -Reporter takes a victim-centered approach.	-Report is a form of support. -Reporter accepts that support may make discloser upset. -Reporters prioritize organizational outcomes. -Clarity mediates relational maintenance expectations. -Discloser appreciates report.
Caring	Compliance	Institutional	-Caring is understood only through relational norms. -Compliance does not achieve "motivational displacement."	-Compliance communicates caring. -Mandated reporting is not about compliance.

Chapter V

**THE NON-PERFORMATIVITY OF MANDATED REPORTING:
STUCK AT THE INTERSECTIONS OF RACE, GENDER, AND SEXUALITY**

I wasn't sure if I was in the right place. The room was nearly empty, and the meeting was set to begin in five minutes. Those in attendance were primarily administrators and staff members. At the last gender and racial justice forum I attended, the place was packed long before people began speaking. Just as I was considering leaving, a group of undergraduate students walked into the room in a single-file line. Their mouths were covered in duct tape and they were holding signs: "Ignorance." "I hate it here." "Don't silence our voice or raise our tuition." Most of the students were campus leaders, primarily students of color and advocates and allies for LGBTQ people. A spokesperson from the group began to talk and said that students had been asked to explain themselves repeatedly, but that nothing seemed to happen in response to their testimonies about their experiences on campus.

Undergraduate students started the racial and gender justice forums, like the one I was attending, following two hate crimes that occurred in the fall of 2010. The students were frustrated with the university's response to those incidents as well as daily, ongoing instances of harassment and discrimination at CU. The students linked their protest on this day to the history of these meetings. One by one, almost every one of the students who were present to protest at this meeting got up to speak. "I am tired of being asked about my experience," one student said. Another continued, "I'm tired of being a token." A third described faculty members who made racist, sexist, and heterosexist comments in the classroom: "ODH [Office of Discrimination and Harassment] is a great place to bring your concerns, but nothing happens." Another student talked about feeling unsafe on campus, and several more chimed in: Students in the group suggested that the University of Colorado Boulder campus climate survey (Office of Planning,

Budget, and Analysis, 2010) was misinterpreted and misrepresented.[9] Students argued that,

rather than reflecting evidence of a constant sense of threat on campus, administrators instead

claimed that most CU students felt safe while at the university and in Boulder.

The students then asked those in the room who supported them to walk out of the meeting

with them. They filed back out, and many in the room joined them. I hobbled out after them on

my crutches. I wanted to talk with the group, but I learned that they were headed to the other

side of campus to continue their protest outside the student union. Unable to make the trek, I

debated the symbolic impact of reentering the meeting I had just left. I decided to return to the

room to hear how the conversation continued.

Back in the room, a male student who identified himself as a sophomore political science

major lamented that the student leaders who "know what to do," (i.e., those who left the room

after the protest), were not present. He asked, "How do we think of the solutions ourselves?" I

thought to myself, "Wow, this guy completely missed the points about tokenism and the critique

of those with privilege failing to take action." A few moments later, a Latina and recent CU

graduate spoke. She said that if nothing changed on campus then things would get really bad.

Referring to the recent change in Colorado law regarding carrying concealed weapons, she said,

"And now that there are guns on campus? What's it going to take?" She said that administrators

claim to be unable to "find the numbers" to substantiate students' descriptions of their

experiences. She retorted, "Of course! That would be terrible. Hate crimes happen everyday."

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[9] Indeed the University of Colorado (2011) press release emphasizes that "overwhelming majorities of respondents had an approving view of the campus's social climate" (para. 1) that were "generally shared by all subgroups studied" (para. 3). Yet African American students, lesbian students, gay students, transgender students, and students with physical disabilities all indicated noticeably lower levels of comfort on campus than their more privileged counterparts. Further, the qualitative data for the study, not publicly available, is littered with descriptions of micro-aggressions that are not mentioned in the write-ups of the study.

She described a protest that happened in 2010 or 2011 at graduation and said, "This is how you get the meetings, when you make the rich, White girls' parents mad." She reiterated the sense that university faculty and administrators failed to take action and said, "They'll create the time [to take action] when they don't feel safe."

This 2012 meeting of faculty, staff, administrators, and students highlights a contest over claims about what is "really" happening on campus. The student protesters articulate a missing sense of safety, one that occurs through actual violence, the threat of violence, and its connections to economic disparity, heterosexism, and racism. In their voiced frustrations, students marked the ways in which institutional knowledge claims depend upon testimonies attached to particular identity positions, as well as systematic ways in which those testimonies are discounted. This vignette calls attention to questions about who is expected to see, know, and experience sexual violence as well as what forms of seeing, knowing, and experiencing are considered legitimate. It also opens a line of inquiry about the intersectional discourses that inform institutional responses to sexual violence. In short, this story is a starting point for answering the second research question that guides this dissertation: How are race, gender, and sexuality implicated in the discourse around mandatory reporting of sexual violence at CU?

This vignette also begins to illustrate the through-argument of this chapter, one that grows from the undergraduate students' suggestion during the forum that the university's responses to violence involve inaction and ineffectiveness. Ahmed (2012) argues that organizations often address problems loosely grouped under the rubric of "diversity" by issuing statements that do no work. Ahmed calls these statements, which often occur in the form of policies, *non-performatives*. Non-performatives provide the guise of an organizational commitment to change. For instance, Ahmed says that organizations of higher education make

claims about an interest in dismantling whiteness, but those claims paradoxically preserve and ensure that institutional whiteness continues. Non-performatives fail to work by getting "stuck," or by bumping up against an "expression of what an institution has already committed to" (p. 128), for instance, whiteness. In this chapter I argue that the mandatory reporting obligation at CU is a non-performative. Although I stop short of arguing that the mandatory reporting obligation does *no* work (indeed, I highlight some of the ways in which it intervenes in a discourse in which sexual violence is normalized), I argue that mandatory reporting gets stuck at the intersections of gender, race, and sexuality. That is, the mandatory reporting obligation fails to do the work it purports to do because it does work around a particular configuration of whiteness and heterosexuality. In short, raced and gendered aspects of disclosure of sexual violence create a disproportionate burden for reporting around organizational members with marginalized intersectional identities. Further, the discourse surrounding the institutions implicated in mandatory reporting marginalizes femininities of color and prioritizes heteronormative whiteness.

The chapter proceeds as follows. I first illustrate the ways in which mandatory reporting gets stuck around intersectional identities. In this section of the chapter, I argue that individual organizational members with marginalized intersectional identities are less likely to disclose sexual violence and more likely to hear disclosures regarding sexual violence. Second, I illustrate the ways in which mandatory reporting gets stuck around intersectional institutions. In this section I turn from a focus on the intersectionality of humans toward a focus on the intersectionality of systems and structures. I argue for a reading of mandated reporting in which gender, race, and sexuality—disarticulated from identity and individuals—patterns organizational responses to sexual violence.

Mandatory Reporting Gets Stuck Around Intersectional Identities

In this section I develop the first thread in my argument that mandatory reporting can be considered a non-performative. I do this by highlighting the ways in which people affiliated with the university are unevenly implicated in the mandatory reporting discourse on the basis of intersectional identities. Those at the intersections of marginalized racial, gendered, and classed identities are less likely to disclose about sexual violence, less likely to have control over their disclosures, and more likely to hear people make disclosures about sexual violence. In accounts of disclosure, such as those included in university emails, sexual violence is figured as a crime that occurs between heterosexual people, namely a White female victim and a Black male perpetrator. Finally, those at the intersections of marginalized identities are also more likely to interpret disclosures to be accounts of sexual violence and thus more likely to incur the risks associated with making mandated reports. I move through each of these claims in the three sections that follow.

Disclosure Is Marked by Intersectionality

Disclosure of sexual violence unevenly implicates those university members whose identities exist at the intersections of whiteness, heterosexuality, and masculinity. In this section, I suggest that those whose intersectional identities are privileged (i.e., most closely aligned with straight–White–wealthy–male) are more able to control disclosures of their own experiences of violence and are also more likely to make disclosures regarding their own experiences of violence. Further, I suggest that those same, privileged university members are less likely to hear disclosures of others' experiences of sexual violence, thus less likely to experience the emotional toll and career risks associated with making mandated reports.

In the last chapter of analysis, I highlighted a tension involving the extent to which those who experience sexual violence have control over what happens following a disclosure of sexual violence. Reading the discourse around mandatory reporting through my intersectional lens, I argue that those who disclose about sexual violence are not equally likely to be able to control what happens to them. Vin, a participant bound by mandatory reporting, begins this analytic claim. He suggests that students of color and first generation college students are less likely to be comfortable speaking with the few people on campus who are not bound by the mandatory obligation to report. Vin explains that these students are unlikely to identify with the people working in counseling offices because many of the counselors are White and come from families with generations of higher education (and its accompanying class status). Vin suggests that students who already have privileged intersectional identities will be better able to protect what information is re-disclosed about their experiences of sexual violence at the university because they are more likely to identify with those individuals who do not have to make mandated reports.

Access to these confidential resources is also an intersectional concern: Undergraduates, graduates, faculty, and staff can receive a maximum of six free counseling sessions. After the six free sessions are provided, those students with more privileged class statuses are more likely to be able to afford to continue utilizing confidential campus resources, while those with less privileged class statuses are more likely to need to rely on informal social support from people who are likely to be mandated reporters. Thus those with dominant or privileged intersectional identities are more likely to be able to control their own disclosures of experiences of sexual violence.

In addition to being better able to control disclosure, those with privileged intersectional identities are also more likely to make disclosures of sexual violence. Tillmann, Bryan-Davis, Smith, and Marks (2010) established that African American women are less likely to disclose experiences of sexual violence than are White women. Because the mandated reporting of sexual violence depends on disclosure, and because White women are more likely to make disclosures of sexual violence, mandated reporting prioritizes institutional responses to White women's experiences of sexual violence. Further, Starzynski, Ullman, Filipas, and Townsend (2005) found that women of varied racial identifications were more likely to disclose an experience of sexual violence when the assault fit with mythical ideas about rape. They argue that these mythical ideas include perpetrators who are non-White. Drawing on Starzynski et al.'s work, I argue that not only is the university more likely to respond to White women's experiences of sexual assault, but it is also more likely to respond to sexual assaults involving perpetrators who are Latino and African American men (because people disclose about those assaults more often). Thus mandated reporting seems to create institutional support for White, wealthy women who experience sexual violence while simultaneously drawing attention to sexual violence committed by men of color.

I have argued thus far that those with privileged intersectional identities are more likely to both control and make disclosures regarding their own experiences of sexual violence. Next, I suggest that those with privileged intersectional identities are also less likely to hear others' disclosures of sexual violence. Because they are less likely to hear disclosures of sexual violence, those with privileged intersectional identities are less likely to incur the risks associated with making mandated reports. Although the university tracks the sex and race of those who are identified as complainants (or victim–survivors) and respondents (alleged perpetrators) in

reported violence, the university does not publish demographic data regarding those who make mandated reports. Participants in this study, however, suggest that White women, people of color, and those individuals whose intellectual commitments align around race–gender– sexuality, are more likely than others to hear about sexual violence on campus.

This point of analysis emerges first from the statements of those present during a meeting at which I was a participant observer. Faculty, staff, and students had gathered to discuss sexual violence and assault on campus. One faculty member mentioned that faculty in the women's studies program, in which women of varied racial identifications and people of color are more represented than in many academic departments, tend to hear lots of disclosures of sexual violence and harassment because they teach about those topics in their classes. Later, at the early 2012 gender and racial justice forum that I described at the opening of this chapter, an attendee who was a staff member at the Center for Multicultural Affairs said that many of her colleagues were "tired of being the buffer" for issues of racial and gender justice on campus and so they had decided not to attend the forum. This statement, echoing the statement from the faculty member in women's studies, suggests that those people who are in areas of the university that focus on intersectionality and violence, where individuals of color and women are also more likely to work, are more likely to hear disclosures of sexual violence. As I collected member reflections and tested transferability, a colleague of mine who led diversity programs for years at another institution read this chapter. She said that the claims "echo my experience as a woman of color advisor for female groups of color (I often heard experiences of rape, assault and molestation that my White colleagues never heard)." In short, participants argue that some university members are far more likely than others to hear about episodes of sexual violence.

Other research findings further underscore participants' claims that White women and people of color are more likely to hear disclosures. Dindia and Allen's (1992) meta-analysis of research on disclosure showed that women were more likely to have relationships characterized by disclosure than were men. In the context of mandated reporting, this suggests that women at the university would be more likely to hear disclosures of sexual violence than would men. The same women's studies faculty member who noted that members of her department were more likely to hear about sexual violence than faculty members elsewhere also noted that, for untenured faculty, making a mandated report is risky when the required report includes allegations against someone on that faculty member's tenure committee. At CU, men and women of color as well as White women are disproportionately concentrated at lower ranks in the university (Office of Planning, Budget, and Analysis, 2012). Thus if people in these groups are more likely to hear disclosures, they are also less likely to be in positions with greater job security that might insulate them from some of the risks of making mandated reports. As I noted in Chapter 2, Seymour (2009) found that men find violence intervention work to be a generally positive experience whereas women find that same work to be generally negative. Seymour's work focused on those individuals whose whole job was violence intervention. Although violence prevention is not always the entire job of a mandated reporters, as it was for participants in Seymour's study, I want to use Seymour's findings to suggest that not only are men less likely to hear disclosures of sexual violence and less likely to incur the risks associated with making subsequent mandated reports (because they occupy more tenured positions), but also they are afforded more emotional capital through that experience of intervention. That is, the experience of making a report is more likely to be a positive one.

In this section I have argued that disclosure of sexual violence is marked by intersectionality. Following the claims that study participants make, I have suggested that those with privileged intersectional identities are more likely to control their own disclosures, more likely to make disclosures, and less likely to hear disclosures. Thus the university's response to sexual violence is likely to focus on the sexual violence that White women experience, and the university members who take on the risk of prompting that response are more likely to be people of color or, if they are White, to be White women. Thus mandated reporting gets stuck in that it responds unevenly to sexual violence on campus. In the next section, I examine accounts of disclosure—that is, retellings of stories disclosed about sexual violence—and trace the intersectional identity implications in those accounts.

Accounts of Disclosure Are Marked by Intersectionality

Like the general discourse around rape in the U.S., the discourse around mandated reporting at CU frequently suggests that White women are victims of sexual violence and Black men are perpetrators. In this section I use the phrase "accounts of disclosure" to indicate second-hand talk and text about experiences of sexual violence. In these accounts, White women are victims worthy of suspicion, Black men are expected to be violent, and women of color are invisible. Together, these points shape the discourse around mandatory reporting in problematically raced and gendered ways.

The stipulations of the Clery Act begin to cast Black men with an inherent potential to be violent. The university police department, as required by the Clery Act, must share with the campus community when sexual violence occurs on or near campus and poses an "ongoing threat." These alerts are often sent in the form of an email to university members and include

accounts of disclosure. Rob, who is responsible for implementing and enforcing mandated reporting, and I had the following conversation regarding this aspect of the discourse at CU:

Rob: Under the Clery Act it could be if we don't know who the suspect is and we believe there's an ongoing threat to the campus, that we do a campus wide notification. That could be either through a text message alert. Through our—our [alert] system. Or it could be an email alert. And the Clery Act basically requires if there is an immediate threat, you're required to send out the text message in addition to the email.

Kate: Sure.

Rob: Say it's something that happened weeks ago but we still feel there's an ongoing threat but not an immediate threat we could send the email to everyone. So that's potentially that that could happen. In the last year that has not been the case. I know I said typically we know who the suspect is. There's not an ongoing threat so we don't do that. But if it's say a stranger assault outside, that could be a situation where we send an alert.

. . .

Kate: And is "ongoing threat" defined by primarily an unknown assailant? Is that kind of the defining line?

Rob: It could be. It could be. I think it would be rare that we send one out for a known assailant. But we just don't really have—fortunately—don't have these stranger assaults where somebody's hiding in the bushes and sexually assaulting somebody. However if that were to occur, that would be a reason we would put out a—possibly—put out a text alert.

I argue that the language of "ongoing threat," which Rob adopts from federal guidance, demonizes Black masculinities and sexualities. In other parts of the conversation, Rob and I both discuss our knowledge of sexual assault, in particular, our awareness that these crimes usually occur between two people who know one another. Rob alludes to that fact in this excerpt. I ask for clarification around the extent to which "ongoing threat," the condition that prompts messages to the campus after a report of sexual violence, is predicated upon an unidentified perpetrator. Rob's response is measured and qualified, in part, I think, because the Clery Act indicates that "ongoing threat" must be determined on a case-by-case basis. The U.S. Department of Education (2011) states that when deciding whether to send information to the campus about a crime, the university should consider:

> The continuing danger to the campus community. This means that after a Clery crime is reported you should consider whether your students and employees are at risk of becoming victims of a similar crime. For example, if a rape is reported on campus and the alleged perpetrator has not been caught, the risk is there. If the alleged perpetrator was apprehended, there is no continuing risk. (p. 112)

Research on the perpetration of rape suggests to me that this understanding of risk is curious. Lisak and Miller (2002) found that those few men who commit rapes have committed, on average, 16 rapes. This fact, combined with the low conviction rate for those few rape cases that are prosecuted, suggests to me that "continuing risk" is *higher*, not nonexistent, in cases where a perpetrator is identified (i.e., known to the victim) and therefore apprehended. "Ongoing threat," here, is figured in terms of strangers.

This suggestion that strangers are dangerous makes "ongoing threat" a code for Black sexuality. I have mentioned elsewhere that the rape myth of "stranger danger" implicates men of

color, not White men, as hypersexualized and potentially violent. This implicit code works in

Department of Education guidance that provides sample messages to help identify what needs to

be reported in the presence of an "ongoing threat." All four of the hypothetical perpetrators in

the sample messages are described as wearing hooded garments, a symbol that arguably confers

blackness (Morris, 2012; Potter, 1995; Sharpe, 2012). Of those four hypothetical perpetrators,

the race of only two is explicitly identified, and both are Black males. "Ongoing threat" is thus

further associated with looking or (in the case of the hoodies) acting Black.

This code for blackness through which alleged perpetrators and "risk" of sexual violence

become intelligible is present, also, in a series of incidents that played out at CU during the first

few months of 2012. A female student filed a police report about a stranger who attacked her.

The university's email message to the campus community started like this:

> *** Unknown assailant attacks female victim walking alone in early morning hours ***
>
> Police in Boulder are looking for a Black male in connection with an assault that
>
> occurred in the 1100 block of University Avenue. (University of Colorado Boulder
>
> Police Department, 2012, para. 2)

In this email (mandated under the Clery Act), the presentation of information about the incident

evokes false ideas about rape. Consistent with popular notions of sexual violence, this message

sets the scene: Late night, dark, a woman walks alone, a stranger attacks. These details fit so

well with rape myths (e.g., Edwards, Turchik, Dardis, Reynolds, & Gidycz, 2011) that the idea

of sexual violence is immediately evoked, even though the message excerpt does not mention

sexual violence explicitly. In the next line, the accused assailant is identified as Black. This,

too, reinforces the "stranger danger" myth in which Black men are expected to assault

"innocent" (i.e., White) women. The end of the message reads, "The suspect did not attempt to

sexually assault the victim," a statement that suggests that an attempt of sexual assault was somewhat expected in this case. Further, that this statement appears just after the statement "police do not know the motive of the attack" suggests that Black men (as this accused perpetrator is identified several times in the body of the text) may be expected to be motivated by sexual assault. In this message, the "ongoing threat" to the campus is figured in terms of an expected-to-be sexually violent Black man.

In the weeks following this announcement, the university sent out a second email to state that the report had been a false one. In an open letter to the CU community, the staff of the Center for Multicultural Affairs (CMA) highlighted what was troubling about the false report. The letter read, "We invite everyone to take a stand with us by making a personal investment to deeply examine our own hidden attitudes and biases and to look at ways to reduce fear and ignorance in our daily interactions with each other" (Center for Multicultural Affairs, 2012, para. 4). This letter makes an implicit nod to the ways in which ideas about the assumed blackness of violence, which the CMA also explicitly connects to George Zimmerman's murder of Trayvon Martin, are embedded in the discourse around mandatory reporting and, in particular, around false reports.

I have drawn out the ways in which accounts of disclosure cast Black men as perpetrators and, in so doing, reinforce the privilege that associates White masculinity with nonviolent sexuality. Another participant analyzed the ways in which this same incident reinforced sexist ideas in which women are thought to make reports of rape and other sexual assault in order to be manipulative and vindictive. Sarah said this:

> I mean, I get it. They had to send out a message because the woman had reported this
> violence had happened. And it was in the—you know—right next to campus area. So

they had to send out a message. And when it turned out to be a false report, they had to

send that out too. I think what it did was highlight, "Oh, women false report." And so

that's challenging because, as you know, 2% are false reports and [in] a majority of false

reports something else is going on with the victim. So I think that was a challenging

situation . . . because it just perpetrated a myth about false reporting.

I want to highlight that in addition to reinforcing notions of whiteness through the vilification of

Black masculine sexuality, the discourse around reporting also seems to, as Sarah notes, discredit

women's talk about sexual violence. Thus the same accounts of disclosure that tacitly secure the

nonviolence of whiteness further insulate some men from accountability for violence through

reference to women's supposed tall tales. White privilege and male privilege work together in

order to discredit women, in general, and Black men, in particular.

Another interviewee, Cam, highlights the intersectional implications of this incident:

I did find, as a person of color, it was really bad that it was a Black man that was—you

know—so I think some pretty major harm was done to a campus community that's very

small and already really targeted in some ways. . . . As it happened, like the next week

there was going to be a diversity recruitment event. A pretty major one on campus. So

that also played into it. Stirred the pot some. And then there was a lot of talk about, well,

what are we going to do for these—in this case—primarily focused on Black men and

parents of young Black men coming to campus and what are we going to say to them?

So I can feel that. But in that moment I was also feeling like what do we, like, what do

we say to the parents of Black women who, if they are going to be victimized by gender

violence, are mostly going to be victimized by Black men?

Cam ends her statement by highlighting the difficulty of, as she says elsewhere, "holding together" ideas that operate in tension with one another. Black men have historically been charged with sexual crimes in the service of White privilege, and women are most often the victims of sexual violence that supports male privilege. Many scholars have commented, as Cam does, on the difficulty of "holding together" both these ideas (e.g., Crenshaw, 1989; Kitch, 2009; Markovitz, 2006). To highlight sexual violence against women risks reinforcing the vilification of Black masculinity, yet to focus only on disrupting stereotypes attached to Black masculinity risks minimizing the violence that women, especially women of color, experience at the hands of men. As Cam notes, in this aspect of the discourse around mandatory reporting, concern about stereotypes of White women and Black men are sometimes voiced, yet the discourse rarely attends to how women of color are positioned. Thus I argue that mandatory reporting gets stuck through the intersectional implications in accounts of disclosure of sexual violence. In these accounts, White women are figured as victims of sexual violence, Black men as perpetrators, and women of color are not present. Together, these strands of discourse reinforce intersecting privileges attached to whiteness and masculinity. In the next section I argue that those with privileged intersectional identities are less likely to interpret a disclosure of sexual violence as such and that this contributes further to the stuck-ness of mandatory reporting.

Interpretation of Disclosure Is Marked by Intersectionality

At the outset of this chapter, I suggested that the mandatory reporting obligation does some work, thus is not fully consistent with the "no work" standard that Ahmed sets out in her discussion of non-performatives. I draw out this argument—highlighting that the obligation does some work and simultaneously gets stuck around intersectional identity positions in discourse—through a discussion of the interpretation of disclosure. I argue that, although considered to be

"common sense," interpreting disclosures of sexual violence as such is anything but straightforward. Embedded in a discourse that normalizes sexual violence, this supposed "common sense" is unevenly distributed and leaves those university members at the intersections of marginalized racial, gender, and sexual identities shouldering a disproportionate burden of the risks associated with mandated reporting.

Following a number of the mandatory reporting training sessions that I observed, those who participated in the training suggested that the training had been boring, dull, or unnecessary. Leaving a training session for residential advisors, one student told me that they had "heard all of it before" and that it was "common sense." Following a separate training, graduate students echoed this sentiment. They said that they had learned this material before in jobs they had held. Yet these claims about the ease of understanding the material exist in conflict with actual recognition of sexual violence. In a first-year student orientation session run during the summer before students first enroll in courses at CU, I sat near the back of the room full of about 500 students. I turned to the woman, Lee, who sat down beside me. We engaged in small talk for a bit, and then had this exchange:

Kate: How's orientation been going so far?

Lee: It's a lot of stuff we already know. Like sneezing into your sleeve? I learned that in preschool. Don't bully people? I know that already. It's kind of a waste of time and a waste of money. I probably shouldn't be saying this to a teacher.

Kate: That's okay. So it seems like a lot of things you already know? Like common sense?

Lee: Yeah. They had this whole play on how not to get out of control at a party.

Kate: The "Just Another Party" thing?

>   **Lee**: Yeah. We already know how to do that. I thought college would be different. But
>
>   it's not. Maybe next week when classes start it will be.

My exchange with Lee illustrates the dual nature of the claim I am developing here. Lee suggests that the sessions she has attended, many of which are part of the university's sexual violence prevention efforts, are things that people "already know." At the same time, Lee's comments highlight just how normalized and invisible sexual violence is. The campus theater group performs a skit during the session to which she refers, "Just Another Party." The actors play out a scene focused on acquaintance rape. During the session, students are asked to join the actors on stage in order to intervene and stop the date rape from happening. Lee suggests that the session is about "how not to get out of control," and a mention of violence, assault, or rape is noticeably absent from her description. Rather, she seems to focus on partying and alcohol use. Here, under the guise of "common sense," sexual violence goes unremarked.

In the paragraphs that follow, I draw together two other especially salient moments in which sexual violence goes unnoticed or is normalized. First, interviewee Deb describes what she overheard leaving an employee training on the university's sexual harassment policy, a session that included a discussion of the mandatory obligation to report. She begins by discussing her sense of the inadequacy of the training:

>   **Deb**: When I was first hired and I went to the required sexual harassment training I just
>
>   was like, "This is laughable." You know, "This is just hysterical." And then when I was
>
>   leaving there was a group of people in front of me who were probably all from an office
>
>   together or something. And they were like, "Ha ha ha," as they were leaving saying, you
>
>   know, "I—I'd like a little—I'd like to get sexually harassed. I'd like a little sexual
>
>   harassment."

Kate: Gosh.

Deb: I was like, "Okay. That training was . . . [laughs] You heard nothing! You learned nothing! Like if you *want it, it's not harassment!"* Like really? That was the basic take away message.

In these comments, Deb voices her concern that the jokes of those leaving the training reflect a serious misunderstanding about the nature of sexual harassment. Deb's comments occur at a point during the interview in which she critiques mandatory reporting for neglecting to help people understand the social and cultural messages that mask sexual violence and prevent people from recognizing it. In particular, Deb argues that harassment and violence are reduced to the idea that "This is just about, you know, having sex with somebody." Deb suggests that, like those leaving the training who reframe harassment as a desirable experience, violence is often obscured through a focus on pleasure. For Deb, that focus misses something important: "This is a *power* thing. . . . If you're not talking about and *dealing* with all of this as, you know, this power relationship, then you're not doing anything to pay attention to the real risks for people." In other words, Deb argues that the discourse around mandatory reporting leaves intact broader social scripts in which the pleasure of those in positions of power is universalized which in turn allows violence to operate under the sign of "normal" and legitimate sexuality.

Indeed many scholars have noted that an assumed "normal/danger dichotomy" (Phillips, 2000) functions in the discourse around sexual violence such that "normal" performances of hegemonic male heterosexuality seem harmless. During some of my fieldwork, an instance occurred in which sexually violent behaviors were cast as normal and, indeed, celebrated. In the moments that immediately preceded my conversation with Lee at the first-year student orientation session, a group of students seated in the row of chairs behind me, all men, and all of

whom appeared to me to be White (though appearance is often a poor marker of racial identity) had the exchange below.

> **Chris**: Dude, this is *not* one [orientation session] you want to miss. You have to fill out a form for it!
>
> *The guys generally agree with each other on this.*
>
> **David**: Does rape and stuff actually happen that much?
>
> **Paul**: It's a big campus. I guess it must.
>
> **Chris**: Dude, my high school takes sexual harassment so seriously. I almost got in trouble for sexually harassing my math teacher.
>
> **Aaron**: Your *math* teacher! [everyone laughs]
>
> **Chris**: Dude, she was so hot.
>
> **David**: Was she hot?
>
> **Chris**: She was *so* hot. We kept seeing if we could cross the line. I got sent to the office. [everyone laughs]

Chris then explains that he and his friends started making comments to their teacher and that the interactions escalated over the course of some time. Chris says, "She went along with it for a while but then there was a line." The men continued to describe their intentional efforts to "cross the line" or to see where the line was. Their actions, as they explained them, were prompted by how "hot" the female math teacher was.

The group's discussion of harassing their math teacher focuses on possible punishments (being sent to the office), not the reasons why harassment is not acceptable.[10] Instead, the group

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[10] Note, for example, the difference between Chris's statement, "I almost got in trouble for sexually harassing my math teacher" and an alternative statement, "I sexually harassed my math teacher." The first emphasizes narrowly escaped punishment, the second an unethical action.

celebrates a sense of playfulness around testing their teacher, one that casts their own actions as a game of attempted conquest. Indeed, the group seems to respond with equal glee to descriptions of the teacher's hotness, crossing the line, and getting sent to the office: All seem to support their collective performance of hegemonic masculinity in which heterosexuality is secured through doing things that people do not want (or cleverly convincing them they do want those things). Being sent to the office seems to be received as evidence that Chris did something right (taking risks that increasingly escalated the level of sexual intensity) rather than of having done something wrong (disregarding the boundaries, interests, and enjoyment of the object of their desire). Their banter suggests that they have some sense that there are severe repercussions for engaging in sexual harassment (and perhaps this is evidence of work accomplished through the existence of mandated reporting and the discourse it produces). Simultaneously, however, their talk attributes the impetus for their transgression externally ("she was *so* hot") and casts the young men as daring adventurers who, bound to break the rules, secure their heterosexual masculinity. It is this weaving together of harassing and violent behaviors with normative heterosexual pursuit that makes sexual violence hard to notice.

The mandatory reporting obligation exists in the context of discourse that normalizes sexual violence, a context that is not unique to CU. The "stuckness" of the obligation, then, occurs around the extent to which particular university members are able to see through the invisibility of sexual violence that is created through its normalization. As I argue here, those who are likely to interpret disclosure of sexual violence as such (an interpretation that requires problematizing venerated performances of sexuality) often occupy marginalized intersectional identities. Vin begins to articulate this analytic point:

You know, what's interesting is that our underrepresented groups will report out against their—you know, something that happens, you know, against their White counterparts. So they'll report out consistently like, "Hey, girl, that's not right. You know, that's not—that's not right." And it's a White student. And the White student's like, "How come that's not right?" So our underrepresented students have to explain a lot.

In this excerpt, Vin is using the phrase "report it out" in the way that I have used the term "disclosure" in other places. That is, he refers to students who are not mandated reporters, but who discuss a reportable incident with someone who is a mandated reporter. Vin points toward the ways in which students with privileged identities—in this excerpt, White students—tend not to interpret discrimination, harassment, and violence as such. In this excerpt, Vin suggests a link between identity and knowledge in which whiteness confers privilege upon students who are able not to recognize violence thus insulated from understanding what they witness or hear about. According to Vin, underrepresented students are more likely to see something that seems to be normal as, instead, troubling.

Later in the conversation, Vin continues:

Vin: Now for the White counterparts. It's interesting with the White counterparts. I've heard a lot of—It seems like with the White counterparts—White students—it's a normal thing to do. And when I say that—

Kate: To report?

Vin: No, not to report. It's normal in terms of being discriminated or having those actions. It seems like it's just normality. "Oh yeah, he did this and this. That's just what they do." You know, versus where a student of color has said, "They've done this and this." Almost pretty much the same type of action or behavior, and they report that out.

Maybe that's a cultural difference or a class difference. I don't know. It's interesting to see the same action or behavior and one group of folks, specifically our students of color, report that out versus our White counterparts where it's like, "Oh, that's just normal." See, that's not right.

Kate: Yep.

Vin: It should be consistent.

Kate: It's a problem.

Vin: Yeah, it's a problem. . . . Even with our GLBT students who say, "Oh, this fraternity—this student called me out because I was identified as GLBT and they said this and that." And they, our GLBT students who are underrepresented on this campus, they report it out too. But they are also White students as well. So it's just different. You know, it's different in terms of, you know, the reporting because it's—It feels like the White students are just thinking it's a normal behavior and it's not. Because it's the same behavior. Whether it be sexual assault, sexual harassment, discrimination against women, women comments. It's the same type of behavior or action but one group consistently reports that out.

Vin articulates an intersectional approach to understanding how different students respond to reportable incidents (including sexual violence, harassment, and discrimination). That is, he notes that students at the intersections of identity positions—including race, sexuality, class, and gender—interpret the "same type of behavior" and talk about that behavior in different ways, and take different actions in response to it. Combined with Vin's earlier statement that underrepresented students "have to explain a lot," Vin begins to articulate a critique that highlights the disproportionate burden that university members who operate at marginalized

intersections of identities shoulder around mandated reporting. Importantly, this critique draws upon assumptions consistent with standpoint theory. Vin is suggesting that identity and experience affect what university members recognize as violence and, in particular, that those university members with privileged intersectional identities are less likely to recognize violence as such.

Every interview participant but one alluded to the possibility that a mandated reporter may not understand that a disclosure is about sexual violence. Indeed, in each of the training sessions I observed, the trainer mentioned that people speaking about violence, discrimination, and harassment are unlikely to use words that directly label it. The U.S. Office of Civil Rights (OCR), which provides the guidance that shapes mandated reporting, acknowledges that to interpret a disclosure of sexual violence as such is a skill when it says that universities should be involved in "training all employees who interact with students regularly on *recognizing* [emphasis added] and appropriately addressing allegations of sexual harassment or sexual violence under Title IX" (Ali, 2011, p. 17). The idea that recognizing disclosure to be about violence requires interpretation on the part of a mandated reporter is present in the discourse around mandatory reporting. Absent, however, from policy documentation, training sessions, and interviews with five of the six enforcers of mandatory reporting is the notion that identity affects interpretation of disclosure. Yet Adam, Cam, Deb, Don, Emily, Melanie, Meg, Pat, Rachel, Sam, Sarah, and Vin all highlight links between identity, experience, and knowledge that are central in that process of interpretation. Every one of these participants is bound by mandated reporting, and every one affiliates themselves with at least one of the following identities: woman, feminist, LGBTQ, person of color, first generation college student. Several cite prior experiences—with sexual education, with police intervention, with the GLBTQ

community—as the reasons why they see sexual violence differently and more often than other university members do. Meg, for instance, offers up a metaphor for this differential burden around interpreting disclosure. She says that she has her "task light" on issues related to violence, gender, sexuality, and race. Her "task light" is on, she suggests, because of her training in feminist studies and experiences connected to violence that occurred prior to her current job.

Here again, Meg and others draw upon standpoint epistemology. Rather than assuming that omniscience is possible, standpoint theory posits that all knowledge claims are partial. Similarly, Meg's "task light" highlights particular items and not others. Moreover, standpoint theory posits that the knowledge of those individuals with privileged intersectional identities is more partial and less complete than those occupying marginalized intersectional identities. Lee, the incoming first-year student with whom I spoke at an orientation session, did not notice that "Just Another Party," the session she complained tried to teach her things she already knew, was about sexual violence. Her task light was off. So, too, were the task lights of the White students Vin describes who think problematic behavior is just normal. For those whose task light is off, sexual violence does not stand out among the shadows. Yet for those with the task light on, the shadows surrounding sexual violence that make it indistinguishable from "normal" heterosexuality, in addition to the sexual violence itself, are thrown into sharp relief. They recognize, as standpoint theory posits, not only sexual violence, but also the conditions under which others can leave their task lights off.

These standpoint assumptions underscore the statements that participants make about the unevenness of university members' ability to interpret disclosures as being about sexual violence. Those with privileged intersectional identities are more often able to be non-knowers of sexual violence on behalf of the university. That is, because of the connections between

identity, experience, and subsequent knowledge, those who are most aligned with whiteness, heterosexuality, and masculinity are less likely to understand, see, and hear through the lens of sexual violence thus less likely to know when they need to make a report. This uneven knowledge of sexual violence is part of the grounds upon which mandated reporting gets stuck and thus, can be considered a non-performative.

Together, the three subsections that I have grouped under "mandatory reporting gets stuck around intersectional identities" suggest this: Disclosure itself is marked by intersectionality. That is, those who are less likely to disclose experiences of sexual violence and those who are more likely to hear disclosures of sexual violence are often those who are women, racial minorities, and LGBTQ folks. Further, accounts of disclosure of sexual violence implicate White women as the victims of sexual violence and implicate Black men as the perpetrators of that violence and, in so doing, discredit both White women and Black men while rendering women of color invisible. Finally, interpretation of disclosure occurs in the context of normalized violence in which those individuals in privileged identity positions are able not to see sexual violence when it occurs and is discussed. In these sections, I begin to highlight a faith, embedded in the mandatory reporting obligation's design, that disclosure is an unmediated, truthful account of reality. My analysis, however, draws out the ways in which disclosure is always subject to interpretation and never the result of an isolated individual's decision.

Before turning to the next section, I want to reflect upon the style of some analytic claims I made in this section, especially the ones that began from participants' statements. Phrases such as "X group is more/less likely to ____" invoke a methodological orientation that I do not adopt in this study. Read through a post-positivist epistemological project, "more or less likely" is subject to verification through counting and measurement, substantiated via a statistical analytic.

Many of the participants in this study have not counted, thus their claims to knowledge are easily

dis-counted (as the woman in the opening vignette alludes to when she says "they can't find the

numbers"). When I say, "Those with privileged intersectional identities are less likely to hear

disclosures of sexual violence," I echo the style of claim many of the participants in this study

make. I seek to position study participants as institutional analysts. Thus I read their claims as

idioms that mark the dominant epistemology but root a different kind of knowledge. I, too, have

adopted this idiom in order to invite a troubled reading practice.

In so doing, I have taken on what may seem to be an odd academic voice, one in which I

am intentionally playing with empiricism in order to disrupt the "realist assurances" I discussed

in Chapter 3. I do not mean that I have counted. I do mean to mark the seduction that

accompanies the ability to point at things in the world, and the assumed promiscuity of reasoning

through experience. Something of note is going on in the complex relationships between

identities and the discourse around mandatory reporting, and the prioritized discourse obscures it.

Indeed, most of the empirical projects that provide the kind of evidence those reading through

dominant epistemological tenets might expect to see in this section are not possible at CU.

Given the absences that are produced in this study as a result of mandatory reporting, my

argument develops through a blurred distinction between text and context. First, I have drawn

together data on disclosure both from this study (text) and also from other scholarship (context).

This is an effort to enhance the credibility of participant claims through reference to the

dominant discourse (and the accompanying epistemology) that some participants and I critique.

As such it engages the demand that marginalized positions in discourse be translated to dominant

paradigms in order to be heard, a move that echoes the logic outlined in muted group theory

(Ardener, 2005; Kramarae, 2005; Nakayama, 2005; Wood, 2005). Second, I intend the

somewhat unusual design of argument in this section (text) to invite reflection on the conditions of its production (context). By invoking language that mimics post-positivist claims, I realize that I will elicit in some readers questions predicated upon methodological standards for that paradigm. If this section produces frustration in readers who find it fails to meet those criteria for rigor, I hope that frustration is a source of reflection on the privilege, secured through absence, which operates in the discourse around mandatory reporting. That is, I have designed some of the writing in this section not to represent my analytic claim but instead to perform, through the relationship between reading and writing, the process via which positions in the discourse around mandatory reporting are marginalized because they, too, fail to meet the epistemological standards that produce mandatory reporting. Feedback that I received on an earlier draft of this chapter helped me to draw out these moves with more clarity and also illustrates what I seek to accomplish. One reader said this:

> The first chunk of analysis in this chapter seems sorta lite on evidence from your particular project . . . I realize this may be an ironic critique in light of your footnote about "evidence" . . . but . . .

In this response, the reader notes both the absence of what would seem to count for evidence (an absence that I argue is a product of the discourse around mandatory reporting) and also the irony involved in the critique of that absence. From the approach I am adopting, the analytic task is not to resolve neatly that which is missing from the discourse around mandated reporting, but instead to produce this kind of response that not only calls attention to the often unnoticed absence but also calls attention to how the epistemology embedded in mandated reporting (and, indeed, in much of academic discourse) supports the privilege attached to that absence.

In my focus on intersectional identities, I have left largely unproblematized the notion of a distinct, individual human actor. Indeed, the standpoint epistemology that underwrites the emic claims in this section is open to charges of essentialism. As I did in the previous chapter, I have adopted this approach in part because strategic essentialism is useful for unmasking the difference that privilege obscures. My commitments to intersectionality, especially as they are inflected through poststructuralism, however, invite an analysis that tacks back and forth between identity-based claims and claims that read intersections disarticulated from individuals. Thus, in the next section of my analysis, I focus on the ways in which institutional processes, not the actions of individuals, are implicated in intersectional discourse.

Mandatory Reporting Gets Stuck Around Intersectional Institutions

In this section, following the contours of intersectional scholarship as a whole, I shift from considering intersectionality in terms of identity positions (that is, intersectionality attached to individuals) and move toward considering intersectionality in terms of institutions (that is, intersectionality attached to systems and structures, disarticulated from individual people). I build claims not about the people involved in mandated reports, but about the symbolic associations attached to the processes of mandated reporting. As I make this shift, I develop two related arguments. First, mandated reporting centers a discourse of White heterosexuality. Second, mandated reporting centers legal and psychotherapeutic discourses.

Mandated Reporting Centers a Discourse of White Heterosexuality

First, I argue that gender becomes the primary lens through which sexual violence is understood, and that gender-primary lens is attached to both whiteness and heterosexuality. To illustrate, I analyze an excerpt from my conversation with a person responsible for implementing

and enforcing the mandated reporting policy who was reviewing the informed consent document for this study. In this excerpt, we discuss the object of study in my dissertation.

Ashley: So, just in terms of some of the language. You know, I think—and of course we work with this day in and day out so [laughs] some of these things caught our attention. When you talk about—it sounds like your primary focus is on sexual violence, sexual harassment.

Kate: Mmhmm.

Ashley: Is that accurate?

Kate: Yes.

Ashley: So really your focus then is *really* on the sexual harassment policy. Even more than the discrimination and harassment policy, it's the university's sexual harassment policy that you're focused on.

Kate: It's certainly focused more on that although I see that that's not completely disconnected from the other areas of the policy.

Ashley: It's not because that falls under the umbrella of gender discrimination—

Kate: Sure

Ashley: —and harassment so it's not. But for these purposes it seems like that's really, kind of the policy that's most applicable.

Kate: Mmhmm.

Ashley: And so I didn't know if—up here you talk about in the very first sentence "sexual harassment, discrimination, sexual violence" I didn't—I—to me it seems like what you're intending there is gender discrimination but I'm not trying to limit you in any way.

Kate: Sure.

Ashley: But that may be something you'd want to incorporate.

A few moves of note occur during the course of this conversation. Ashley and I are negotiating the ways in which my own intersectional definition of sexual violence, one that is linked to a raced–gendered–sexualized formation, relates to university policy. Ashley indicates that sexual violence and sexual harassment are understood under the sexual harassment policy more than the discrimination policy. My objection, in the course of the conversation, is an effort to mark my own intersectional approach. The sexual harassment policy's definition of sexual harassment does not include mention of race or sexual orientation (indeed it does not even mention gender). When Ashley suggests that my focus is "*really* on the sexual harassment policy," I hear this as a way to distance sexual violence and harassment from discrimination, the institution's definitional space in which race and sexual orientation are intelligible. To stave this off, I acknowledge the relationship between my study and the sexual harassment policy but say also, "I see that that's not completely disconnected from other areas of the policy." Ashley agrees that a connection exists, but contrary to my own thinking, she suggests that the connection exists through gender.

In this exchange, sexual violence gets marked as primarily about gender, and this primacy has two implications. First, in this conversation about policy, race goes without being explicitly marked (both in the connections that Ashley acknowledges and also in my attempted intervention). Second, as sexual violence becomes about gender discrimination, heterosexuality comes to the fore. Ashley says, "you talk about in the very first sentence—'sexual harassment, discrimination, sexual violence'—I didn't—I—to me it seems like what you're intending there is gender discrimination," and in this statement, sexuality becomes subsumed under gender. Further, gender in the discrimination policy is not discussed in relationship to sexual orientation

(a separate category in the policy language) thus "gender" implicitly references a dichotomous understanding of men and women, one that emerges through the rubric of heteronormativity.

The definitions of reportable sex offenses under the Clery Act further underscore the heteronormativity of the discourse around reporting. In November 2012, Delores Stafford, one of the foremost experts on the federal Clery Act, conducted a training at CU. In that training she discussed forcible rape, forcible sodomy, and sexual assault with an object (all reportable offenses). The following definitions appeared in the handout for the training:

> Forcible rape[11] is: the Carnal knowledge of a person, which is defined by Black's Law Dictionary (and the UCR Handbook) as 'the act of a man having sexual bodily connections with a woman; sexual intercourse.' Include: the slightest penetration of the vagina by a penis. NOTE: A male could be a victim if a female forced him to have vaginal intercourse with her.
>
> Forcible Sodomy is: forcible oral or anal sexual intercourse with another person
>
> Sexual Assault with an object is: the use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person (Stafford, 2012, p. 11)

Although Stafford's slides indicate that both men and women can be rape victims, these definitions also indicate that only a person of opposite sex to a victim can commit rape. Both men who rape other men as well as women who rape other women are not included in reportable

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[11] Stafford indicates that the definition of "forcible rape" is drawn from the Federal Bureau of Investigation's Uniform Crime Reporting (UCR) Handbook. The information that appears here is partially outdated because the FBI changed their definition of rape in December 2011 to remove mention of "forcible." Although the FBI's revised definition of rape is also gender-neutral, that aspect of the revision currently applies only to the federal Summary Reporting System, not the National Incident-Based Reporting System from which Clery Act definitions of sex offenses are derived.

rapes. Although an incident in which a man rapes another man could potentially be reported as forcible sodomy, the definition of neither forcible rape nor forcible sodomy includes women who rape women. An "object," as detailed in the category, "sexual assault with an object," includes "any object other than the offender's genitalia such as finger, bottle, handgun, stick." Given that anything other than genitalia is considered an "object," intercourse seems to require a phallus. Women's violence against other women, then, is rendered barely intelligible in these definitions of sexual violence. Further, the focus on penetration is especially problematic. For instance, if a person of any gender violently shoved a penis into a bottle opening, that act would not fit any of the three definitions of reportable sex offenses considered under these definitions. These definitional lacunae betray the heteronormative discourse that underwrites mandated reporting.

The consequences of this figuration of sexual violence as a heteronormative and gender-primary problem play out in "Just Another Party," one of the orientation sessions for first-year students. This session, one that I described earlier in this chapter, involves a performed skit in which an acquaintance rape occurs. Four characters are in the story: a male perpetrator, a female victim, a male friend of the perpetrator, and a female friend of the victim. In a discussion about these sessions, Adam and I parse through what goes on in those scenes.

> **Adam**: I think it's interesting, too, in that scene, that it is always a White male and a White female and then *different* friends, [laughs] right?
>
> **Kate**: Right? [laughs] I actually—yeah. Yep.
>
> **Adam**: Right, so it's kind of like, I'm—and I mean sexuality is never marked and that was something I said, like, "If nothing else have his friend be gay. Like make his friend gay. Like why not?" You know, or incorporate some differences in ways that break down this—not only notion of like who's having sex, right, or who has the ability or the

potential to, right, have sex, and who's desirable in this scene. But also again it's like who does the policy exist for? Right? It's like so the policy exists for *White* people. [laughs] And if I'm a friend who's different, I have a responsibility to protect my White friends.

In this excerpt, Adam marks the heteronormative frame through which violence and desirability are figured. Upon reviewing an earlier draft of this chapter, Adam suggested that I note his own identity as a gay man. He said that his identity makes his claim and analysis stronger and underscores his question, "Where am I in this policy?" Adam's question is not only about identity, but also about the discourse that evacuates sexual agency from queerness. Elsewhere in our conversation, Adam and I discuss the explicit requirement in the script for "Just Another Party" that states a man of color is never to be cast as the male perpetrator. We are sympathetic to that decision because a Black male perpetrator could easily reinforce the stereotype that Black men are sexually violent. That casting decision may usefully avoid demonizing Black sexuality and, as I discussed earlier, the demonization of Black men's sexuality protects whiteness by disassociating White masculinity from violence. Adam is arguing that, even though a White man perpetrates violence in this script, White heterosexuality is still positioned as an object of protection. The victim of violence is a White heterosexual woman, and "different" people are expected to help her. Those with privilege navigate (hetero)sexuality, and those who are marginalized intervene in violence. This scene echoes the claim I developed earlier that those who are most aligned with whiteness, masculinity, and heterosexuality need not see, know, or understand sexual violence. Queerness and color can do that.

Other moments that underscore Adam's claim that queerness and color are cast as responsible for intervening in sexual violence occurred during other sessions of "Just Another

Party" that I observed. During the moment where the male and female characters are about to go upstairs at the party (where the rape occurs), a male student from the audience stopped the action. He joined the actors on stage. When the skit restarted, that student stepped between the male and female as they were about to go upstairs and said to the male (eventual perpetrator), "Maybe we should hang out, man." Though I did not sense any sexual overtones in the intervention, the audience did, and they roared in derisive laughter. Discussing that incident with several other participants, all noted its homophobic undertones: An invitation for closeness between two men was read as first, gay, and second, laughable. The audience reaction reinforced heteronormativity by marking this kind of interaction as out of bounds. In a second session of the same skit, a young male student performed a very similar intervention in the scene. This time, the sexual innuendo in his overture to the male eventual perpetrator was explicit: "Heya, so how *you* doin'?" The audience celebrated. When asked later to explain his intervention, that male student said, "I figured I'd go gay on him. Sometimes it works." Upon hearing this statement, the audience made a noise that sounded like the collective version of "Oh no you didn't!" and applauded their approval. It seemed that the audience took the man's come-on as a move designed to humiliate the would-be perpetrator. The humiliation works only under conditions of heterosexism and homophobia.

The difference between the audience reaction to these two interventions—the understated, not overtly sexual performance of the first man and the overstated, campy performance of the second—highlights the ways in which heteronormative masculinity is reinforced in these sessions. The first man was ridiculed for his intervention; perhaps it was not suitably hegemonically masculine. The second man was lauded because his over the top, exaggerated flirtation made it clear that he was acting and not "actually" gay. His statement that

"sometimes it works" to "go gay" was delivered sarcastically, as if it was a joke. This joke performed two functions. First, the sarcasm laced through the statement (and the audience's receptivity to that sarcasm) made it clear that both actor and audience were to understand that this was an intervention that could not succeed (because clearly the would-be perpetrator would not respond to a same-sex overture because he was straight). Second, the ability of the man to perform the joke illustrated his fluency not only with hetero-masculine discourse, but his ability to wield that discourse in order to humiliate another man, a move that reinforces and elevates his own performance of hegemonic, masculine heterosexuality. When I visited a women's studies class of mostly seniors and spoke about my research, several undergraduate students who had attended similar sessions as first-year students noted, consonant with my analysis, that the space had been one in which heterosexism had been rampant. Rather than disrupt a heteronormative order, these scenes cast the queer as deplorable. In short, they function to reinforce an unexamined, conquest version of hegemonic masculinity that depends upon homophobia for its bravado and is complicit with discourses that support sexual violence.

In policy definitions and discourse around those definitions, heterosexuality becomes the central rubric through which sexual violence is understood. Further, in representations of violence, such that those that occur in "Just Another Party," heterosexuality and whiteness are tacked together such that their intersections are centered in the discourse around mandatory reporting. In the next section I argue that the White heteronormativity of this discourse is enhanced through its connections to legal and psychotherapeutic discourses.

Mandatory Reporting Centers Legal and Psychotherapeutic Discourses

In discussion of the origins of mandatory reporting, legal discourses are implicated, and those discourses further center White heterosexuality. Eleven participants brought up the

Simpson v. Colorado case without my prompting. *Simpson v. Colorado* was a Title IX lawsuit that two women brought against the university after seven female CU students were raped or sexually assaulted in the early 2000s, most in connection to the football program. The case charged that the university was deliberately indifferent to the risk of sexual assault, especially in connection to the use of alcohol and heterosex as tools for football team recruitment. In 2007 an appeals court ruled against the university and awarded $2.85 million in damages to the plaintiffs. Of those 11 participants who mentioned this case without my prompting, seven (all bound by mandated reporting) suggested that it was the impetus for the university's policies. Although I have not yet been able to confirm her claim, one of the participants who is responsible for implementing and enforcing mandated reporting suggested that, although the notion that the Simpson case started mandatory reporting is popular, it is false. She suggested that the mandated reporting obligation preceded the Simpson case and was, instead, prompted by a series of racially motivated hate crimes, not by the repeated instances of heterosexual rape that were at the center of the Simpson case. If this participant's account is accurate (and her role at the university privies her to information that lends her account credibility), then the discourse around the reasons for mandatory reporting centers heterosexual gender and prioritizes whiteness.

Discourse about the Simpson case further privileges whiteness through the relationship between athletics and sexual violence. Pat explains this association:

The Simpson [case]—came from athletics. And a lot of athletes are people of color. So I think that kind of perpetuates some of that.

. . .

People do, you know, "It's the people of color that are going to come up and do something to you—to us White people—and—on the streets of Boulder." It—it feels like that to me, that that's how some people think.

In this excerpt, Pat begins to draw out a coded association between athletics, Black masculinity, and sexual violence that she identifies operating in and around the CU community. I read this same set of associations in the Simpson case to which she alludes—both in the legal decision-making and in the events that led to the lawsuit. In these moments of discourse, whiteness is marked as nonviolent, and this reinforces the notion that Black male heterosexuality is inherently violent.

These moves are noticeable in the *Simpson v. Colorado* U.S. District Court decision that ruled in favor of the university. In this 2005 decision that preceded the eventual appeals court ruling, the judge argues that many episodes of violence at CU should not be considered in the case. In 1999 and 2000, one CU football team trainer and one CU football team member were convicted of assaulting their wives. The judge argues that these episodes "involved spouses, not students, and occurred in a *private* [emphasis added] context" (*Simpson v. University of Colorado*, 2005, pp. 1238–1239). The word "private" does work around both gendered and raced sexualities. For decades, feminist scholars and activists who theorize sexual violence have asserted that arguments about "privacy" sequester sexual violence from social and systemic questions and, in so doing, preserve male access to heterosex (e.g., Lamb, 1999; Pateman, 1989; Schneider, 1991). Clair (1993b), for instance, argued that when episodes of sexual violence are framed as private matters, the organization is "relieved of its accountability/responsibility in the matter" (p. 131).

Yet the judge's claims about privacy do more than excuse the university from accountability. They also draw upon racialized sexualities in order to preserve the university as a space of White (presumed to be nonviolent) heterosexuality. Pearson (2007) argued that "violence and victimage become intelligible" (p. 257) through reference to "white familial intimacy" (p. 258). In other words, claims that intimate partner violence is a private problem not only excuse violence but also, as Bograd (2005) argued, erase attention to pervasive violence against people of color at the hands of non-intimates, in public institutional spaces. The racialization of claims about privacy is further enhanced via reference to sexuality.

Some scholars argue that, under the guise of being asexual spaces, organizations depend upon and appropriate dominant, normative sexualities (e.g., Brewis & Linstead, 2000; Fleming, 2007; Gherardi, 1995). The apparent absence of sexuality in organizations, this literature suggests, supports the dominance of technical rationality and discourses of efficiency. That apparent absence, however, is really the presence of hegemonic, hetero-masculine (i.e., rational) versions of sexuality. The scholarship I am drawing upon here centers gender–sexuality, but I want to move toward gender–*race*–sexuality, a link rarely made in this literature. Elsewhere I have noted racist depictions of Black men's sexuality cast it as excessive and uncontrollable. In other words, in these stereotypes, Black sexuality is not subject to "rational" discipline. Thus claims to "privacy" not only render sexual violence in concert with White domesticity, but they also code the public university as sexually nonviolent and, simultaneously, a space of White sexuality. The deployment of a public/private dichotomy renders queerness legible neither publicly (because all sexuality is presumed to be closeted at home), nor privately (where the heteronormative institution of domesticity reigns).

A second aspect of this case positions sexual violence in relationship to rationalized, White masculine heterosexuality. All of the seven reported rape cases identified in the lawsuit occurred in connection to the CU football program, and most of them in the context of team recruitment. Team officials said that the football program was responsible for showing recruits a "good time" and doing a "good job of entertaining [them]" (*Simpson v. University of Colorado*, 2007, p. 20). Showing recruits a "good time," I argue, was really a promise that team membership would afford Buffs athletes a classed version of heterosexuality associated with hegemonic masculinity and the ability to consume. The CU football program intimated that new athletes would have access to alcohol, drugs, parties, and women. Joining the team meant enhanced social, sexual, and material capital, and that promise was secured by positioning women as sexual objects (as "Ambassadors", exotic dancers, escorts, and as providers of sex for the potential team members). In these sets of promises, a discourse of consent is noticeably absent, and it is through this absence that whiteness is present. In the U.S., sanctioned access to women and hetero-sex has historically been associated with White masculinity (e.g., Hartman, 1997; Kitch, 2009). This aspect of White privilege has been maintained through reference to racist stereotypes that associate Black masculinity with violent hypersexuality (Collins, 2005; hooks, 1994b). That is, concerns about non-consent have emerged historically through reference to Blackness. In the recruitment program, non-consent is not mentioned; rather, women are figured as objects whose consent is irrelevant. In the context of heterosex, questions about consent, when attached to the celebration of masculinity (as was the promise of the recruitment program), can be left out only in the context of whiteness.

Through a gender-only lens, masculinity provides the connection between sexual violence and athletics. For example, Messner (2002) argued that, "Far from being an aberration

perpetrated by some marginal deviants, male athletes' off-the-field violence is generated from the normal, everyday dynamics at the center of male athletic culture" (p. 28). He also pointed out that because some sports teams generate significant revenue and visibility for universities, they may be somewhat immune to the formal and informal structures that work to disrupt, prevent, and respond to violence elsewhere in academic institutions. Gage (2008) established an association between participation in center sports—those most visible and financially lucrative for a college—and negative attitudes toward women and sexual aggression. These readings of athletics and masculinity through questions about sexual violence omit an important analytic detail, one that is operating in the Simpson case: A focus on athletics and sexual violence is often motivated through racist assumptions.

Although sexual violence in the context of athletics often receives extensive public and media attention, Crosset, Benedict, and McDonald (1995) found that the only statistically significant difference in sexual assault perpetration on college campuses between athletes and non-athletes is the number of incidents reported to the police. Further, studies of rates of violence suggest that the seven incidents of rape in the Simpson case would have been only seven among approximately one hundred rapes that occurred on campus over the same two years (Fisher, Cullen, & Turner, 2000). Thus the supposed impetus for mandated reporting at CU focuses on 7% of rape cases that likely occurred.

I argue that the intense focus on athletics and sexual violence in the Simpson case, and in many other similar cases, is partly rooted in classed and sexualized racialization. McKay, Rowe, and Miller (2001) suggested that cultural readings of sports assume that athletic participation either (a) keeps Black men out of trouble (i.e., it "harnesses" some assumed propensity for violence while providing an opportunity for class advancement) or (b) cultivates the excesses of

hyper-masculinity, including sexual violence. In the first reading, athletics is cast as a "savior" for blackness, as a site where Black men can be "whitened." In the second (contradictory) reading, athletics culture enhances and produces the very violence that, in the first reading, it is said to combat. An explicit mention of race is noticeably absent in the second reading, but I argue that racist assumptions about the inherent violence of blackness have come to be associated with athletics in general. Thus the promise of the recruitment program is predicated on the first reading of sports; through access to heterosex without questions of consent, the recruitment efforts promised symbolic whiteness. When sexual violence occurred, an assumed excess of sexuality demonized Black masculinity while obscuring the ways in which that sexual violence was connected to the promise of White, hegemonic masculine heterosexuality. Thus the covert racialized codes of the case, like the argument about "privacy," reinforce an association between whiteness and nonviolence, while the violence of blackness is presumed to be so uncontainable that it spills beyond the tight regulations of the sports field.

This reading of the Simpson case, the legal decisions connected to it, and its uptake in the discourse around mandated reporting at the university is a piece of my argument that mandatory reporting gets stuck around intersectional institutions. Mandated reporting—in its design, its supposed impetus, and the processes it requires—is connected to a legal discourse. Through this legal discourse and the policy language it animates, sexual violence becomes patterned by heterosexuality in the service of whiteness. In analyzing this case I am not suggesting that particular people or individuals are prioritized or marginalized in the discourse around mandatory reporting. Instead, I suggest that the case, embedded in the discourse around mandatory reporting, relies upon racist and (hetero)sexist assumptions that pattern mandatory reporting as an institutional process.

Mandated reporting gets stuck around a second intersectional institution, that of psychology and its accompanying therapeutic discourses. I should note that I do not offer as extended an analysis of therapeutic discourses as I do of legal discourses. Unlike legal discourse, therapeutic discourse is more difficult to access as data. This is, in part, due to the very intersections I wish to highlight. Where litigation tends to be public talk, therapy tends to be private talk. That is, the law operates under the purview of the institution, the psyche under the purview of the individual. Routing back to the argument I built earlier about the gendered racialization, and accompanying sexualization, of spaces considered to be public and private, the sequestering of some talk about sexual violence in therapeutic university spaces becomes curious. Read through the application of genderlect theory that I developed in the previous chapter, I note that the feminine style of talk (support) that is written out of the mandated reporting policy language can occur at the university almost exclusively in the context of psychological therapy. And while the gendered implications of this may be clear already from the analysis I have offered, I want to suggest also that the institution of psychotherapy is patterned, as well, via race. Several scholars suggest that the epistemological project of psychology and therapy is, itself, a project of whiteness (e.g., Riggs, 2004; Wong, 1994). Fine (1992) for instance, reflects upon her work as a volunteer rape crisis counselor, and argues that the majority of research in psychology presumes an individualized framework that normalizes the coping responses of those who are powerful (i.e., at the intersections of racial and class privilege). Further, Moon (2011) notes that psychotherapy often enacts epistemic violence when it prioritizes straight versions of emotionality. In this reading of the discourse around mandated reporting, the therapeutic space normalizes White hetero-femininity.

Foucault (1978) argued that talk about sex is figured in relationship to expert discourses, namely, in relationship to juridico–legal and confessional–therapeutic discourses. In this analysis, I am highlighting the embeddedness of discourse around mandated reporting in those expert discourses. I am also suggesting that it is through those expert discourses that talk about sexual violence at the university becomes talk about whiteness and heterosexuality. To illustrate the dominance of those discourses and their accompanying configuration of race–gender–sexuality, I trace the difficulty of producing a discourse other than those attached to the law and psychotherapy.

In my initial explorations of the mandated reporting obligation, as well as my efforts to design a project that honored my ethical commitments as both a feminist researcher and a university mandated reporter, I spoke with several university members who were responsible for implementing and enforcing mandated reporting. I asked about this clause in the policy:

> This [reporting] requirement does not obligate a supervisor, who is required by the supervisor's profession and University responsibilities to keep certain communications confidential (e.g., a professional counselor or ombudsperson), to report confidential communications received while performing those University responsibilities. (Offices of Discrimination and Harassment and Labor Relations, 2011, para. 17)

I suggested that my university responsibilities as a researcher, and the ethical commitments associated with that role and formalized through the Institutional Review Board, required me, by profession, to keep confidential the information I learned during study interviews. Namely, I had a responsibility to protect people from risks they could incur because of their study participation if I had to breach confidentiality and make a mandated report. The individuals with whom I spoke suggested that researchers do not qualify under this exemption, and they confirmed their

perception with university counsel. They explained that those university members who do qualify under this exception have a legally established confidential privilege: client–therapist privilege in the case of psychologists and counselors, and attorney–client privilege for lawyers. They said that the same legal precedent for confidentiality does not exist for a researcher–participant relationship. Because my professional obligations as a researcher did not exempt me from mandated reporting, and because I wanted to protect participant confidentiality, I asked participants not to discuss specific incidents of sexual violence with me and further asked them not to provide specific details about people, places, dates, and so forth as we talked. This, of course, set some parameters around the kind of discourse that could occur in interviews.

I highlight this interaction not to suggest that my own study would or could correct for the ways in which mandated reporting gets stuck around intersectional identities and institutions. It does not. In many ways, academic knowledge is implicated in the same discourses of whiteness, heterosexuality, and masculinity that I seek to mark. The privilege of the discourse from which I am operating and *its* inability to generate a differently configured discourse around mandated reporting highlights the extent to which the discourse around mandated reporting is subsumed by the law and psychology. If a relatively central academic discourse about sexual violence is closed through mandated reporting, then where is the space for the production of marginalized discourses around mandated reporting of sexual violence?

Conclusion

Mandated reporting can be understood to be a non-performative because of the ways in which it works unevenly across gender, race, and sexuality. In other words, it does not fully do the work it purports to do because it "gets stuck" around intersectionality. First, in the discourse surrounding mandated reporting, the term "sexual violence" really marks heterosexual violence

against White women. Through a gender-primary lens, the absence of discourses of consent, and the vilification of Black masculinities, people of color and the LGBTQ population are marginalized in the category "sexual violence" at the university. Heterosexual men, too, are rarely intelligible as victims of sexual violence. Through mandated reporting's relationship to legal and therapeutic discourses, whiteness and heterosexuality are further privileged. This privileging occurs not only at the level of institutional discourse, but also in interpersonal talk. Participants claim that, in ongoing one-on-one encounters, those who occupy marginalized identity positions are more likely to hear disclosures and also less likely to control their own disclosure. Academic literature further suggests that those same people are less likely to make disclosures about sexual violence.

In the previous chapter I outlined two tensions: one around support v. report (interpersonal) and another around caring v. compliance (institutional), as they map onto relational and procedural norms. Layering that chapter together with this one, I suggest that the place where the support v. report tension rarely occurs is in the context of a therapeutic setting where White university members are more likely to be comfortable and where a psychological discourse operates under the rubric of White femininity. Further, whatever benefits the privacy of the psychologist's office may provide in terms of control over disclosure to those who experience violence, these interpersonal conversations are unlikely to be able to address the structural change that I discussed in the last chapter. I have also suggested that the procedural norms established via mandated reporting occur in the context of a legal discourse, one that I have argued prioritizes White heteronormative masculinity. In short, both tensions I identified in Chapter 4 are characterized by whiteness in which heterosexuality is associated with sexual violence and leaves little space for queerness and color.

As in the last chapter, I have been concerned again with both interpersonal-level interactions (in my discussion of who is involved in disclosures of sexual violence) as well as institutional-level activity (in my discussion of the intersections inflected through discourses of White heterosexuality). Where in the last chapter I began a discussion of the absences and presences associated with the discourse around mandatory reporting, this chapter has built upon that work to suggest that those absences have raced, gendered, and sexualized contours. In the vignette that opened the chapter a CU alumna highlighted the administration's claim that they cannot "find the numbers" to match the narratives of underrepresented students' experiences on campus. As I mentioned in the opening, she went on to say, "Of course! That would be terrible. Hate crimes happen everyday." Part of the terribleness, as I have argued in this chapter, is that accounting for what is going on at the university would require dismantling the university's interest in White, masculine heterosexuality. The discourse around mandatory reporting focuses on sexual violence in ways that retain the dominance of whiteness and heterosexuality while, as in the way *Simpson v. Colorado* is discussed, obscuring racially motivated violence. To "find the numbers" is a troubled endeavor when the discourse's interest in whiteness, masculinity, and heterosexuality is so present that it goes without comment. In their unremarkability, those interests are so absent that making their dominance over queerness and color count requires a different abacus.

In this chapter I have pursued an answer to the question, "How are race, gender, and sexuality implicated in the discourse around mandatory reporting of sexual violence at CU?" In so doing, I have offered one response to Ahmed's (2012) call to specify not only that non-performatives get stuck, but also how they become stuck. In the next chapter, I engage the question, "How are violence, organization, and their relationships articulated in the discourse

around mandated reporting of sexual violence at CU?" I want to preview, here, the connection between these two chapters. I argue that the relationship between violence and organization is articulated through "knowledge," and that knowledge, in this context, depends upon discourse about sexual violence. Because, as I have suggested in this chapter, that discourse is uneven—that is, both at the level of interpersonal and institutional discourse, whiteness and heterosexuality are prioritized—the knowledge produced around sexual violence is also implicated in whiteness and heterosexuality.

Mandated reporting is an epistemological project that, as I have begun to suggest in this chapter, generates partial knowledge. Where in this chapter I have made that argument through reference to discourse attached to intersectional identities and intersectional institutions, in the next chapter I expand upon that argument through reference to understandings of communication. In particular I focus on communication's (dis)attachments to the material world, configuration of agency, and connection to violence. Together, this chapter and the next form the basis upon which I argue, in the concluding chapter, for *organizational standpoint*. Participants in this chapter argued that individual university members have partial knowledge based on identity. In subsequent chapters I extend this standpoint logic, through reference to discourse and communication, to argue for the partiality of organizational knowledge and knowing.

Chapter VI

COMMUNICATING SEXUAL VIOLENCE:
ORGANIZATIONAL KNOWLEDGE, AGENCY, AND NONVIOLENCE

There is even something heroic in the image of empowering women to speak and to give voice to the voiceless. I have myself found this a very complicated task, for when we use such imagery as breaking the silence, we may end by using our capacity to "unearth" hidden facts as a weapon. (Das, 2007, p. 57)

Das's statement provides a starting point for the dilemma I engage in this chapter. She meditates upon how violence can be known and in what ways knowing may be violent. Although often laced with masculinist triumph over obstacles, communicating, for Das, should not be the easy antithesis to that which is cloaked, hidden, or quiet. Das pauses around the trouble that occurs when revelation and missile talk are assumed to champion a just cause. This quotation thus addresses a theme in feminist sexual violence scholarship: Voice is often unproblematically desirable. In this voice/silence dichotomy, the absence of speech is bad, as anecdotally evidenced in a quick list of academic article and book titles. *After Silence: Rape and My Journey Back. A Question of Silence: The Rape of German Women by Occupation Soldiers.* "Breaking the silence around rape." "Rape: Breaking the silence." *Rape: A Crisis in Silence. The Greatest Silence: Rape in the Congo.* In this trope, silence perpetuates sexual violence, and a positive residue accumulates around talk. Entering language is part of the teleology of violence: Speak and overcome, heal, empower, survive. Hints of this faith in voice animate parts of communication studies, too. Haunted by a Habermasian optimism, talk is often celebrated as a nonviolent, democratic tool for liberation. The theoretical complicity of voice with a linear progress narrative often goes unproblematized, so much so that feminist theorists Rakow and

Wackwitz (2004) argue that communication scholars need to develop more "theoretical and political complexity" around voice and silence (p. 95). In this chapter, I push toward some of this complexity by engaging this question: How are violence, organization, and their relationships articulated in the discourse around mandatory reporting?

As the chapter unfolds, I argue that the violence–organization relationship is articulated through reference to both knowledge and agency. Together, knowledge and agency are attached to understandings of what communication is and what it can or cannot do. The knowledge that produces the organization–violence relationship is predicated on a modernist epistemology in which communication is a representation of the real world that emerges from individual, human experience. The organization comes to know violent agents through discursive accounts of violence; those accounts, in turn, compel human actors to make reports, and reports are the impetus for university action against sexual violence. In the discourse around mandatory reporting, talk without material effects is complicit with violence. Because mandated reporting creates those material effects, the university becomes associated with nonviolence.

In the sections that follow, I move through this argument by first discussing how the violence–organization relationship is articulated through reference to knowledge in a section titled "Knowledge figures the violence–organization relationship." In that section I analyze the organization's epistemology of violence, its dependence on individuals, and its attachment to transmissive communication. In a second section, "Agency figures the violence–organization relationship," I discuss how the communicative assumptions that underwrite the organization's knowledge separate discourse from violence such that the organization cannot act violently.

Knowledge Figures the Violence–Organization Relationship

In this section, I trace discussions of organizational knowledge and the urgency associated with that knowing. In the discourse around mandatory reporting, the university can act to stop sexual violence only when it has knowledge of that violence. An imperative to know violence thus becomes part of the university's association with nonviolence. Further, organizational knowledge is predicated upon a distinction between talking and reporting. Whereas talk produces only individual knowledge, reports transform individual knowledge into organizational knowledge. Because the mandatory reporting discourse emphasizes representative, rather than constitutive notions of communication, the university relies on an epistemological circularity that belies its stated investment in producing complete knowledge of violence.

Knowledge precedes action in the discourse around mandated reporting, and this sequence appears in the guidance and requirements established through the Office for Civil Rights (OCR) at the U.S. Department of Education. The OCR's 2011 Dear Colleague Letter states, "If a school knows or reasonably should know about student-on-student harassment that creates a hostile environment, Title IX requires the school to take immediate action to eliminate the harassment, prevent its recurrence, and address its effects" (Ali, 2011, p. 4). In this passage, knowing and acting are intertwined such that organizational knowledge is the precursor for organizational agency. If an organization has knowledge of violence, then it must take action in response to that violence. These actions are framed in opposition to violence and are notably separate from committing violence: The university must eliminate, prevent, and address violence. In its opposition to violence, organizational knowledge becomes a component in an apparatus that associates the university with nonviolence.

This opposition to violence generates some urgency around producing knowledge, and that urgency is apparent in discussions of the Clery Act, one of the federal laws that shapes reporting of sexual violence at CU and other U.S. college campuses. The Clery Act requires universities to publish annual crime statistics, including numbers of sexual assaults. As Rob explained, the rationale for Clery is as follows:

> The whole reason the Clery Act started was there was a woman in the early 90s who went to Lehigh University [who] was raped and murdered and her parents said, "Gosh, if we would have known this was a dangerous campus we may not have sent our daughter to school here." So that really started the ball rolling on getting statistics together requiring each university to produce an annual security report which we just sent out a few days ago that lists your stats for the past three years. So you can make an informed decision. Really the Clery Act is really about information and presenting information to not only current students and employees, but prospective students and employees, so they can make decisions.

In this excerpt, I see the beginnings of a positive association around communication about violence and a negative association around lack of communication about violence. Rehearsing the rationale for the Clery Act, Rob suggests that if the parents of Jeanne Clery had known rape and murder happened at Lehigh then they would not have sent their daughter to the school. By implication, the murder would not have occurred. In this excerpt, communication is conceptualized as information that can be transmitted, or not, to others. The university is said to convey knowledge when it transfers information to individuals, and in that process both organization and human do work to keep safe from violence.

A similar argument is made about not only the sharing of organizational knowledge but also the production of it. Ashley, who is responsible for enforcing mandated reporting, said this about the objectives of mandated reporting:

> To get the behavior to stop, to get this person—the victim—the resources on campus that can allow them to have a healthy, fruitful, welcoming experience on campus again. So those are our two goals. And without finding out who's causing the behavior, and who's being victimized, that can't happen.

Like Rob, Ashley suggests that creating knowledge about violence is an important way to end violence. Also like Rob, for Ashley, reporting is a fact-finding endeavor: Talk indicates the prevalence and incidence of violence, and these representations of violence are the basis for knowledge claims. In both excerpts, the argument is identical. Violence should be stopped; stopping violence requires knowing violence; knowing violence requires reporting violence. Without reports, violence continues.

Both Rob's and Ashley's arguments resonate with popular claims about organizational transparency. Their statements imply that the real world can be known, that communication can point to that real world, and that an increase in knowledge promotes freedom (in this case, freedom from violence). Some communication scholarship, however, suggests that transparency and opacity work in tandem. In her dialectical approach to interaction, for example, Baxter (1990) asserted that openness and closedness are coupled together, and that neither is fully achieved in communication. Eisenberg and Witten (1987) and Eisenberg (1984) criticized unproblematized celebrations of organizational openness. They suggested that lack of clarity, or strategic ambiguity, is often in an organization's best interests. Clair (1993a), in her research on university sexual harassment policies, suggested that strategic ambiguity around what must be

reported supports continued institutionalization of sexual harassment. Of note is the contrast

between two stances: Ashley, Rob, and other enforcers of mandated reporting are optimistic that

openness is possible and are relatively uncritical about the extent to which transparency can be

achieved. Some organizational scholarship, however, suggests that it is not possible to separate

straightforward transparency from ambiguity, that the nature of communication involves both

impulses. Although Ashley's and Rob's statements infuse reporting with some urgency, and

perhaps with some moral imperative, many participants who are bound by mandated reporting

offer a different account, one that is more consistent with a critical stance in which claims about

transparency may, indeed, promote lack of transparency.

Deb, who is bound by mandated reporting and who is a sexuality educator, makes

comments that are an exemplar of this alternative position. In an interview excerpt, a portion of

which I also discussed in Chapter 4, Deb describes a student orientation session she ran in which

a university staff counsel member attended to evaluate Deb's program. Characterizing the

counsel member's position, Deb suggests that he both emphasized the importance of the work

that Deb was doing and also seemed to discourage Deb from promoting complex renderings of

sexual consent. Deb said this:

> You don't want to have it . . . look too much like . . . people really understand consent
> and that's the university policy for them to understand consent. . . . I think there's like
> this potential circle around . . . yes, we want to educate students but then if we educate
> them and they don't really understand it and then they act in a way that they think is in
> accordance how the university told them to act, then—then that sets up another liability.
> You know?

Deb highlights ways in which the discourse around mandated reporting may not be motivated by the openness and transparency that Ashley and Rob discuss. Instead, Deb suggests that the university benefits, especially in terms of reduced legal responsibility, from a lack of clarity around exactly what constitutes reportable instances of sexual violence. Evidence that supports Deb's characterization is present in the Office of Discrimination and Harassment's pamphlet titled "Stop Discrimination and Harassment." In a list of what constitutes harassment, most items include specific behavioral descriptions. For example, "repeatedly pressuring an individual for dates or sexual favors," or "unwelcome physical contact (repeatedly brushing against someone)" are both examples of harassment (Office of Discrimination and Harassment, n.d.). In stark contrast to each of the other items on the list, the final item says simply "sexual assault" without additional details about what specific interactions constitute sexual assault. In this instance, strategic ambiguity is at odds with a knowledge project ostensibly opposed to violence.

In Ashley, Rob, and Deb's positions, the discourse around mandated reporting begins to map onto a good/bad dichotomy. Issued primarily by those participants who enforce mandated reporting, arguments about the importance of stopping violence cast reporting as the good impetus for organizational response. In contrast, Deb casts reporting as the bad because reporting is interested in ambiguity. These two positions differ in whether mandated reporting accomplishes transparency. Both positions, however seemingly opposed, mark anti-violence as incumbent upon accurate, clear, and communicative knowing. Thus tethered to the assumption that silence is undesirable, these positions in discourse appear to rest on a straightforward understanding that communicating is good. Yet silence is not the foil in this dichotomy. Instead, the bad is non-representational, non-transmissive communication. These kinds of

communication are criticized in the discourse around mandated reporting because they do not generate organizational knowledge about violence (and may indeed work against organizational goals, as Deb suggests).

I illustrate this argument through an analysis of the following two excerpts, one from a training session for residential advisors and one from an interview. I have added the emphasis in both excerpts.

> **Training Leader**: Why do we have that mandatory obligation to report? . . . Have you heard about Penn State? *Lots of people knew about [the sexual assaults], lots of people talked about it. But talking about it doesn't ensure that the campus is safe.*
>
> **Emma**: Obviously you're familiar with Penn State. And I think, really, when we talk about the most important goal [of mandated reporting], it's to make sure that our culture is nowhere near those environments. It's nowhere near a culture where people are going to talk, if you will, but it's not ever going to be addressed. Because dialogue—and this goes back to a little bit about that question. *It's one thing to talk, and at Penn State, I mean, there were a lot of people that knew. At this high school [where a sex scandal happened], you know, according to this article, there were a lot of people who knew. There was a lot of talking: rumors, chatter, and actual knowledge, both.* And then nothing got done, for decades in one case. You know, and so, I think that really is the goal. The goal is to make sure that that is never where we come out.

In these excerpts I read, again, a rationale for reporting rooted in the moral imperative to stop and prevent sexual violence.[12] Of most interest to me in these comments is the problematization

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[12] Although this line of reasoning is iterated often, both among participants who enforce and are bound by mandated reporting, CU did have a scandal with many similarities to Penn State and other high profile cases of campus sexual assault. As I mentioned in the last chapter, when CU

of the voice-good/silence-bad dichotomy: Talk is not a categorical good. In the first passage, talk does not ensure safety. In the second excerpt, talk can occur along with inaction. Thus it is not mere talk about violence that is positive because some talk is part of the silence that allows violence to continue. Instead, reporting—in the position advocated most often by those who enforce mandated reporting—is attributed with the power of intervention and transformation that is usually afforded to feminist voice.

The distinction between reporting and talking, as it emerges in these two excerpts, does more than reinforce a good/bad dichotomy (in which reporting is good and talking is bad). It also maps the individual and the organization onto that dichotomy. In both excerpts, talk generates *some* knowledge. The training leader says that "lots of people knew" about what was going on at Penn State, and Emma says that there was "actual knowledge" of sexual abuse. But on the map of good/bad, the knowing that comes from talking is not good. That kind of knowing belongs, in both excerpts, to "people." These people are individuals, not the organization. "Talking" produces individual knowledge, and individual knowledge perpetuates non-action. Reporting, on the other hand, generates organizational knowledge and subsequent agency. Thus reporting is cast as a pivot point that uses particular kinds of communication to transform individual knowledge into organizational knowledge.

This use of reporting as a pivot between individual and organizational knowers is evident in much of the data from this study. For example, a person responsible for enforcing mandated reporting, during a public meeting about sexual violence, said that one of her primary jobs is to

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football players and recruits raped seven female students, and when various other problematic practices attached to assault occurred in late 1999 and 2000, university policy most likely already included the obligation to report sexual assault and sexual harassment. Those participants who enforce mandated reporting note that the culmination of these events, in the Title IX lawsuit, *Simpson v. University of Colorado*, created much more campus awareness about the obligation.

identify patterns of violent perpetration. She emphasized that those who hear about violent episodes do not have a way to know if the same perpetrator has victimized multiple people. Rob, also an enforcer of mandated reporting says something similar:

> There could be an ongoing threat to the community. And you as a victim may not know the definitions of that or the thresholds of that. But if we don't know then we can't assess where there's an ongoing threat or not.

Ashley, speaking of faculty members who may hear about violence, echoes Rob, "They're not going to have the full story. Maybe we've heard five other complaints about this person and of course this faculty member doesn't have that whole picture." A rationale similar to these was articulated by each of the six participants who are responsible for enforcing mandated reporting. Each of the excerpts distinguishes the kinds of knowing available to individuals and to the organization. Although individuals can either experience violence or hear about violence, they cannot know about "ongoing threat," patterns of perpetration, or "the whole picture." Only the organization can have this kind of knowledge.

Mandated reporting is thus articulated as an organizational process that prevents violence (outlined through comparisons to cases like those at Penn State and Lehigh University), and as a way for the university to know what is really going on or to have the "full story." If these were the only positions in the discourse around mandated reporting (i.e., we must stop egregious harm and to do so we must know what is going on), I would expect that the university would have an interest in increasing rates of reporting. I asked several participants who enforce mandated reporting about whether this was one of their aims. The following is an excerpt from one of those conversations:

Kate: You said part of [your office's] goal is to increase reporting? Is that part of what y'all are kind of working toward in order to make sure that the responses are in place and the connection to campus resources? Is that part of what y'all work on to *encourage* reporting?

Emma: I mean I think we want to send the message that when people do report you know their complaints are dealt with sensitively and in an appropriate and effective manner and that they're not brushed under the rug nor are they forced into a process. So we want to encourage reporting by making it widely available to people that we are a safe place to come to help to address the concern. I think we don't, frankly, and I'll say, and you can step in as well [gesturing to another interviewee]. I don't think we have an interest in forcing people against their will to report if that's not what they wanted. I think our interest in the reporting obligation piece is if they have gone to a supervisor because they are seeking help because they're clearly coming to someone who has, who is in a position of power here, because they're looking for help, we want to make sure that it's getting to us so we can make sure they get the help that they need in whatever way that means. I don't think that we have an interest in, you know, trying to get people who really for whatever reason just don't want to report to do so. What we want to do is make sure that those who are thinking about reporting know that their complaint will be handled sensitively and appropriately.

In this excerpt, Emma suggests that her office encourages reporting to the extent that they present themselves as providing appropriate, effective, and sensitive responses to reports. She, like others who enforce mandated reporting, is careful to note that she does not want to increase reporting by forcing reporting. She emphasizes the intentionality of those who may speak about

experiences of sexual violence (e.g., by suggesting that reporting is premeditated) and makes statements about the importance of their decisions to report. Like many of those bound by mandated reporting (whose dilemmas I discussed in Chapter 4), Emma voices concern about preserving control and choice for victims of violence. This concern for victim choice highlights a tension involved in the production of organizational knowledge: Those with individual knowledge about sexual violence may not be willing to participate in the transformation of their knowledge into organizational knowledge. Elsewhere, Ashley explicitly mentions this dilemma and states, "We're sensitive to the fact that there is a tension between what an individual might feel is in their best interest and trying to stop a predator." The qualifications that Emma offers in response to my question about increasing reporting, and Ashley's direct marking of the dilemma around willing reporting, suggest that stopping violence and having complete knowledge are not the only goals for mandated reporting.

As explicitly articulated by those participants who enforce mandated reporting, the obligation exists to support those who experience harassment and discrimination. Yet there may be another implicit goal. Emma's implied suggestion that victims of violence *do* have choice exists in contrast with statements from mandated reporters who, for the most part, argue that undergraduate students, in particular, do not have enough knowledge about mandated reporting to make informed decisions. Cam says this:

> And [undergraduate students] don't, I think, have a very good basis of understanding what—sort of how the process is going to go. So I don't think ODH [the Office of Discrimination and Harassment] is, like, deceiving people. I just think that it's not enough—maybe not enough information is out so that people can better understand what's going to happen.

Cam goes on to suggest that awareness of the processes launched through reporting is quite good among those employees and supervisors who go through training on mandated reporting, that is, those who operate as the pivot point between individual and organizational knowledge.[13] In the excerpt here, she does not attribute lack of awareness of the consequences of talk about sexual violence to intentional organizational strategy, but the ambiguity may nonetheless benefit the university.

Not one participant suggested that increasing reporting is an intentional university goal, even though efforts to increase reporting would be consistent with some of the stated rationale for mandated reporting (i.e., create openness in order to stop violence) that appears in the discourse I am analyzing. Although discussions of organizational knowledge map "mere talk" onto the bad aspect of a good/bad dichotomy of communication, organizational knowledge ironically depends upon the chatter that it casts as ineffective. That is, in order for reporting to transform individual knowledge into organizational knowledge, talk about individuals' experiences of sexual violence must occur. By emphasizing the choice of individuals who would chatter about sexual violence, the university can reasonably suggest that gaps in their "whole picture" exist when individuals who have experienced violence do not wish to report it. This explanation, however, does not hold if undergraduate students, in particular, do not have awareness of the reporting process that would allow them to make informed choices about the kind of sexual violence talk they engage. Thus a desire to balance individual interests (in not always making reports of lived experiences of sexual violence) and organizational interests (in

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[13] As I discussed in Chapter 4, however, several other participants disagree with Cam about the effectiveness of training for mandated reporters.

having knowledge of sexual violence) gives the university a plausible justification for limited

knowledge of sexual violence.[14]

Further reflecting upon the extent to which organizational knowledge of sexual violence

is the "whole picture," several of those who enforce mandated reporting and I commented on the

overall effectiveness of the obligation to report sexual violence. As a group, we noted that the

institutional responses triggered by mandated reporting work only if university members make

reports. The following is an excerpt from this exchange:

> **Kate**: [Ashley], you mentioned, on a couple of occasions earlier as we were talking, this
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> phrase, "if people report." So I wonder if we could talk about that a little bit, right, just in
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> terms of people being willing to speak about the issue. Your particular office gets
>
> involved if there's knowledge of it. And I wonder if you have a sense for—does the
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> office *have* knowledge of what's going on on campus? Is what's coming here—does it
>
> fit with the broad scope of issues that may be coming up at the university? Does that
>
> question make sense?
>
> **Ashley**: Sort of. I think you're asking are we aware that there may be pockets out there
>
> that don't report, is I think kind of what you're getting at. And you're right, I think to
>
> some degree we're at a handicap in that it's—obviously if we have any indication that

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[14] To be clear, I do not evaluate the intention of any of the participants in this study. I have the sense that every one of the participants in this study does not want to support violence and is genuinely concerned for those who experience assault (with perhaps the exception of one participant who asked me to stop recording and then talked for thirty minutes about how the problem with violence is the women who are victims, though even that person self-identified as feminist). My analytic tools focus me on positions in discourse and the subsequent positions those discourses enable for individual and collective actors. This is not an argument about animus, but an argument about discursive possibilities and effects.

that's true we're likely to be looking into it. Or we are looking into it, frankly.[15] So I don't know. I mean—do you guys have other thoughts on that [gestures to other interviewees]?

Emma: I mean, I guess maybe I'm misinterpreting your question. Does the allegations that we receive through our office, does it sort of match up what is really going on in the broader community? I think that's a very hard question to answer because we are—we only have the knowledge that we have. . . . I'm not sure if that exactly answers your question but I—you know—we don't—what we don't know about it's hard to know.

Just after this excerpt, Sue argues that the knowledge the university acquires through the mandated reporting process is an accurate reflection of what is going on at the university because if evidence of violence exists from other venues, her office has almost always already heard about it. She cites a number of sources where this other evidence of violence could appear: at meetings of the chancellor's advisory committees, during quarterly resource committee meetings, through complaints filed with the Colorado state personnel board, via Ethics Point (an anonymous online reporting system), from the Equal Employment Opportunity Commission, the Office of Civil Rights, the Colorado Civil Rights Division, or in employee exit interviews and employee engagement surveys. Sue suggests that discussions of sexual violence in the chancellor's advisory committee and resource committee meetings are different because those conversations depend on anecdotes that rarely identify specific individual perpetrators or victims.

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[15] I assume that when Ashley makes this statement she means that her office would investigate if they had an indication that supervisors were not making reports, since that is a violation of the policy her office enforces. I do not interpret her statement to mean that her office would investigate if they had an indication that those who experienced discrimination or harassment had not reported. This latter possibility is part of what I was asking about with the question that started this interview excerpt and is part of what Emma and Sue take up as the conversation continues.

The remainder of these other sources, however, are reports (though they are not mandated). As Sue explains, the university's knowledge is sound knowledge because it is consistent with other reports. Thus the accuracy of university knowledge is verified through the same positivist approach to communication that mandated reporting depends upon.

These participants' claim about accuracy rests upon one primary argument. Ashley says that if those who enforce mandatory reporting have any indication that non-reporting is happening then they will investigate it (thus correcting for inaccuracy). An indication of non-reporting could occur if the university conducted studies that examined the likelihood that supervisors will be able to recognize or will decide to report violence. An indication of non-reporting could also occur if the university did research that compared rates of sexual violence experience to reported instances of violence. To my knowledge, the university has not conducted studies like either of these.[16] I presume, then, that an indication of non-reporting would be signaled through talk about sexual violence. At the end of the excerpt above, Emma offers the pithy phrase, "What we don't know about it's hard to know." The statement becomes less circular if I read Emma as reflecting upon the singular epistemology at work: University knowledge of violence is only generated through particular kinds of talk. Some knowledge (but not organizational knowledge) is generated through talk that does not identify particular perpetrators (and thus does not trigger a report). As I discuss in the next section, however, that kind of university knowledge is not accompanied by organizational agency. Epistemological crystallization (Ellingson, 2009) does not seem to be possible or desirable because knowledge is

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[16] These studies may be difficult for university members to conduct unless those university members are not bound by the obligation to report. For instance, I thought it both unethical and unfeasible to conduct a study to discern whether mandated reporters *do* report when they are required to do so because my own status as a mandated reporter would subject participants who indicated they had not reported to significant risk.

generated only through reporting. Thus the university's epistemology of sexual violence is imbued with circularity, and it does not consider absence to be communicative.

This dependence upon transmissive reporting for university knowledge marks, for me, a dilemma around the extent to which violence can be represented in talk. Many studies on sexual violence have suggested that those who experience rape and other forms of assault either do not speak about their experiences or are reluctant to do so (Ahrens, Campbell, Ternier-Thames, Wasco, & Sefl, 2007; Bondurant, 2001; Botta & Pingree, 1997; Clift, 1997; Tillman, Bryant-Davis, Smith, & Marks, 2010). Further, violence is often theorized as non-entry into language (e.g., Herman, 1992; Scarry 1985). In this school of thought, violence is that which cannot be talked about. Given both academic argument and commonplace regarding the silence that enshrouds violence, the university's way of knowing violence may, ironically, allow it not to know violence. That is, if the university's knowledge is primarily or completely based on talk about assault, violence slips through knowability if it does not enter language. By "enter language" I do not mean to reproduce a bifurcation between physical violence and verbal violence that pervades academic and popular theorizing alike. I assume that verbal violence can occur. Instead, when I say, "if violence does not enter language," I mean that if violence is not spoken *about*, the university does not know. In Chapter 5 I argued that the university's knowledge of violence is partial because it depends on individual mandatory reporters' partial knowledge. In this chapter I am arguing that an additional partiality is embedded in the epistemology of the mandated reporting obligation itself.

I suggested earlier that the university frames particular kinds of talk as good. I want to argue, now, that through centering university knowledge on talk, the university is also able to frame itself as against violence and, tacitly, as good. The explicit statements made about

rationales for mandated reporting suggest that by talking about violence, the university can stop

violence. Framing talk as a productive response to violence is part of a discourse of violence not

unique to CU. Academicians make the same case. Ricouer (1998), like many theorists, says that

violence is coherent through its opposition to language: "A violence that speaks is already a

violence trying to be right: it is a violence that places itself in the orbit of reason and that already

is beginning to negate itself as violence" (p. 33). In other words, violence that enters language

automatically moves toward the nonviolent. The notion that speaking negates violence echoes

the feminist imperative to "break the silence" around sexual violence. By rooting organizational

knowledge in talk about violence, the university's relationship to violence becomes one of

opposition.

Some participants, however, question the benevolence of this mode of knowledge

production and are suspicious of the goodness embedded in the university's way of "listening" to

talk about violence. For instance, Sam is critical of knowledge that depends upon victims of

violence talking about their experiences to those in positions of authority. He says this:

> The thing that doesn't work that drives me nuts is parading victims in front of law makers
>
> and saying, "Tell your terrible story to these lawmakers and in that way you can be
>
> objectified and we can use you for our own benefit." I think that that's something that's
>
> been tried and that's problematic in a lot of ways. And it's not effective. Because, again,
>
> it's that individualistic piece. So it's very easy to write off these people that have had
>
> these tough experiences as a few people that have had a tough experience.

Sam highlights a problematic circuit of knowledge in which some benefit or even pleasure is

derived from being the one to whom a confession is delivered. Sam suggests that this kind of

knowledge fails to acknowledge the subjectivity of the person who has experienced violence and

simultaneously reduces experience to an isolated phenomenon. Sam argues that the collection of testimonies, which in appearance produces knowledge about patterns of experience, paradoxically is used to reinforce an understanding of violence connected to individuals, not exceeding them.

Some scholars argue that dominant modes of knowing determine both those who can speak and also that which can be spoken about (e.g., Foucault, 1970; Spivak, 1988). Epistemic violence, they suggest, produces silence. Dotson (2011), for example, says that epistemic violence is "a refusal, intentional or unintentional, of an audience to communicatively reciprocate a linguistic exchange owing to pernicious ignorance" (p. 238). Given this definition, mandated reporting at CU can be read in two senses. First, it can be read as an intervention in epistemic violence. In the descriptions of Penn State and other places where, as Emma says, "people knew" about sexual violence but nothing got done, mandatory reporting at CU is positioned as a way to ensure that the university takes action, thus demonstrating communicative reciprocation. It disrupts the "pernicious ignorance" that participants suggest occurs when widespread individual knowledge, but not organizational knowledge, exists. Second, mandated reporting can be read as complicit with epistemic violence. As Deb's comments highlighted earlier in this chapter, and as research on strategic ambiguity underscores, mandated reporting may be interested in the ignorance it opposes. Mandated reporting establishes what can be known and how it can be known and, in so doing, fixes organizational epistemology to the notion that violence speaks. Yet epistemic violence produces violence as non-talk. This cycle appeared in Chapter 5 as well, though around individual university members. I discussed many participants' sense that recognition of violence is uneven in connection to the identity positions of particular mandated reporters. Without recognition, violence is not reported; if violence is not

reported, the university does not know about it and thus takes no action (thus makes no communicative reciprocation). This process fits the definition of epistemic violence.

In these two readings of mandated reporting—on the one hand, as intervention in epistemic violence to reduce sexual violence and, on the other hand, as dependent on epistemic violence that perpetuates sexual violence—I want to highlight some ambiguity in the relationship between organization and violence. Hearn (1994) has also noted this ambiguity and argues that organizational interventions in violence, paradoxically, enact additional forms of violence. He says:

> There may even be a sense in which organizational process is (usually) antithetic to the recognition of the full experience of pain from violence. On the other hand, organizing around pain and damage can produce very powerful organizational processes, not least from the movement from violation to anger to action. (pp. 742–743)

Hearn argues that organizational responses to violence often both obscure some aspects of that violence and also generate important actions. In the case of mandated reporting at CU, I suggest that mandated reporting allows for organizational non-knowledge while also producing important knowledge that, in turn, prompts organizational agency. By highlighting this ambiguity, I do not mean to suggest that mandated reporting should be discarded. I also do not want to elide distinctions between sexual violence and epistemic violence such that the definition of violence becomes crude. Rather, I seek to trouble the easy dichotomy that distinguishes good, nonviolent speech from bad, non-communicative violence.

Agency Figures the Violence–Organization Relationship

To further trouble that dichotomy, in this section I highlight the ways in which agency, in addition to knowledge, also figures the violence–organization relationship. In most of the

discourse around mandated reporting, individual humans are cast as agents of violence. Some moments in the discourse around mandated reporting point toward other forms of agency, ones that root action in texts. These non-agentic humans, however, are not positioned as violent actors. By casting humans as violent agents and texts as eclipsing human agency, the university occupies a position in discourse in which its knowledge about sexual violence is complete. As a consequence, the university's actions in response to violence are rendered "appropriate" and thus, consistent with anti-violence.

To begin, I trace moments in the discourse where violent agency is explicitly assigned to individual humans. For instance, in the University of Colorado Campus Violence Policy, the word "individual" appears seven times and the word "persons" appears twice. Together, these two terms make up the third most frequently used terms in the policy (after "police" and "behavior," and tied with uses of words with the root "depart"). The policy states, "Individuals who commit such [violent] acts may be subject to sanctions" (Roy, 2007, para. 2). An alternative statement could read, "Violent acts may be subject to sanctions." As illustrated through this possible (but not present) wording, the policy language implies that non-individuals that act violently will go unpunished. Since other policy language (that I discuss later in this section) declares that the university will not tolerate violence, it follows that individuals, but not other entities, commit violence.

This explicit framing of violence as an individual act occurs throughout the discourse. For example, in a training session for graduate student instructors, someone in the 400-person audience suggested that the examples of reportable incidents all seemed to be one-on-one. The questioner asked what would happen if a person was targeted by a community where lots of little events added up. The trainer responded by asking for an example. Following some discussion,

the trainer said, "It's hard to put it in terms of a concrete example." In my reading, the trainer was suggesting that it was difficult to use talk to represent this kind of violence. She went on to say that the offices that handle mandated reports would have a difficult time investigating and responding to that kind of complaint and affirmed that mandated reporting responds to individualized behavior. The trainer suggested that the phenomenon the questioner was asking about was best handled by the Center for Multicultural Affairs and was an issue of climate change (rather than violence, discrimination, or harassment).

In addition to emphasizing that individuals commit violence, this exchange also reflects the racialized nature of the relationship between organization and violence. The trainer suggests not only that individuals commit violence, but also that problematic actions unattached to specific humans constitute a negative climate, not violence. Of note is the distinction drawn between organizational responses to these issues. Different offices can both act on behalf of the university, however when a situation arises in which agency cannot be attached to one individual, the office that is said to be able to address those issues is one that advocates for and has a "focus given to students of color and underrepresented populations" (Center for Multicultural Affairs, n.d., para. 6). This tacitly positions the offices that enforce mandated reporting as agents on behalf of whiteness.[17] As I discussed in Chapter 5, a staff member from the CMA who attended the racial and gender justice forum said that her colleagues from the same office had not attended because they were "tired of being the buffer" for the university. Further, when I requested interviews with members of the CMA for this project, the staff member who responded to my request said she "didn't know" about the issue that I was

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[17] This analysis echoes Adam's argument, one that I discussed in Chapter 5, that the mandated reporting discourse prioritizes whiteness and deploys color in order to protect whiteness.

researching and referred me to several other offices on campus. This reply could certainly be read as a straightforward account of her perception, or as a polite way to decline my request for an interview. Read in the context of my analysis of the discourse around mandated reporting, however, I suggest that the statement that she "didn't know" about this issue can also be read as more evidence of the fatigue that minority and minority-allied university members experience and as a rejection of the way of knowing attached to mandated reporting. That way of knowing can interrogate neither the whiteness of its epistemology nor its associated individualized violent agencies.

The individualization of violent agency rests not only upon racialization, but also upon a bifurcation between discourse and materiality. To illustrate this claim, I analyze an argument in the District Court decision in *Simpson v. University of Colorado*. The case hinged on questions about whether the university was responsible for a series of sexual assaults committed by CU football players and recruits. At moments in this decision, the judge states explicitly that violence must be perpetrated by an individual to be considered in questions about organizational responsibility for violence. He rehearses (and positions himself as sympathetic to) the university's argument that legal precedent for Title IX claims require that harassment (including sexual assault) be "undertaken by a particular individual" and that "both the risk and the potential remedies [be] focused on one individual" (*Simpson v. University of Colorado,* 2005, p. 1235). Starting from this assertion, the judge then goes on to consider moments where a generalized risk of sexual violence might be perceived. If a generalized risk was present, then the university can be considered culpable (thus somehow agentic) around the assaults that occurred. The judge, however, argues that a generalized risk of sexual violence was not present.

Discussing the use of alcohol and marijuana and the employment of strippers and escorts as part of the recruitment program, the judge argues, "Although many people find some or all of these activities offensive, especially when they perceive that they are sanctioned by the University, participation in any or all of these activities does not inexorably lead to sexual assault—*a fortiori,* of female CU students" (*Simpson v. University of Colorado*, 2005, p. 1242). In other words, these activities are not to be considered in questions about organizational involvement in sexual assault because they do not cause sexual violence. The assertion that drinking, smoking pot, watching strippers, and hiring escorts do not *cause* sexual violence is unarguable. Of note, however, is the way in which this argument about causality separates the material from the discursive. The judge focuses on whether some actions cause other actions. The tacit question is this: Does doing particular physical things lead to doing particular other physical things? Violence and its antecedents are both located in the physical world. This framing of the relationship between organization and violence is non-communicative; that is, it denies the communicative assertion that action always involves a hermeneutic element, and interpretation does things in the world.

With violence thus figured as an act an individual commits and distanced from connections to discourse, the university's actions around violence are responsive to violence, not complicit in it. Because acts unattached to individuals cannot be violent, the university does not have violent agency. Further, because university knowledge production is rooted in discourse (i.e., talk about violence), and given the reasoning that violence has physical antecedents and contents, mandated reporting does not enact violence.

The violence–organization relationship becomes more complicated, however, when connected to discussions of agency in the discourse around mandated reporting that are not

focused on violent agency per se. The university's agency (that is, its ability to respond to violence along with its response-ability for violence) is predicated on knowledge produced through hybrid textual–human agency. That is, the university becomes an agent when it builds knowledge predicated on a policy that acts *and* when individual humans use discourse to represent moments of physical violence. Violence itself is figured as a physical, human enactment, but knowledge about violence is generated through a carefully construed relationship between discursive agency (a representation of violence initiated through human choice to disclose about the real world) and material agency (a requirement, established via organizational policy, that suggests disclosure produces organizational action).

Moments in which agency is not assigned exclusively to individual humans emerge in conversations about ownership and authorship of the policies that establish the mandatory obligation to report. In an early iteration of the information sheet distributed to potential study participants, I had attributed ownership of the mandatory reporting obligation to one of the offices that receives reports. A description of possible interview questions that I would ask participants read: "If you are aware of the Office of Discrimination and Harassment's mandatory reporting policy, how did or might the policy inform your responses to hearing about or witnessing sexual harassment or sexual violence?" While reviewing that informed consent sheet with an office that enforces mandated reporting, the following exchange occurred:

> **Ashley**: This might come up in our answers to the first question, but on the second page you talk about, "If you're aware of the Office of Discrimination and Harassment's discrimination and harassment policy—." You know, one of the things that we try to remind people of is that the policy is not ours, it's the university's. We're the office that enforces it. So I would say, you know—and if you're referring to—it gets a little bit

complicated actually, Katie. So the sexual harassment policy is a university-wide policy.

It applies to all the campuses at the University of Colorado and to system administration.

The discrimination and harassment policy is uniquely a CU-Boulder policy.

Kate: Ok.

Ashley: But in either case, that policy was signed off by our Chancellor. The other one is

signed off by our President. So, you know, it's accurate to refer to them as either the CU

Boulder Discrimination and Harassment policy or the CU Sexual Harassment policy.

Ashley challenges my attribution of ownership of the policies that mandate reporting of violence.

In so doing, Ashley traces multiple possible agents that issue the requirement to report, and none

of them are the two offices that enforce and provide university-wide education on the policy.

Throughout, Ashley affirms the university as an actor. That is, the organization—the university

as a whole or the specific campus—owns the obligation to report. Ashley references two

individual human agents, the chancellor and the president of the university. Note, however, that

she does not attribute authorship to those individuals. Instead, she suggests that because these

two people have signed the policies it is appropriate to understand that the policies belong to the

organization. Textual agency scholars argue that organizational documents often do not include

language that indicates human actors. In effect, the language "reduces the human actor to an

intermediary, thereby reaffirming the existence of the organization" (Cooren, 2004, p. 379).

Ashley's comments about policy ownership are consistent with this academic reading of

organizational documents: The university is afforded capacity to act through minimizing agency

of individual human actors.

The policy language itself also attributes some actions and agency to the university. For

instance, the document titled "Sexual Harassment Policy and Procedures" says that the

"University of Colorado is committed to maintaining a positive learning, working, and living environment" and that "The University will not tolerate acts of sexual harassment" (University of Colorado, 2012, p. 1). By implication, the university (or the organization) can do some things: It can commit, maintain, and tolerate. In contrast to these explicit mentions of university actions, however, the policy language shifts around supervisors who must make mandated reports of sexual violence. The policy reads:

> **Supervisor's Obligation to Report**
>
> Any supervisor who witnesses or receives a written or oral report or complaint of discrimination, harassment or related retaliation that occurs in CU-Boulder employment and educational programs and activities, shall promptly report it to the appropriate DH [Discrimination and Harassment] Officer. A failure to report this information is a violation of this Policy. This requirement does not obligate a supervisor, who is required by the supervisor's profession and University responsibilities to keep certain communications confidential (e.g., a professional counselor or ombudsperson), to report confidential communications received while performing those University responsibilities. (p. 2)

In this passage, the policy itself is infused with agency. Like the material analyzed in earlier paragraphs, some parts of this policy language omit references to specific human actors. For instance, the sentence, "A failure to report . . . is a violation of this Policy," does not specify who fails or violates. The policy issues a command: "Any supervisor . . . *shall* [emphasis added] promptly report." Most interesting, though, is the sentence that begins, "This requirement does not obligate the supervisor." In this sentence, action and agency have been attributed to the mandatory reporting requirement. The requirement itself does or does not obligate particular

university members to take action.

Although the discourse around mandated reporting has moments in which the organization is figured as an actor and in which texts are figured as actors, a discussion of hybrid agency seems to be missing from policy documents, trainings, and interviews with those who enforce mandated reporting. Cooren (2004) says, "Commitment is not something that a text can do for itself. A document cannot really commit itself to do something, but it can commit for other agents" (p. 382). In other words, the agency of documents and the agency of human actors are intertwined. Reading mandated reporting at CU through this lens, mandated reporting cannot require or obligate on its own, but it can require or obligate for other agents.

This reading, however, is somewhat inconsistent with an emic analysis of the discourse around mandated reporting.[18] Although the perpetration of violence is attributed solely to individual human actors, the requirement to report that violence (and thus produce organizational knowledge of it) places agency almost fully in the policy. As a consequence, supervisors who are required to make reports are discussed as if the policy dictates their actions. Evidence of this discursive rendering of human non-agency occurs in a conversation I had with several individuals who are responsible for implementing mandated reporting. The following exchange occurred:

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[18] I qualify the inconsistency with the word "somewhat" because some of the discourse I analyzed in Chapter 5 can be read as a gesture toward hybrid agency when participants argue that people will recognize violence differently based on experience. That is, it is not the text of the policy alone that determines whether an individual reports. None of the participants who make standpoint arguments articulate this textual-human hybridity explicitly. Statements issued by the university, by participant enforcers of mandated reporting, and in training sessions included no similar arguments.

Kate: How about limitations of the policy or ways that it could be—the obligation to

report—limitations of that. Or ways that it could be enhanced or more fully supporting

the goals of the broader policies that it's a part of?

Ashley: You know we were talking about this and I think all three of us struggled to

come up with [pause] any way to improve on that.

I was initially surprised that Ashley would not identify weaknesses or limitations in the

mandatory reporting obligation. I had expected that she might suggest that efforts to increase the

likelihood that a mandated reporter will (a) recognize reportable incidents and then (b) make a

report would enhance the effectiveness of the policies of which mandated reporting is a part.

She did not. Her answer is less surprising if I assume that she attributes full agency to the policy

statements. Read as a constitutive device, the policy can be thought to create in the world the

conditions it names. If the obligation to report, as iterated in the sexual harassment and

discrimination policies, compels an individual to make a report and leaves that human no agency,

then the policy is fully effective. By assigning agency to the text, and by avoiding discussion of

textual–human hybrid agencies, Ashley's argument that the policy has no limitations or

weaknesses is reasonable.

I argue that the assignment of full agency to the policy dominates the discourse around

mandated reporting. One participant offered a complicated discussion of agency and indicated

that contradictory positions around agency occur in the discourse on mandated reporting, but that

some of those positions are prioritized. Asked to describe the advice she offers to those who

need to make mandated reports, Sarah—who is exempt from mandated reporting—said this:

We all can make choices. We can all break the law and walk across the street without—

you know, when it says not to walk, and I do that the same. . . . I let them know what the

policy is and that that's what the university expects of them, but it's still their—I don't

like to say that because I would say [probably] someone from Student Conduct [would

say], "It's not their choice! They don't have a choice. That's the policy."

Of note here is Sarah's initial acknowledgement that policies cannot compel people to action. In

contrast, however, Sarah points to an interpretation of agency that she attributes to one of the

offices that enforces mandated reporting, one in which the policy's agency eclipses the agency of

the mandated reporter. Sarah interrupts the phrase, "it's their choice." Before uttering the word

"choice," Sarah acknowledges that she does not like to indicate that mandated reporters can

decide whether to comply with the policy. She suggests that her hesitation occurs because those

who enforce the policy would claim otherwise. I interpret Sarah's efforts to mark these different

positions in the discourse around mandated reporting, and her reluctance to suggest that

mandated reporters have decisional capacity, as further evidence of the ways in which the policy

is framed as having total agency, and of the dominance of that position in discourse.

The university's agency in response to violence is also produced through assumptions

about the intent of those who speak about sexual violence. Those who enforce mandated

reporting are careful to note that they want people to talk about sexual violence and that they do

not want the mandated reporting policy to quell dialogue. This argument is often made through

reference to a distinction between dialogue and complaint. Emma, who is responsible for

enforcing mandated reporting says this:

It really is incumbent upon the supervisor, upon the professor in that moment, to sort of

set the stage for the dialogue and let people know, "We want you to talk about these

issues, but don't use names. Don't talk about a specific respondent. Don't talk about a

specific individual on our campus." Because otherwise, you know, that has to be

interpreted and the way I see that is that if someone is going so far as to *name* somebody

else as causing them to feel uncomfortable or subjecting them to sexual harassment or,

God forbid, sexual assault, that is akin to making a specific complaint, that in my mind

needs to be addressed institutionally. Which is very different than just a dialogue around

the issues. . . . If they're going so far as to talk to a faculty member, to talk to a

supervisor, you know, that so and so has harassed me, has discriminated against me, has

assaulted me, that is akin to raising a complaint to the institution that we have an

obligation to address. And it's helping people understand that distinction.

Emma focuses on what the person talking about violence wants to have happen, and suggests

that the impetus for university action or agency comes from the desire of the speaker. I want to

suggest, however, that the desires of the speaker cannot be inferred in the absence of explicit

statements to that effect. Emma's argument about the difference between dialogue and

complaint is rooted in what is present or absent in the speaker's talk (a kind of text). If the name

of a perpetrator of violence is absent from a speaker's text, Emma reads that text as a dialogic

speech act. If a perpetrator is named, the speech act is a complaint. The difference is textual.

That is, whether the university must take action or not depends upon the contents of the text, not

upon any explicit mention of the desire of the speaker. The justification for university agency is

rooted in assumptions about what the person who experiences violence wants, but the description

of the actual agentic impetus is attributed to text.

Like the suggestion that mandated reporters do not have agency, this focus on textual

contents as the source of organizational agency allows the university to generate partial

knowledge. The requirement that speech about sexual violence include the name of an

individual perpetrator in order to initiate reporting limits moments where the university must

respond to violence. This limit may be useful for sustaining what some participants refer to as dialogue about sexual violence. For instance, at a performance run by the campus theater group in which an acquaintance rape took place, the moderator asked the audience, "Does this seem real?" A woman in the audience replied, "I've seen it [date rape] happen, and I stopped it." Another woman in the audience indicated that she was speaking from experience and expressed remorse for leaving a friend at a party who was assaulted later that same night. These two instances were discussed, but neither required a report. Sitting in the room, I knew that two instances of rape or attempted rape occurred, but my knowledge did not connect to organizational knowledge that prompts university agency. Additionally, this same limitation on what prompts university agency allowed for the dialogue produced as I conducted this study. During my research I learned of at least twenty instances of violence and/or harassment that university members experienced, but none of them required reporting because either perpetrators were not identified, or perpetrators were not university members, or both.[19]

This limit in university response to violence around named perpetrators may also be problematic, and divergent responses to the campus climate report (discussed in Chapter 5) are one example of this difficulty. The official press release about the climate survey declared that students feel safe on campus. Many students, however, saw the same survey as evidence that students do *not* feel safe on campus. One explanation for these differing interpretations of the same data can emerge from the distinction between complaint and dialogue. If students' wishes for the university to take action are only understood when specific perpetrators are named, since specific perpetrators were not named in the climate survey, the university can read that data as

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[19] Of these incidents (and I am sure there were more I did not account for since my ears were tuned to *reportable* instances during interviews and field work), I know that five were reported to either the police or university offices responsible for mandated reporting.

non-complaint thus evidence of non-desire for university action. Students, however, may not operate with that understanding, and their protest during the gender and racial justice forum is evidence that they *do* want the university to take action on violence and harassment that, as in the climate survey, is not attached to particular, named individual perpetrators.

Ironically, the policy that is designed to require university response to violence may produce some of the epistemic violence it is intended to disrupt. I talked with one participant, Don, who works in student affairs and who is a mandated reporter, about the gender and racial justice forum meeting that I discussed at the opening of Chapter 5. He said this:

> **Don**: We were debriefing [the forum] about two, three weeks ago, and kind of all the meetings that have happened. And the students—the students and the administrators had two very different views of the way that happened. Which again is indicative of how kind of things are. I think the administrators thought, on the student affairs side, "The students were great. They were fantastic. We really loved hearing their voices. It was their meeting. They really did a wonderful job . . . articulating the complexity of the points. And we just hadn't listened." And we heard from students, "That was a horrible experience. People didn't listen to us. People felt threatened." So there was this huge disparity.

Don describes two interpretations of what happened at the gender and racial justice forum. On the one hand, administrators emphasized that they heard and listened to students who spoke well. In direct contrast, students suggested that administrators did not listen. During the meeting, students expressed frustration about continually talking about experiences of violence and harassment. Their statements suggested that listening and hearing require subsequent action. This logic is consistent with that which is instituted via mandated reporting: Administrators and

supervisors cannot, under the rubric of the policy, hear without prompting university response. Yet in the gender and racial justice forum, students did not name individualized perpetrators; rather, they described harassment, discrimination, and violence diffused throughout CU. By the university's own logic, these kinds of statements do not constitute organizational knowledge and thus do not require anything but listening. As discussed in the previous section, epistemic violence is a non-communicative response, that is, a response that does not join together speech and action. Paradoxically, mandated reporting is designed to join talk about violence with concrete response to it, yet students at the forum accuse the university of not doing that. The knowledge upon which university agency is predicated depends on a type of speech that is inconsistent with the knowledge of violence articulated at the racial and gender justice forum.

The discourse around mandated reporting thus assigns agency in ways that mask partial knowledge. Further, the university limits its own actions by assigning agency to the contents of what is said about sexual violence (i.e., spoken texts containing names compel actions). Deb, a mandated reporter, alludes to the ways in which this understanding of agency creates a close connection between agency and knowledge. She says,

> I think the university is often much more comfortable with this, like, "This is the policy. You're required to follow this policy." And then that, "And we have a good policy."
>
> And then that makes them feel comfortable.

Deb characterizes one iteration of the discourse around mandated reporting that emphasizes the total obligation of supervisors to report and minimizes any lack of clarity ("this is the policy") or struggle to understand the meaning of its contents. Deb follows this part of her explanation with a suggestion that the policy is good or effective or comprehensive because of the supposed lack of complexity, both in terms of discerning what must be reported and in terms of making

decisions about whether to report. Thus, the policy is good because it leaves no choices for those who would need to make reports and makes the university "comfortable" that its knowledge is accurate and subsequent actions are appropriate.

In this section I have argued that assumptions about communicative agency generate the relationship between organization and violence. Because the discourse casts individuals as violent agents, the university is immediately distanced from complicity with sexual violence. Through granting force to words, the discourse around mandatory reporting assures the completeness of the university's knowledge of violence and thus the rightness (and nonviolence) of its actions. The text outlining the mandated reporting obligation is assumed to compel all supervisors, equally, to make reports because they do not have agency themselves in relationship to the text. If this is so, then questions about uneven recognition of violence as well as disproportionate risks and burdens associated with making reports (as discussed in Chapter 5) are not salient in the university's epistemology of violence. The primacy of textual agency also tethers university action to the contents of speech, not a human agent's stated intentions or desires. These approaches to agency exist in contrast to the communicative grounding for university knowledge in which talk only represents violence. In the conclusion to this chapter, I draw out the implications of this knowledge–agency tangle in light of the analysis of the previous two findings chapters. I also set up concepts that I will develop more fully in the next and final chapter.

Conclusion

The university's association with nonviolence depends upon how both knowledge and agency are attached to communication: A transmissive understanding of communication wrests violent action from talk, yet also assigns the written word constitutive force. Together, these

understandings of communication create a discourse that ignores the reasons why violence might not speak. To know violence requires the university to take action in response to that violence, and that agentic response is not prompted without talk of violence. "Just talking" about violence is not sufficient because it fails to organize. Instead, reporting—a kind of talking attached to notions of transparency and transmission—transforms individuals into knowers on behalf of the organization. The violence that the university can know about is further bounded: An individual human must commit violence, and talk about violence must name that individual in order to be reportable. Although only humans enact sexual violence, human agency is also minimized in talk about a policy that purportedly subsumes people's decisional capacities. This discourse, one in which texts are hyper-agentic, makes it difficult for the university to know the hybrid human–textual agencies that mandated reporters who participated in this study described. Further, it makes it easy for the university not to know whether mandated reporting is happening when, according to university policies, it should be. These limit conditions generate an organizational epistemology of violence that constitutes partial knowledge, and that partial knowledge conscribes university agency.

Through moves in discourse, the organization is more closely affiliated with nonviolence than with either sexual or epistemic violence. The organization is supposed to be unable to act in epistemically violent ways, yet paradoxically, not acting is the hallmark of epistemic violence. If the university takes action, that action cannot be sexually violent because sexual violence is the domain of individuals. Individuals, however, can be associated with epistemic violence when they chatter or promote rumors because these kinds of talk are associated with inaction. In a discourse that aligns the university with nonviolence, individual agency is both assumed and troubling: If individuals have sole purchase on violent agency, the organization is not violent, yet

if individuals can also exercise choice in order to make reports (or not), they push the organization toward an incapacity to know and act upon violence. The discourse around mandated reporting variously grants and denies human agency in order to distance the university from violence. Yet the move away from violence depends upon two key assumptions: first, that talk about violence will and does occur, and second, that talk is not violence.

To understand violence as such—individually enacted and bifurcated from talk— obscures some elements of epistemic violence. Feminists rightly characterize this kind of violence as "silence," but problematically suggest that speaking would right the problem, as if the intricate connections between violence and communication were not themselves part of the episteme through which sexual violence comes to be. Hall (1997) remarks upon this Foucauldian circularity when he says, "It is discourse, not the subjects who speak it, which produces knowledge. Subjects may produce particular texts, but they are operating within the limits of the *episteme*, the *discursive formation*, the *regime of truth*, of a particular period and culture" (p. 55). In this chapter, I am highlighting the ways in which not only discourse produces knowledge, but also how that discourse is tethered to ideas about communication, subjectivity, and agency. In short, the notion that violence can be spoken about and the liberatory patina of its speakers generate knowledge that reflects the discourse from which that knowledge emerges.

For Foucault (1980), an apparatus or *dispositif* is the "said as much as the unsaid. . . . The apparatus itself is the system of relations that can be established between these elements" (p. 194). In the case of sexual violence at CU, violence is assumed to be unsaid, but when it is spoken about, that is, when it is said, it becomes nonviolent. In this discourse, talk is nonviolent to the extent that its capacity to act is limited. Yet to take no action in response to talk is another kind of violence or, at best, complicity with violence. Thus to maintain its nonviolence, talk

must also be closely linked to action if not itself capable of action. It is through this simultaneous coupling and decoupling of agency and communication that the relationship between the said and the unsaid emerges around violence. The connections I have outlined among policy, the university, and the discourse around mandated reporting highlight how understandings of communication, as they link with knowledge and agency, play an integral role in the moral positioning of individuals, institutions, and their connections in relationship to violence.

As I discussed in Chapter 4, balancing individual- and institutional-level interventions in violence generates difficulties around mandatory reporting that are consistent with what I dub feminist dilemmatic theorizing. Those dilemmas are present again in this chapter. In many ways, organizational knowledge building that relies on personal disclosure about sexual violence is consistent with a feminist phenomenological project. Individual-level experiences are gathered and transformed into collective awareness that generates action on shared problems; talk about experience raises consciousness. Yet unlike the idealized second-wave rap sessions that create political knowledge from personal experience, the university's actions are not determined through emergent recommendations from those who speak about their experiences. Instead, action is determined ahead of time through a rule-based system that uses talk about sexual violence for knowledge alone, not as a guide for appropriate agentic enactments. Mandated reporting positions the university as an actor on behalf of its members, not an actor as its members. I thus read mandated reporting as relying on elements of both feminist, emic knowledge production and also a managerial interest that incites suspicion among critical organizational scholars. Like the support v. report and caring v. compliance tensions I discussed in Chapter 4, this manag-emic orientation in mandated reporting grapples with how to know and

act in ways that reconcile both the limitations of non-structural interventions and the overreach of responses to violence that are not fully victim-centered. Indeed feminist organizational scholars have noted that feminist attempts to change organizations are often fraught with difficulties around balancing organizational and individual interests (Trethewey, 1999), bureaucratic hierarchies and collaborative organizational forms (Ashcraft, 2001), and separatism and inclusion (Harter, Kirby, & Gerbensky-Kerber, 2010).

While mandated reporting may thus reflect tensions endemic to feminist organizing, I also want to highlight how, given its manag-emic bent, mandated reporting is laden with many of the same ontological and epistemological dilemmas I outlined in my discussion of feminist theory in Chapter 3. Mandated reporting's commitment to language that unproblematically reflects the real world draws upon a rather un-communicative ontology. Talk is assumed to be transmissive rather than constitutive. This approach to talk is consistent with feminism's qualified embrace of social construction. Although invested in the mutability of gender and its intersections, feminism also remains committed to the real and an ability to talk about it. Without this grounding, gendered violence could become simply the fabrication of manipulative, vindictive, man-hating women who are neither credible nor believable. Although denying the muscularity of discourse is often a political strategy, at CU, this orientation toward the real problematically denies the university space in which to consider how discourse shapes other discourse and, consequently, the absences it may contain.

Mandated reporting is infused with feminist epistemological dilemmas as well. The discourse around mandated reporting positions the university as the knower and the individuated experience as the known. Subject (agentic organization and violent human) is distinct from object (representations of violent experiences in talk). This separation is roundly criticized in

feminist epistemologies. Yet it is also embedded in them, for instance in discussions of false consciousness. Although useful for disrupting problematic power dynamics between knower and known, phenomenological knowledge also can be based upon internalized systems of (hetero)sexism and other oppressions that lead individuals to account for experience in ways that support and reify systems of domination. Thus mandated reporting at CU, like other feminist legal responses to violence (e.g., mandatory arrest and no drop policies for domestic violence cases), assumes that individual experience produces knowledge, but that those individuals do not always know best. Indeed this assumption is the hallmark of standpoint epistemology: Standpoint is not the automatic outcome of experience but is instead accomplished through reflection on the political and social dynamics of that experience. To the extent that the discourse around mandated reporting criticizes the ways in which institutional silence can occur around sexual violence (in particular around chatter and rumors), it reflects its own awareness of the political and social dynamics of violence. Yet in many ways the discourse around mandated reporting fails to interrogate its own knowledge production and, indeed, may be subject to false consciousness of its own. That consciousness, however, is not tethered to the individuated, knowing subject as it is in much of feminist standpoint theory. In the next chapter, I draw upon feminist dilemmatic theorizing in order to extrapolate standpoint epistemologies (and their partialities) to the non-individuated, organizational subject in what I term *organizational standpoint*.

These ontological and epistemological difficulties are threaded through the relationships among violence, communication, and agency. As many participants who enforce mandated reporting highlight, the policy is designed to disallow organizational non-responsiveness to complaints of violence. In theory, the obligation to make reports minimizes the possibility that

genuine complaints about sexual violence can be dismissed or ignored. Read through this lens, mandated reporting eschews hearing about violence, or perhaps listening to accounts of violence, without subsequent action. As such, mandated reporting aligns with tacit (though rarely explicit) feminist efforts to theorize anti-violence as more than just talk. In other words, anti-violence is sometimes theorized as communicative in the sense that it joins the discursive and the material. The obligation to report requires that those who hear about violence do more than just listen. This eschewal of non-agentic knowing is a stance that some critical organizational scholars might applaud. For instance, Mayo and early human relations approaches are often critiqued for instituting managerial listening, without any intention of change in work conditions, in order to produce complacent employees. Mandated reporting, to the contrary, requires that knowledge produced through discourse (or listening) be attached to concrete action.

In other feminist scholarship, however, listening or hearing about violence, without taking additional action, is regarded as an agentic moment in and of itself. Hope and Eriksen (2009), for instance, discuss agentic witnessing, which is "encouraging the facilitation of voice-claiming and experience-naming, without imposing one's own personal analysis" (p. 110). They argue that this kind of agency is crucial in organizational responses to trauma. Echoing feminist sexual violence scholarship that emphasizes breaking silence, this strand of thought advocates that those who have experienced sexual violence need to be in the presence of empathic listeners, and that trauma is transformed through testimony in which the speaker becomes agentic simply by talking about violence. Responses other than mere listening, in this rationale, are detrimental to restoring agency after victimization.

Mandated reporting at CU requires those who hear about sexual violence *not* to act as agentic witnesses (indeed, it asserts that witnessing is not agentic), but rather to act as what Hope

and Eriksen (2009) call epistemic agents. That is, they must bring to bear on what they hear an ability to know that what they are hearing about is violence. Having categorized what he or she hears, the mandated reporter must pivot between interpersonal and institutional ways of knowing. Thus, the tension that mandated reporters articulate, one that I have named report v. support in Chapter 4, is bound to their tenuous institutional positions as epistemic agents on behalf of the university in which listening or hearing about violence is not agentic. In feminist and communication theory, voice is often cast as good not because it allows transmission that prompts action, but rather because it prompts a process of negotiating meaning of the individual experience of violence and the collective understanding of it. Mandatory reporting, however, generates collective understanding through transmission, and transmission is cast as a good kind of communication, but its goodness rests not in the discursive re-figuring of experience and understanding, but in the material actions (firing, expulsion, fines, etc) it prompts. Yet linking representational talk with material impact is curious and, indeed, suspicious when read through the lens of feminist materialist ontology. Hekman (2008), responding to criticisms of both social construction and feminist critical theory, argues that an epistemology dependent upon revelation and disclosure hinges human agency and discourse together such that the material is neglected. Here too, in mandated reporting at the university, discourse (symbolic activity)—not communication (symbolic–material connections and activity)—becomes the primary arbiter of knowledge. Hermeneutics and hard facts do not produce each other. As a consequence, mandated reporting operates with a libratory investment in the material. This oscillation, one that I have detailed through the analytic moves in this chapter, grounds my discussion in the next and final chapter, of what I term a *communicative ontology of violence,* one in which talk and things both act and, as a consequence, can act violently.

Chapter VII

ORGANIZING SEXUAL VIOLENCE:
FEMINIST DILEMMATIC THEORIZING, ORGANIZATIONAL STANDPOINT, AND
THE COMMUNICATIVE ONTOLOGY OF VIOLENCE

This chapter revisits the argument I have developed through the analysis chapters and draws out the implications of that analysis for theorizing the relationships among communication, sexual violence, and organization. As I do this, I outline three concepts— feminist dilemmatic theorizing, organizational standpoint, and a communicative ontology of violence—and contrast these with existing literature in feminist, organizational, and communication theory. I also offer a reading of three mini-cases and make recommendations for improving mandated reporting at CU in order to illustrate the outcomes of theorizing through this lens.

Summary

Chapter 4 focused on a series of tensions operating both at interpersonal (support v. report) and institutional levels (caring v. compliance). Those tensions are endemic to balancing the interests of individual victims and the safety of a community, a difficulty that involves questions about autonomy for those who experience violence. Mandated reporters and enforcers alike struggle with how best to offer support on organizational and individual levels. The interaction between these two levels sets up the dynamics from which the university knows about violence: Institutional caring is at once queer and hegemonically masculine. Read through genderlect theory, organizational expressions of support are coded feminine (empathic response via support) and masculine (instrumental response in action/doing). While this mash of genderings confuses a straight binary, it also functions to reinforce hegemonic masculinity. By interpreting talk about violence as complaints, by downplaying the agency of individual organizational members and the action in listening, the university casts certain modes of

communication—modes traditionally affiliated with straight White femininity—as non-doing. Indeed, talk about violence not subsumed under reporting processes amounts to gossip that takes no action and escapes the university's knowing gaze.

Questions about what talk does, what it can do, and how to use it animate the tensions I analyze in Chapter 4. Chapter 5 builds on these implicit questions and offers an analysis of two episto-ontological positions in the discourse around mandated reporting. One position purports that the world can be known through language that represents it, and a second position assumes the impossibility of pure objectivism in which all orientations to the world point at something, not everything. Holding both these positions, the discourse around mandatory reporting engages a play with empiricism in which neither the total fixity of reality nor the total relativism of representation dominates. The guise of a disconnection between positivism and constructivism, one that I seek to challenge, grants mandated reporting its non-performativity. I highlight intersectional identities and institutions around which mandated reporting gets stuck and trouble how we read claims about the real. From this play with world and word, the curious aspects of the discourse around mandated reporting, and my critique of it, both emerge. By assuming both that talk can represent violence (without interpretation rooted in embodied identities), and by assuming that policy statements do things evenly without interacting with the material world (thus giving mandated reporting a sheen of the objective and universal), what the university can know, and who can know on behalf of the university, is limited. The consequence is that mandated reporting prioritizes university responses to White heterosexual females.

The use of transmissive understandings of communication focuses the organization on the meso-level. If talk cannot transform things, then macro-level discourses do not shape material realities at the university, nor does talk transform or build relationships at the

interpersonal level. Thus, when the university adopts a correspondence approach to talk about violence, it is able to build boundaries around its knowledge of violence and its obligation to respond to that violence. In Chapter 6 I argue that, as talk generates both organizational knowledge and agency, a bifurcation between matter and meaning sets up an opposition between violence and communication. Thus, where some participants argue that neglecting both macro- and micro-discourses is problematic, others suggest that this neglect is reasonable and does not involve epistemic violence. Yet communication is not wholly transmissive in the discourse around mandated reporting: at times communication acts. By infusing talk with power—so much power, indeed, that its attachment to a human agent is irrelevant—the university can dismiss communication in which talk about violence is non-correspondent.

Toward a Theory of Violence–Communication–Organization

Having thus summarized the major arguments developed in the empirical chapters of this dissertation, I now outline the theoretical concepts that arise from this work. As I do this, I explicate relations of continuity, iteration, and play with existing literatures. Although I aim to mark moments of distinction and difference, I do not seek conceptual autonomy or newness as primary modes of theoretical relationship (for the same reasons that I detailed in Chapter 2). As such this section bears the weight of academic linearity while also trying to trouble that trajectory.

In what follows, I explicate three concepts central for theorizing sexual violence and its relationships with organization and communication: feminist dilemmatic theorizing, organizational standpoint, and a communicative ontology of violence. Although these concepts are woven together, I highlight, in particular, the ways in which they contribute to feminist, organizational, and communication theory, respectively. Although each complicates and extends

the three tensions around theorizing violence that I named in Chapter 2 (event/process, container/network, physical/verbal), I note in particular the ways that dilemmatic theorizing contends with the event-ness of violence, that organizational standpoint helps to rethink the contained organization in connection to violence, and that a communicative ontology troubles a physical–verbal bifurcation in violence.

Feminist Dilemmatic Theorizing

If the oppression of women is contradictory, the prospects for women's liberation must also be contradictory. (Ramazanoglu, 1989, p. 22)

Third-wave feminists are often noted for and take great pride in the inconsistencies of their philosophies and perspectives. (Shugart, 2001, p. 154)

As I highlighted in the opening chapters of this dissertation, I align myself with a tradition in feminist theory that implicitly values theorizing through and with tensions. Feminist dilemmatic theorizing, my own term, is a set of epistemological and ontological stances that prioritize contradiction and seeming paradox in light of avowedly political, pragmatic purposes. Although this style of thinking and acting influences my writing and analysis and thus is a lens I bring to this project, it also emerges from organizing sexual violence around mandatory reporting. That is, theorizing and doing (as if these are distinct activities) move together through organizational communication around mandated reporting in ways that are characteristic of the feminist dilemmatic mode. Further, they position feminist anti-violence work in a conversation about feminist generations and highlight how the story of theoretical lineage is bound to whiteness.

Briefly, the dilemmatic nature of feminist theorizing is present in its approaches to the real, to power, and to knowledge, themes that I develop more in this section and also in my later discussion of an ontology of violence. Feminist theory is indebted to social construction for separating the supposed immutability of sex from the performativity of gender. Yet it also retains an anchor in the facticity of the body (e.g., Alcoff, 2006). In theorizing violence, feminists are at pains to claim the reality of a crime that is overwhelmingly perpetrated by males, yet also want to engage in the play of signification that can disarticulate masculinity from a capacity for violence. The power in violence has been conceptualized both as the uni-directional outcome of patriarchy (e.g., MacKinnon, 1982; Dworkin, 1987) and also as dispersed and internalized discipline (e.g., Gavey, 2005). Both powers seem inescapable, the former because of its pervasive externality, the latter because of self-coercive "outposts in your head" (Kempton, 1970, p. 57). The blurring of internal and external domination (which troubles the notion of domination itself) leads to a dilemma of epistemology: Amidst a strong phenomenological tradition, how do feminists avoid the seeming arrogance of claims about others' false consciousness while neither reifying nor essentializing an identity-bound, knowing subject? In violence research, this emphasis on the emic has led to an overreliance on victim testimonies and the risk of redoing violence through its representation (e.g., Projansky, 2001).

These dilemmas are often separated temporally; they are mapped onto a linear story about the distinctions between second- and third-wave U.S. feminisms that I seek to trouble. These oft-cited distinctions are summarized in Table 2. I argue, instead, that the analysis of organizing sexual violence in this dissertation outlines the ways in which second-wave feminisms cleave (to) third-wave feminisms and vice versa. In other words, the waves cling to, penetrate, and split from one another concurrently, not successively. The quotations that open

this chapter begin to build this story of continuity through contradiction. Ramazanoglou's

statement reflects the thought-to-be characteristic vocabulary of the 1970s: women (as a unified

class) agitate for a future utopic freedom from oppression. Shugart's characterization of the third

wave contains none of that language, not even a reference to gender, yet marks inconsistency as

a defining feature of 1990s feminism. Read alongside each other, the two quotations resonate in

their emphasis on that which does not go together.

Table 2

The Lineage Story for U. S. Feminisms

2nd wave	3rd wave
macro	micro
the personal is political	the political is personal
1960s–1970s	1990s
the structure (process)	the everyday (event)
women	gender
liberation	iteration
critical modernism	postmodernism

In their discussion of Foucauldian approaches to power, Fixmer and Wood (2005)

suggest an alignment between the second wave and a sovereign model of power that "associates

the political with structural and institutional operations of the state, most notably laws" and

subsequently "targets institutions as the focal point for political reform" (p. 235). This approach

to change is embedded in mandated reporting at CU: Lawyers and police officers staff the

institutional arms responsible for enforcing mandated reporting, policy is said to have amazing

reach, and talk about mandated reporting includes considerable optimism about the capacity for

the organization to act on behalf of victims of violence. In Chapter 4, both the report aspect of

the individual-level tension and the caring aspect of the institutional-level tension are consistent

with a commitment to change via organizational policy and top-down responses to political

problems. In short, the focus is on intervention in violence through process. In contrast, the

counterparts of these tensions—support and compliance—both emphasize transformation

through interpersonal interaction (bound events), an approach that highlights the limitations of

reform through law and structure. Fixmer and Wood suggest that this second approach is

consistent with third wavers who, "Despite institutional reforms . . . point out that sexism persists

in subtle ways that evade structural censure or control" (p. 243).

Curiously, this characterization of generational distinctions posits the second wave as a-

communicational. Kirby and Krone (2002), for example, make an argument that at first glance

seems to be consistent with the perceived-to-be third-wave trope. The title of their piece on

family leave in the workplace, "The policy exists but you can't really use it," articulates

frustration with the non-performativity of institutional policy. As they argue, "a communicative

perspective allows for an examination of how such work–family benefits are enacted through

discourse and interactions" (p. 51). In other words, looking at the policy itself does not

constitute a communicative perspective because communication lies in everyday conversation,

the site of politics supposedly characteristic of the third wave. My reading of mandated

reporting at CU, however, complicates this story.

Although the discourse around mandated reporting includes a position in which the text

of policy is thought to be hyper-agential (a position that is somewhat consistent with an emphasis

on law as a site of political change), enforcers of mandated reporting cite "educational

conversations" that they have with those who are respondents in complaints as one of the

primary ways in which mandated reporting is effective. That is, one position in the discourse

around mandated reporting suggests that policy is effective because it spurs everyday,

interpersonal interaction. This position is most often articulated by those whose age-identity would link them to second-wave politics. These same participants, however, are critical of "mere talk" because it does not do enough. A second set of positions, which constitute a critique of mandated reporting at CU, consists of two points. First, mandated reporting is ineffective because it depends upon the everyday encounter in which reporters may not recognize violence. Second, mandated reporting is ineffective because the "educational conversations" do not accomplish anything (i.e., they do not lead to firing, censure, or other concrete forms of discipline). This second critique, one that is skeptical of the power of one-on-one interaction to transform institutions, is ironically most often made by undergraduate students who, in a linear understanding of feminisms, would be more aligned with the third wave that supposedly advocates the personal conversations that undergraduates critique. Thus both discursive positions (supporting and critical of mandated reporting) at CU contain threads of *both* second and third wave politics and critique. The story then, of a sequential progression in U.S. feminist movements, does not hold around organizing sexual violence. Instead, these seeming contradictions can be understood as part of an ongoing project of feminist dilemmatic theorizing.

When dilemma is centered, the *manag-emic* organization of sexual violence that I discussed in Chapter 6 emerges as a distinctly feminist mode of theorizing. Mandated reporting fuses structural intervention through (discussed to be) agentic texts/policies with micro-interaction and emic consciousness transformation. Both institution and individual are implicated in changing the relationship of violence and organization, and this is one reason why a difficulty around reporting (structural political enactment) is present for individuals and a difficulty around caring (everyday political enactment) is present for the institution (as discussed in Chapter 4). Manag-emic approaches, paradoxically, combine both transmissive and

transactional conceptualizations of communication, a theme that I develop more in my discussion of an ontology of violence. For this discussion of feminist dilemmatic theorizing, however, I want to note that a managerial voice (perhaps consistent with those who enforce mandated reporting) emphasizes the ability of policy to make things so: Mandated reporting as a text is said to convey clear messages that involve no ambiguity or interpretation on the part of reporters (thus consistent with a transmissive account) and the granting of agency to texts, not human actors, infuses discourse with significant force (more consistent with a constructivist stance). Likewise, those who critique mandated reporting at CU embrace a hybrid transmissive–transactional understanding of communication. In their suggestion that reporting is uneven and that particular university members share a disproportionate burden for enacting the mandate, critics assume that it is possible for talk about violence to represent that violence. The problem, as this argument goes, is not that communication *cannot* accurately point at the world, but that it *does not* do so in this case. This is not a constructivist stance. Simultaneously, however, critics (including myself at some moments) rely on constructivist stances to argue that violence may remain silent because of discourse. Thus feminist dilemmatic theorizing inhabits seemingly contradictory stances, and does so in a way that highlights a shared project, rather than a generational one, around the inconsistency embedded in political change. Further, feminist dilemmatic theorizing, in part because of its bricolage of epistemological and ontological positions, develops a theory of communication that is neither wholly transmissive nor wholly transactional.

This account of feminist dilemmatic theorizing not only troubles the linearity of second and third waves and provides a starting point for the communicative ontology of violence, but it also repositions and draws attention to anti-violence work in relationship to feminisms and

whiteness. As I alluded to in Chapter 2, progress narratives are both suspect and racialized in the tension-filled mode I engage (one inflected with postmodernism). Wiegman (1995) argues that positing intersectionality as a corrective to a gender-primary White feminism misses the ways in which the category "woman" has been continuously contested. Fixmer and Wood (2005), although less explicitly critical of this narrative than Wiegman, note a similar trend: "Third wave understandings of feminist history tend to emerge out of the critiques of second wave (mainstream) feminism by second wave women of color" (p. 251). If intersectionality is the outcome of an original White movement, color becomes derivative. The story misses several important aspects of the development of feminist theory. First, it misses the ways in which intersectional analysis is rooted in structural, not only individual critique. For example, Crenshaw's (1989; 1991) work is widely cited as pivotal, and it is a call to reform legal practices and processes, not everyday interaction. Centering this work challenges the equation of third wave with intersectionality and non-structural intervention. Second, the usual story marginalizes the many feminists who came of age during the second wave who advocate a "collective door-to-door effort" (hooks, 2000, p. 113), or the power of interpersonal interaction. Third, the usual story, one that critiques the third wave for its *lack* of structural intervention, posits already White institutions as the primary site of change, and this critique neglects feminism's ongoing and vehement critique of structures (e.g., Davis, 2000) that, so the story goes, the second wave championed as a source of change.

Thus feminist dilemmatic theorizing is consistent with multivocal histories that scholars like Brown (1992) advocate. Dilemmatic theorizing tells a story in which feminism has always been characterized by contradiction. Feminists play with opposing positions not primarily to debate about the real (although sometimes it is useful to cast these positions as claims about the

real and, indeed, they are often delivered and intended as such), but as a strategy that makes

pragmatic politics out of both progress and parody, unified and fractured identity, top-down and

sideways power. I read mandated reporting, and the discourse around it, as a part of this

tradition, one in which individual and institutional tensions are bound up in debates over how to

transform violence, debates that are caught in a gendered and racialized history of feminist

activism.

Organizational Standpoint

Throughout the findings chapters, and especially in Chapters 5 and 6, I illustrated ways in

which some positions in discourse around mandated reporting purport neutral and accurate

organizational knowledge while other positions in discourse detail the partiality of that

knowledge. I develop the concept, organizational standpoint, from this analysis. Drawing on

standpoint theory, I argue that mandated reporting generates partial knowledge through the

relationship between the university and the embodied social knowledge of its members.

Organizational standpoint invites a tacking back and forth between organization as container and

organizing via networks, and it relies on an epistemological project that troubles the individuated

knowing subject.

Organizational communication scholars have employed standpoint theory to make

arguments about the experience and knowledge of individual, marginalized members of

organizations. For instance, Allen (1998) discusses the political knowledge she derives from her

experience as a Black woman in academia. Dougherty (1999) uses standpoint theory to mark

differences in men's and women's understandings of sexual harassment at work. Orbe (1998),

rooted in standpoint theory, applies co-cultural theory to explain the communicative adaptations

and resistive techniques that marginalized organizational members use. Each of these works

focuses on the knowledge and experience of individuals *in* organizations. Unlike these scholars, I am discussing organizational standpoint in order to highlight the partial knowledge of the organization itself, not just its members. Drawing on existing literature on organizational knowledge (in which critical and feminist analysis is largely absent), however, I argue that the university comes to its knowledge through its individual members. As I argued in Chapter 6, reports act as the pivot point that transforms individual knowledge into organizational knowledge. That pivot point, however, is not greased to swing easily for all organizational members.

In Chapter 5, I amplified some participants' claims that university members with marginalized, intersectional identities take on uneven risk and responsibility for generating organizational knowledge of sexual violence. Thus more likely to make the reports that pivot between individual and organizational knowers, marginalized members have knowledge that is arguably prioritized in the organization's knowing. That is, if marginalized members are more likely to pivot, the partiality of organizational knowledge is reduced since marginalized members, according to standpoint theory, have more complete knowledge. I argue the converse, however. The mandated reporting upon which the university's knowledge of sexual violence is based allows for gaps in what the university can know about violence because its epistemology is complicit with non-recognition of violence. Some participants articulate an empirical project rooted in kinds of knowing that are incommensurate with a positivist frame and thus, sometimes discounted. The university's standpoint thus enjoys the "privilege of partial perspective" (Haraway, 1988) through the kinds of things that can be known.

But pivoting and gathering the knowledge of individuals is not the only process involved in organizational standpoint. Additionally, the university is able to secure and enhance the

partiality of its knowledge through discourse around mandated reporting. This discourse

includes what I am tentatively calling organizational handicapping strategies (one element of

organizational standpoint). My discussion of organizational handicapping strategies builds from

the literature on self-handicapping strategies (Berglas & Jones, 1978; Jones & Berglas, 1978).

Self-handicapping strategies are "any action or choice of performance setting that enhances the

opportunity to externalize (or excuse) failure and internalize (reasonably accept credit for)

success" (Berglas & Jones, 1978, p. 406). Although I cringe at the ableist patina of the phrase

organizational handicapping, especially in its linkage of mobile bodies and agential knowledge,

this term does point to this: Knowledge is constructed through a play between individual and

institution (Chapter 4) that involves uneven recognition of violence (Chapter 5) and that

preserves the appearance of total knowledge through disavowing agency of reporters (Chapter

6). The university sets up successful responses to violence by suggesting that all organizational

members are evenly implicated in reporting. If university knowledge (thus action) is

insufficient, something outside the university's control causes that insufficiency (for instance,

individuals' unwillingness to speak about sexual violence). The organization, itself, avoids

blame and its capacity for knowledge is not called into question. Where Ahmed (2012) argues

that diversity policies do not do what they are intended to do, my discussion of organizational

standpoint (of which organizational handicapping strategies are a component) highlights how the

discourse that surrounds policy sets up an epistemological project that legitimates gaps in

organizational knowledge along lines of gender, race, and sexuality.

Organizational handicapping is accomplished, in part, through the artificial assertion that

entities have discrete boundaries. Standpoint theory is strongly rooted in identity politics in

which the individual knowing subject and that individual's experience as a result of social

location are both centered. Organizational standpoint, however, draws on a related but different intellectual tradition that troubles the boundaries of both human and organization. To draw out this troubling, I rely on Bourdieu's (1990) concept, *habitus*. Habitus is "embodied history" (p. 56) that has "an infinite capacity for generating products—thoughts, perceptions, expressions and actions—whose limits are set by the . . . socially situated conditions of its production" (p. 55). Habitus, like standpoint theory, assumes the reality of embodiment and links that embodiment to knowing practices. Bourdieu, however, troubles the autonomy of embodiment. He traces how play in discourse accumulates in bodies, and that social accumulation casts bodily boundaries (thus the knowing attached to them) as fluid. The container, in habitus, is mesh. The strategic disavowal of the disperse relations that organize individuals is a part of organizational handicapping. That is, the university focuses on the meso-level, or the organization, such that individual reporters are discrete rather than embedded in the cumulative and dynamic interactions with both macro- and micro-level influences that are more about organizing sexual violence than sexual violence in organization. Organizational knowledge of sexual violence, then, because it pivots from individual knowing, implicates the fuzzy boundaries of the university; its members are suspended in webs that exceed its borders.

This discussion of organizational standpoint is a departure from literature on organizational knowledge. Though that body of work is replete with references to the "situated" nature of knowledge, the term "situated" is used quite differently from its use in standpoint theory. For example, Tsoukas and Vladimiro (2001) define organizational knowledge as "the capability members of an organization have developed to draw distinctions in the process of carrying out their work, in particular concrete contexts, by enacting sets of generalizations whose application depends on historically evolved collective understandings" (p. 973). Although the

reference to "historically evolved collective understandings" may seem to gesture toward the way I am using habitus, Tsoukas and Vladimiro's discussion of cases makes clear that both history and collectivity occur *in* the organization. Organizational standpoint—that is, the partial nature of organizational knowledge—occurs in part because of the identitarian nature of organizational members but also, as I am drawing out through habitus, because of the interplay of discourse and embodiment (and its resulting knowings) that exceed two kinds of containers: individual and organizational.

My discussion of organizational standpoint thus depends upon feminist dilemmatic theorizing. Organizational standpoint draws together both the possibility of knowledge rooted in coherent identity and also strands of intersectional theory that trouble the very notion of stable, bound humans who are disconnected from the contradictions of discourse. This play around knowing with bodies, and the way it implicates peculiar relationships between symbol and thing, or discourse and material, is further developed in the next section on a communicative ontology of violence.

Communicative Ontology of Violence

The communicative ontology of violence draws upon feminist dilemmatic theorizing, especially that which plays together with both realism and constructivism, critical modernist teleology and postmodern anti-foundationalism, while working to trouble the mind–body split. In the case of mandated reporting, a distinction between material and discourse casts communication as a process of representation that is distanced from violence. Using threads of feminist new materialism (e.g., Barad, 1998; Haraway, 2004; Hekman, 2008; van der Tuin, 2009) and aspects of a materialist turn in communication theory (e.g., Ashcraft, Kuhn, & Cooren, 2009; Ashcraft & Harris, in press), the communicative ontology of violence troubles an easy

association between communication and nonviolence. Although the ontology draws on this turn toward materialism, especially to highlight nonhuman agency, it also pushes back on charges that discourse is too forceful by highlighting how that complaint is both gendered and sexualized.

Drawing on elements of speech act theory, I argued in Chapter 5 and Chapter 6 that although mandated reporting purports to build accurate knowledge of sexual violence at the university, it does not do as it claims. This happens through the complex interactions between individuated bodies, their accumulation of discourse, and how those diffuse bodies bring to bear their knowledge on interpreting talk about violence. Further, the possibility that members of the organization may not report is obfuscated through an overemphasis on the agency of the policy itself. In this sense, the charge that discourse has become muscle-bound rings true: The organization covers up human agency through the force of disembodied words. The university further is able to avoid the appearance of complicity with violence when it suggests that the words of those who talk about violence—when those words are complaints—do particular kinds of things. Mandated reporting becomes non-performative because of the complex weave of identity/embodied knowledges and their discursive associations that sequester some ways of knowing and prioritize others. Bound to a representational understanding of communication, standpoint knowledge creates gaps in what the university can know of physical violence, and those gaps are themselves violence in knowing.

Although I argue that discourse has become too powerful in certain moments, in other moments discourse has not been granted enough force. In disdain for the "mere talk" that does not prompt reports, and in an emphasis on epistemic agency rather than agentic witnessing (Chapter 6), many of the positions in discourse around mandated reporting suggest that talk does

not do things. Listening to accounts of violence is not thought to shape the world. The assertion that talk does not do (material) things preserves violence as a physical, *not* a communicative phenomenon (i.e., physical–discursive). The presumed physicality of violence, reinforced through the discourse around mandated reporting, gives talk the sheen of moral nonviolence.

These two opposed assertions—discourse does things and discourse does not do things—circulate around mandated reporting. These assertions theorize in a way that is consistent with debates among feminist communication scholars. Although I could mark the contours of these conversations among academic feminists in many ways, debates about the agential status of discourse are particularly vivid in discussions about invitational rhetoric. I thus use this scholarship to ground my discussion. Bone, Griffin, and Scholz (2008) suggest that "when we adopt an invitational approach and are civil, the potential for grief and violence is minimized" (p. 456). In the authors' article, an invitational emphasis on understanding accrues a sense of morality that is secured through the presumed nonviolence of genuine dialogue. Communicating with the goal of understanding is thought to be civil in part because of its residence in the world of the symbolic and verbal; invitation is play that does not push. Bone, Griffin, and Scholz's advocacy of invitation rests on a seeming split between the material world in which communicators can act forcefully and the symbolic world in which an emphasis on understanding gives invitation its nonviolent hue. Interestingly, those who critique invitational rhetoric adopt the same material–discourse binary. Lozano-Reich and Cloud (2009) importantly highlight how historically "civil" norms have worked in the service of power in order to blunt resistance to the wealth of whiteness, masculinity, and heteronormativity. They further argue that invitational rhetorics "equate persuasion with violence" (p. 221). The assumption that discourse and the material world are *not* intertwined is present in their critiques. This becomes

clear in their statement, "If oppression has a material basis rather than being primarily a matter of consciousness, a position privileging invitational discourse as agency risks profound elitism" (p. 222). Like the argument they criticize, Lozano-Reich and Cloud assume that invitation is ideational, not physical. Adopting a heavily Marxist bent, Lozano-Reich and Cloud argue that power imbalances are not symbolic, but material, and they want to preserve an ability to do things in that material world (a possibility that, in their reading, invitation evacuates).

The concern in both pieces is that doing and violating are collapsed: agency is the equivalent of violence. For Lozano-Reich and Cloud (2009), nonviolence becomes a tool that masks the maintenance of gendered–raced–sexualized power, thus the supposed nonviolence of understanding cannot un-do this formation. Indeed, they argue that "violence and persuasion *should* [emphasis added] be conceptualized as distinct" (p. 221). Bone, Griffin and Scholz write against the same collapse, wanting a nonviolent capacity for action that is accomplished through distance from the physical world. Both sets of authors are hoping for a space in which a bifurcated material and symbolic world enables the purchase of right action. Bone and Lozano-Reich along with their colleagues, however, also hint at a blurred space in which I read resonance in their opposition to one another: Bone, Griffin and Scholz (2008) retain the possibility of "rhetorical violence" (p. 439) as a moral and desirable possibility, and Lozano-Reich and Cloud (2009) think that the uncivil tongue can lash. Although Bone et al. explicitly argue that play in symbols can escape violence, they also imply the possibility of violence through symbols and, in their praise of invitation, suggest that words do material things. Similarly, although Lozano-Reich and Cloud want to agitate the material, the spoken word tied to an embodied tongue creates change. Both argue from bifurcation, yet the nuances of their arguments betray the intra-actions between material discourse and discursive material.

This debate in communication theory—of which I have used invitational rhetoric as an example—is bound up in ongoing feminist dilemmas around violence. Haag (1996), for instance, traces the troubled relationship between violence and anti-violence in feminist activism over the last fifty years. She argues, "A certain homogenization of violence as a 'crime' of the powerful enables the feminist condemnation of 'violence' as an exercise of male, patriarchal traditions. Women, by these accounts, are presumptively 'available' for violation, and men presumptively capable of violating" (p. 47). Of note in Haag's statement is her characterization of two feminist moves: First, violence is the outcome of a uni-directional enactment of power (masculinity over femininity), so masculinity is attached to violence and femininity attached to moral nonviolence. Second, as a consequence, space in which femininity is attached to agency (rather than victimization) is closed. This collapse of masculinity into agency (via a capacity for violence) is part of the problem that many feminists take up (e.g., Cahill, 2001; Mardorossian, 2002). Marcus (1992), for instance, argues that stopping sexual violence requires that women have a capacity to be violent actors. That capacity is accomplished, in part, through a disruption of the ideational–physical split, as the title of her article, "Fighting bodies, fighting words," suggests: A capacity for agency that is nonviolent requires queering masculine/feminine, active/passive, violent/nonviolent, and physical/verbal binaries.

In the communicative ontology of violence, I am drawing together these worries: From communication theory, a concern about the elitism of understanding and the violence of persuasion; from feminist theory, a fret over how to imbue femininity with agency if a capacity for violence (and thus masculinity) marks an ability to act. In some senses, discourse has been granted too much force (as in the case where total agency is invested in policy text). Yet in others, discourse has been granted no force at all: It is cast as non-doing. Understanding, it is

thought, does not transform the material world (thus allowing violence to continue). The new feminist materialism usefully disrupts humans as the sole actors thus calls attention to the ways in which humans, texts, and other objects alike configure systems of violence (thus implicating organizations). But I also read the claim that "language has been granted too much power" (Barad, 2003, p. 801) as a kind of backlash. Against the suggestion that a social constructivist approach traps us only in endless representation, I want to suggest that in theorizing violence, scholars have indeed assigned very *little* force to discourse. I read attempts to do so (as in the example of invitational rhetoric here) as efforts to trouble the binaries I mentioned at the end of the last paragraph. Although surely some of these efforts to theorize the power of understanding lapse into what Gunn and Cloud (2010) call magical voluntarism, I also pause at the corrective tone of the new material turn. Is perhaps part of the objection to the force of discourse bound up in the loss of some moral stance? For if discourse cannot do things, then it cannot be violent. Its feminine incapacity grants discourse a claim to morality. Complaints about the muscularity of discourse are, in part, complaints that femininity appears in drag. If communication theory is thus a fabulous diva, perhaps it is doing something right.

Placing and Applying a Theory of Violence–Communication–Organization

To further highlight how my theorization of organization–violence–communication operates, I have two aims in this section: to contrast this approach with other theories of violence and to read a few cases through its lens. First, I highlight the ways in which feminist dilemmatic theorizing, organizational standpoint, and a communicative ontology differ from existing work on violence. Where in the last section I wove together those concepts with feminist, organizational, and communicative theory, this section places my work in relation to an interdisciplinary community that takes violence as its object of study.

Bessant (1998) proposes the term "opaque violence" and uses it to reference often unnoticed practices including "harassment, surveillance, bullying, interrogation, persecution, victimization, intimidation, and subjugation" (p. 50) that occur in organizations. Bessant, in an argument similar to mine (and consistent with feminist dilemmatic theorizing around individual v. institutional level political agitation), argues that explicit policies, both at federal and organizational levels, are limited in their reach and ability to enact change. Bessant's discussion of opaque violence, however, names primarily non-physical forms of violence (i.e., *not* rape and other forms of assault) and does not, as my own conceptualization does, link physical forms of violence with violence in knowing and speaking. Bessant, as I do, points toward the role of epistemology in overlooking violence. She says, "One difficulty regarding the identification or discovery of 'the problem' begins with the empiricist assumption that what we know is independent of the social and political position of those doing the discovery, or in this case the non-discovery" (p. 58). Importantly different from Bessant, however, is my explanation of *how* forms of violence become opaque or unnoticed through the complex interplay between individual and institutional knowing. Organizational standpoint highlights the process through which intertwined bodies, individuals embedded in social life, become differentially positioned in organization and their knowledge becomes the pivot point for what the organization can know (through a troubled form of empiricism). Rather than continuing to locate violence solely in interpersonal encounters (as Bessant does), my work pushes violence out toward organizational processes.

Spade (2011), unlike Bessant, posits organizational procedures (rather than interpersonal encounters) as violent in and of themselves. Reading anti-discrimination policies through the lens of critical race theory and trans politics, Spade argues that "administrative violence" occurs

when organizations avoid culpability by casting violence (e.g., hate speech) as an individual-level phenomenon. Consonant with this critique, organizational standpoint (including organizational handicapping) and the communicative ontology of violence highlight *how* that organizational disavowal of responsibility is accomplished. Importantly, my approach to organization–communication–violence focuses attention on how administrative violence is masked when agency is attributed to speech and discourse such that organizations become moral, nonviolent actors.

Where I have played with an event–process tension, Žižek (2008) offers the following taxonomy: Subjective violence is that (usually physical) violence which individuals commit and experience, while objective violence—rooted in systems and largely economic—is diffuse such that it is less easily recognized. One of Žižek's primary aims is to critique the subjective model of violence for its problematic liberalism. In its immediacy, subjective violence gets linked to a moral imperative to intervene that obscures objective violence.[20] Although Žižek and I both question the easy moralization of nonviolence, where Žižek talks about language, I discuss communication. Žižek says this:

> There is something violent in the very symbolization of a thing, which equals its
>
> mortification. This violence operates at multiple levels. Language simplifies the
>
> designated thing, reducing it to a single feature. It dismembers the thing, destroying its

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[20] I am sympathetic to Žižek's claim that attention to subjective violence obscures objective violence, however much of his argument rests on a critique of anti-violence measures connected to gender and race. Žižek misreads intersectional and feminist theory when he suggests that the activism attached to that theorizing attends only to subjective violence. Further, Žižek risks misogyny in his disdain for the urgency associated with responses to individuals' experiences of sexual violence. His disdain belies his privilege of bodily security. Urgency can and should be held together with, rather than taken out of, the cool, detached analysis of objective violence he advocates.

organic unity, treating its parts and properties as autonomous. It inserts the thing into a

field of meaning which is ultimately external to it. When we name gold 'gold,' we

violently extract a metal from its natural texture, investing into it our dreams of wealth,

power, spiritual purity, and so on, which have nothing whatsoever to do with the

immediate reality of gold. (p. 61)

In other words, language is inherently and inevitably violent because it cannot correspond to

things. The only possibility for nonviolent use of language rests in the idea of total equivalence

between the word and the object. Thus, argues Žižek, because total correspondence is not

possible, all language must be violence. My communicative ontology of violence differs from

this argument on several accounts. First, Žižek's reasoning preserves a split between the

discursive and the material. By highlighting the impossibility of identity between words and

things, Žižek preserves their distinction. The communicative ontology of violence, however,

argues for the connections between words and things. Further, because of its rooting in feminist

dilemmatic theorizing, communication is both transmissive (thus it represents) and also

transactional (thus it re-presents). The ontology emerges from the space around both of these

qualities of communication. That is, the ontology is dual, allowing both for correspondence and

its impossibility. To the extent that an approach to communication assumes only *one* of these

approaches, correspondence may be violent. That is, in mandated reporting, the unproblematized

assumption of correspondence allows for non-recognition of sexual violence, and this lack of

recognition contributes to the university's epistemic violence. It is not the impossible

correspondence of language (that Žižek takes as an unexamined fact) that produces violence, but

rather, the assumption that communication cannot be otherwise (i.e., non-correspondent).

Hearn and Parkin's (2001) concept "organization violation" resonates with the theorizing I am doing in two ways. First, organization violation involves both "structural presence" and "social enactment" (p. 73), a focus that is consistent with feminist dilemmatic theorizing's concern for both the structure (policy, sedimented process) and the everyday (one-on-one). Second, consistent with the communicative ontology, Hearn and Parkin include both the physical and the symbolic in their discussion of organization violation. They suggest, "The occurrence of violence, that is, the doings of violence, in the past or the present or as future threat, are material in their practice, their effects, their structurings and their 'accumulations' over time. Violence not only brings the direct effects of direct damage, it also brings less direct effects, simply through the memory of previous actual or possible violences" (p. xii). Thus detached from a physically bounded event, violence is attached to references to and representations of violence. Yet Hearn and Parkin make violence and organization co-constitutive, a position from which I distance myself. Though their work usefully troubles a violent/nonviolent binary, it also hints that any organizing is inherently violent, an argument that links their work with that of Pelzer (2003) and Westwood (2003). Like Žižek, for whom all language becomes violent, for Hearn and Parkin, all organization risks violence. This position makes the category violence too capacious and undoes the possibility for normative judgment that is, though bound in dilemma, central to feminist theorizing. Distinguishing this approach from Hearn and Parkin further is my emphasis on organizational standpoint which inflects violence through intersectionality, something that Hearn and Parkin call for but do not develop.

Mini-Cases

To further illustrate this understanding of violence–communication–organization, I read three brief cases through its conceptual lenses. In each, I draw out the analytic possibilities

derived from feminist dilemmas, organizational standpoint, and the communicative ontology of violence.

One: Pennsylvania State University and the Jerry Sandusky scandal. In the discourse surrounding sexual violence at Penn State, failure to report violence was cited as a key reason why Sandusky was able to commit assaults over years. Indeed the Freeh Report (Freeh, Sporkin, & Sullivan, 2012) suggests that events at the university would have been altered if only the 1998 police log had included mention of an incident involving Sandusky. In some sense, this hope imbues discourse with agency. If only we can accurately transmit information about violence, the logic goes, then that transmission stops violence because it forces human action. As I have highlighted in the communicative ontology of violence, this understanding of what discourse can do is curiously constitutive in that it assigns agency to discourse, yet also anti-constitutive in that it holds apart physical violence from representations of that violence. At Penn State, this division between "actual" violence and reports of violence attaches accountability for the scandal to individual organizational members, not to diffusely embodied organizational practices. Discourse around Sandusky's assaults has variously attached blame to Joe Paterno, Mike McQueary, Gary Schultz, and Tim Curley.

Yet organizational standpoint prompts a reading that pushes past the boundaries of these individual human bodies. Through my reference to habitus, I suggested that bodies accumulate social discursive practices that exceed them as individuals. These individuals, like the janitor who witnessed an assault and the assaulted young boy who did not want to lose his ability to sit on the sidelines during games by reporting what he knew, swim in discourses around athletics, masculinity, and heteronormativity. All of these folks were or are part of a community in which a "reverence for the football program . . . is ingrained at all levels of the campus" (Freeh,

Sporkin, & Sullivan, 2012, p. 17). That reverence is secured through material–discursive successes. The football program made an estimated $31,619,687 in 2010–2011, the second highest profit among U.S. college football teams (Jessop, 2012). That enormous income, in part a reflection of a winning record, is intertwined with the performance of invulnerable and impenetrable masculinity: Winning also means being straight. When the material–discursive intra-actions around Penn State require masculinity to desire femininity, the penetration of athletic male bodies turns desiring men into women, toppling the careful accumulation of society in bodies. In the complex weave between individuals and organizations, these acquired physical–symbolic habits make Penn State's knowledge partial. It sees through eyes attached to non-individuated, embodied discourse.

The communicative ontology of violence, in this case, disturbs easy agentic attachments. In pointing to reports as a simple solution for violence, the discourse around Penn State imbues transmissive communication, usually non-constitutive, with a great deal of power to transform the material world (while, ironically, holding that material world at a distance from the talk that represents it). Attaching faith in the ability of reports to do things excuses the organization from complicity with violence and instead, focuses attention on individual organizational members. This same move also grants discourse too little force. That is, by simultaneously attaching influence to reporting and to individual humans, Penn State can overlook the ways in which discursive–material formations accumulate in its epistemological project.

Two: University of North Carolina, Landen Gambill, and forced underreporting. In 2013, the U.S. Department of Education and the Office of Civil Rights (OCR) opened investigations into University of North Carolina's (UNC's) sexual violence reporting practices. A group of students and (now former) administrators made the following allegations.

Administrators were forced to underreport rapes on campus (a violation of the Clery Act).

Students were allowed to try sexual assault cases through the campus honor court (a violation of

OCR guidance). Information about a victim of sexual violence was released without that

student's consent (a violation of FERPA). A man who is accused of repeatedly raping his (now

ex-) girlfriend, Landen Gambill, charged her with creating a hostile and intimidating campus

climate for him when she brought charges against him through the student honor court, even

though she never publicly named him.

The theory I propose draws attention to the campus community's outrage over the alleged

forced underreporting of rapes on campus. The debated numbers are all less than 20, far below

the nearly 10 times as many rapes that likely occurred on a campus of that size during the same

time period. Yet the outrage is attached to those who intentionally lowered the numbers, not the

forces and factors that made reported rapes approximately a tenth of the reality. I have suggested

that organizations and humans are both diffuse bodies with blurry boundaries that are figured

through the material and the discursive. Organizational standpoint thus troubles a division

between "external imposition and internal impulse" (Bourdieu & Wacquant, 1992, p. 172) and

suggests that the lack of outrage over the difference between 20 and 200 rapes is an

organizational handicapping strategy. If individual organizational members were indeed

manipulating math, their actions violate federal law. Attention is also needed, however, to the

ways that social discourses accumulate in individual bodies such that they become part of

organizational embodiment and prevent the university from knowing what it could know about

sexual violence.

The case has received national media attention, and CNN's coverage sparked extensive conversations among alumni, faculty, and students alike. One friend and fellow Carolina alum started this conversation via Facebook:

Friend 1: Just saw on CNN that UNC has a "culture of sexual violence" being investigated by the federal government. Things must've changed since I was there (or some people are overreacting) because I can honestly say I know NO ONE who EVER felt that way.

Friend 2: Ditto! OK, isolated incidents did exist, as they do in every population, but there certainly was never anything like a "culture"—in fact, pretty sure there was a culture of student campaigns against sexual/violence against women!

A lengthy thread followed these comments in which several other alumni and I challenged these two on the definition of "culture" and suggested that lack of discussion and controversy about sexual violence constitutes an underreaction. Feminist dilemmatic theorizing and the communicative ontology both draw attention to an aspect of this social media thread that I also discussed in my analysis of Penn State: The discourse around sexual violence is organized through both constitutive and representational understandings of communication. These two Facebook commentators suggest that a culture of sexual violence must not have existed because they did not encounter evidence that it did. If sexual violence was present, they argued, people would have seen it or heard about it. This line of argument assumes that one can know the world accurately and that talk can represent that world. The commentators that challenged these two statements, however, argued against easy representation and pointed to the ways in which silence enshrouds violence, thus a positivist measure of "culture" is unlikely to be a good one. Although those who argue that a culture of sexual violence existed at Carolina appear to take an anti-

representational stance in this Facebook thread, elsewhere they are avowedly representational.

One of the key complainants in the Title IX investigation, who is also a rape survivor, said this of

the university: "They're covering things up. And part of the reason we're filing [a federal

complaint] is to expose that" (McCabe, 2013, para. 7). Metaphors of revelation (covering,

exposing) reinforce the notion that true, complete knowledge can be derived from the world.

Thus those who argue that a culture of sexual violence exists at the university rely on arguments

that seem to be opposed: Empirical knowledge of sexual violence cannot be valid because

violence does not enter language, and empirical knowledge of sexual violence is valid, but must

not involve organizational cover-up.

The violence at Carolina, and institutional complicity with it, is nothing new. While I

was an undergraduate at UNC, several of my bad-ass activist friends and I (less an activist)

organized around rampant sexual harassment happening in the music department on campus.

During our time at the university, women were routinely advised to wear low-cut blouses while

auditioning for one musical group whose director had a reputation as a womanizer. That

professor was regularly seen out at bars with undergraduate students, arms draped around his

female pupils. On one occasion, at a dinner with a female student, he tried to kiss her (a most

unwelcome act, by her account). A younger assistant professor called female students (and, on at

least one occasion, a younger, underage sibling) to ask for dates. Behind a closed door, while I

was complaining about a grade (with all the finesse of the complaints I now find to be most

irritating from my own students: "I didn't deserve this grade!"), a male professor inappropriately

touched my upper thigh. Two other male professors were overheard rating female students'

butts on a scale of one to ten and saying that one particular female student really "needed to be

fucked" in order to improve her musical performance. One professor provided transportation to

and from an older, well known, visiting male musician's hotel room for a female undergraduate who stayed overnight. A professor told one female musician that he would kill any man with whom she slept. Some male students seemed to follow the lead of the professors: They, too, would rate women on scales of one to ten as they walked through the hallways of the building that housed the department, loud enough for the women to hear: "She's a seven! No, she can *cook*. That makes her an eight." The message was clear: Female musicians' competence had little to do with musical performance. Musical excellence required sexual availability, feminine domesticity, and material that satisfied the penetrating male gaze.

When the woman whose professor tried to kiss her made a complaint to the chair of the department, he dismissed her saying, "Oh, ethno-girl." "Ethno-girl" was a reference to her involvement with non-western musical groups on campus, something unusual in a department where music history courses omitted the word "western" from their titles thereby positing Europe as the site of all musical development. The comment is an organizational handicapping strategy. At CU, identitarian knowledge from experience is discredited because of its non-mainstream empiricism. Similarly, in this case, "ethno-girl" marked the woman as a deviant non-adult who was deemed less than credible because of her affiliation with non-whiteness. Her complaint went nowhere. Likewise, when a group of friends and I collected anonymous, written testimonies, from students in the department and submitted those to campus administration, no action was taken. Frustrated with non-response, one of my media savvy friends started posting exposés to public blogs. A female faculty member in the department stumbled across one of those posts and brought it to the department faculty. The blogs led to a temporary open door policy (i.e., one-on-one meetings with students should be held with doors cracked open), but in a program where the containment of vocal and instrumental noise is important for musicians'

health and sanity, that change quickly reversed itself. These experiences animate my own

investment in feminist dilemmatic theorizing. Recalling these episodes, I am sympathetic to

criticisms of "mere talk" that some of my participants made. I borrow and echo Emma's

comment (from Chapter 6): "Lots of people knew . . . lots of people talked about it. But talking

about it doesn't ensure that the campus is safe." Although the communicative ontology

preserves space for discursive agency, it also highlights that epistemic violence occurs when talk

and action are decoupled, as they were in this case. If a mandated reporting policy like CU's had

been in place at UNC, the written complaints delivered to administrators, "ethno-girl's"

complaint to the chair, and the public blog posts all would have prompted official investigations.

Though I am glad for the sideways organizing and emic knowledge building that I and other

students participated in, one-on-one conversations needed to be buttressed with policy and

structural change, the kind that mandated reporting at CU provides a framework for, however

flawed. Carolina was missing the "manag" part of CU's manag-emic hybrid, and, given the

controversy at UNC more than a decade later, I argue that managerial intervention is missing

still.

      Three: University of Colorado, pedagogy, and performance. This third case begins

with teaching. In a unit for the introductory course for communication majors, first-year students

read a piece that I wrote (Harris, 2011b). A fictionalized account of acquaintance rape and the

trouble associated with naming it, the chapter combines narratives from 11 formal and 20

informal interviews I conducted with women who experienced nearly 40 episodes of non-

consensual sex (Harris, 2011a). Sitting in our graduate offices while reading students' written

responses to the chapter, my colleagues and I laughed about how often students used violent

metaphors in praise: "Harris doesn't stuff her PhD down your throat." I had been attributed a

phallus in order to suggest that my delivery of ideas was nonviolent. Apparently I was not

raping students with my academic prowess. Here, the communicative ontology emerges as

bodies, violence, and communication collide. Who wouldn't laugh at the image of me, clad in

stiletto-heeled boots, gesticulating in front of a classroom while wearing a strap on? The humor

comes from how easy it is to reject the queer: This performance makes a mess of

heteronormativity, a gender binary, and the fixity of embodied sexuality. But it further troubles

what can be done with words and with things. The boots are a prop. Lecturing for the class, and

discussing rape myths including "of course she got raped because of what she was wearing," I

tell a story. "Do you see these boots I have on?" I ask the nearly 400 people in the classroom.

"They're awfully pointy. They've got this really long, thin heel. Well, I was wearing these a

while ago and one of my friends said to me, 'Katie, I see you've got your fuck me boots on

today.' Well, I think he meant the boots were sexy. So thanks to him for the compliment. But

suggesting that something I'm wearing can speak on my behalf is kinda a problem. I can *assure*

you that I didn't put these boots on this morning intending to invite all 400 of you to fuck me."

Laughter, some genuine, some genuinely uncomfortable, follows. I'm highlighting where

discourse has been assigned too much force through an extreme example; the boots were thought

to act so fully that my shoes could talk, their words disarticulated from a person.

Back in the office, chuckling over our students' seemingly unreflective use of sexually

violent metaphors, a colleague, whom I will call Fred, listened in on the conversation. Reacting

to our bemusement and alarm at the difficulty of moving away from an occlusion between

violent physicality and language, Fred confronted me: "People who think words can do violence

are immature and hypersensitive." In other words, they are an awful lot like negative stereotypes

of women. He thought I'd missed the childhood playground schooling, "Sticks and stones can

break my bones but words can never hurt me." His protest preserved the capacity for (violent) agency in physicality and, through my own attribution to some amount of violence in symbols, cast the argument about the force of discourse onto a hard-to-respect form of femininity (one that he charged me with embodying).

The exchange was implicated in the trouble with empiricism that is threaded through this dissertation. Others who were in the office at the time who had been laughing with me joined the altercation. They had previously engaged similar conflicts with the same colleague who accused me of irrational, childlike behavior in my scholarship. The fights usually went like this:

Fred (and colleagues): You only see race (or sexuality or disability) because you go looking for it.

> *subtext:* It's not really there. You can't point to it. You're only able to point to it because you use symbols inappropriately. What's really there is not what you see. You're not rational. You're not grounded in the real. You're giving discourse too much force. Your critical stance falls apart under post-positivism.

Uncivil opponents: It's your privilege *not* to see it.

> *subtext*: What we see is influenced by our embodied knowledges, and that means what we can point to is not always a good measure of what we can know and how complete that knowledge is.

Fred (and colleagues): You have a problem with race (or sexuality or gender)!

> *subtext:* I'll discredit you and your arguments (your body and how it is connected to your play with ideas) by suggesting you've got issues (i.e., "You're hypersensitive and immature! You queer, disabled woman of color!").

As the academic (institution and individual) blurs, organizational standpoint emerges. In the difficulty around who can know what, who can point to what, and whether representation must always be neat correspondence, organizational knowing of sexual violence masks its own partiality. And part of that partiality comes from both the over-attribution of force to discourse (that I was charged with) as well as the under-attribution of force to discourse (that I recognized when exclaiming later that day, in response to my exchange with Fred, "I need to take up kick boxing!"). Having witnessed the office squabble play out, yet another grad student wrote to me the next day: "I think what Fred said about sexually loaded language was out of line. I pray that it was carelessness. But I didn't like how his comments carried such ruthless implications." In other words, words do things, and the charge that they don't prevents us from thinking about violence in all its tangled mess of material *and* discourse at once.

Inflecting Mandated Reporting Through a Theory of Violence–Communication–Organization: Recommendations for Policy

In this section I make suggestions, many of them explicitly articulated by participants, about how to improve mandated reporting. Although these suggestions are grounded in the particular discourse at CU, with slight modifications, they may be useful for thinking about mandated reporting at other institutions as well, to the extent that similar dynamics around feminist dilemmatic theorizing, organizational standpoint, and a communicative ontology of violence are at work. Accordingly, I have organized these recommendations around each of these three aspects of this theory of violence–organization–communication.

Feminist Dilemmatic Theorizing

- Offices receiving mandated reports should evaluate the success and effectiveness of their policies through increases in reporting and higher numbers, not low numbers of reports.

Contrary to statements that some of the participants in this study made in which CU's mandated reporting policies were lauded as working well because the numbers of reports were low, I suggest that the inverse logic is useful. Given that feminist dilemmatic theorizing uses strategic ontology in which the real is knowable, mandated reporting can also adopt that logic and note that, given the great disparity between reports made and established rates of violence, mandated reporting is more successful when numbers of reports are closer to the known prevalence of violence as established through work like that of Fisher, Cullen, and Turner (2000).

Additionally, the legal standard, "deliberate indifference," upon which evaluation of university knowledge is judged should also consider whether received reports match existing research on rates of violence. Depending upon individuals to make complaints of violence absolves the university of some responsibility to create a violence-free (and thus, under law, discrimination-free) atmosphere for its students. Universities can very reasonably know that the reports they are receiving are small in comparison to actual rates of violence, and because universities can reasonably know this, they should also be required to demonstrate that they are making efforts to respond to violence, even that which is not reported. That is, reports alone are a poor way to evaluate "reasonable knowledge." As I mention later, the consequence of this way of evaluating deliberate indifference is that universities should demonstrate not only that they have response procedures in place, but also that they are working on prevention in ways that reflect the interplay of material–discourse as theorized in the communicative ontology of violence.

- Training materials, including lectures, online modules, and print publications, should be revised to reflect both the transmissive and transactional aspects of policy enactment.

Although in-person and online trainings as well as print publications provide examples of specific behaviors that count as harassment (verbal), those same materials do not include descriptions of what counts as assault (physical). This omission reflects the idea that the material world is disconnected from the symbolic contestations of the discursive world. On college campuses, where rates of sexual assault are some of the highest in the U.S., this is a serious oversight that contributes to non-recognition of violence. Although I have suggested that a transmissive model of communication can be used strategically, what counts as "sexual assault" is not self-evident given its complex relationships to both physical *and* discursive interactions (for example, in the negotiation of consent). To help mandated reporters better identify sexual assault, Office of Discrimination and Harassment and Office of Student Conduct materials and trainings should describe specific behaviors that are present in instances of sexual assault. These descriptions could be drawn, for example, from the Sexual Experiences Survey (Koss et al., 2007).

Further, trainings could usefully engage audience members through the use of scenarios to evaluate or interactions to role-play. This would both (a) increase the likelihood that trainees remember the information, (b) give trainees practice with making the subjective judgments about what events require reports (trainers themselves acknowledge this subjective judgment), and (c) give trainees an opportunity to rehearse the communication skills (and challenges) involved in hearing an incident that triggers a mandated report. This shift in training style from what participants label a "cattle call" to more interaction would couple both message-transfer and message-negotiation approaches to communication that are embedded in feminist dilemmatic theorizing. It also addresses some of the difficulties of recognizing violence and could help mandated reporters to develop skills that would help them to manage the tensions they

experience between support and report. Trainings are currently run by legal professionals at the Office of Discrimination and Harassment (ODH), and this revised style of training would benefit from partnership with other areas of the university. This would allow the ODH to draw upon the pedagogical skills of other offices while also offering them a way to continue to present themselves as neutral, objective fact-finders (an image that the current transmission-only presentation style seems to enhance).

- The university should develop epistemological triangulation. It should build knowledge of sexual violence through multiple modalities, and that knowledge should prompt the university to act.

The idea that talk about sexual violence is distinct from physical sexual violence is deployed in order to cast the university's knowledge as non-partial and to excuse the university from accountability for epistemic violence. Because of this, efforts should be made to build knowledge that is not based solely on reports. Other evaluations, such as retention statistics and visits to psychological health professionals, can help to evaluate whose (collective and individual) bodies are present and in pain. These evaluations should disaggregate statistics based on identity characteristics (ideally, in a way that is sensitive to intersectionality). Analyzing data based on identity categories is especially important given that recent campus climate reports based claims about students' sense of safety on the experiences of privileged, majority students.

Though the offices that enforce mandated reporting highlight that they pay attention to anonymous and anecdotal reports of violence, discrimination, and harassment, these kinds of reports do not trigger university action. Accordingly, the university should not only expand how it evaluates rates of violence, but also find concrete ways to respond to knowledge of sexual

violence in which perpetrators are not or cannot be identified. Linking action only to identifiable reports is a form of organizational handicapping.

On the federal level, the Clery Act should be revised to require universities to include information derived not only from reports. The act acknowledges that institutional members may not always report to law enforcement and so requires universities also to report statistics from other campus entities. These statistics, however, still depend on reporting and thus incur the same problems with recognition and disclosure that I have discussed elsewhere. To remedy this, in the service of strategic use of post-positivism, universities should report supplemental statistics that include (a) university-wide anonymous reporting systems and (b) results of surveys administered to student populations similar to the validated measure of sexually violent experiences developed by Koss et al. (2007). Including information about both reported violence and also prevalence of violence (reported or not) can help to paint a more comprehensive picture of the amount of violence occurring on campus but also the extent to which the university is responding to that violence. Large disparities between survey data and report data could indicate problems with campus climate that the university should also address.

CU and other universities should also evaluate and make public non-statistical accounts of violence, harassment, and discrimination. Given the ways in which I have troubled the notion that violence is contained in a time-bound event and only in physical interactions, more narrative or qualitative descriptions of what is going on at universities can usefully depict processual violence. Further, given that the normalized aspects of violence often make it difficult to name or identify, diffuse description can offer an additional account of violence where language categories fail. If part of the rationale for publishing statistics in Clery is to help people make

good decisions about attending college, should not that information elicit multiple affective and rational modes through which humans evaluate their choices?

Organizational Standpoint

- Offices receiving mandated reports should track demographic information for reporters, not only for complainants and respondents.

The university should evaluate the claim that those who make mandated reports are more likely to occupy particular intellectual and embodied identity categories. Accordingly, the Office of Discrimination and Harassment as well as the Office of Student Conduct should collect information (in such a way that does not increase risks to reporters) regarding the gender, race, sexual orientation, departmental or program affiliation, and rank of those who make reports. Tracking this information is a crucial aspect of increasing reporting (by determining whether reporting is uneven) and of minimizing risks for those who make reports.

- Those who make reports should be offered multiple forms of support.

Several participants suggested that the university should offer support to reporters, although few participants were certain about what that support would look like. They suggested that offices receiving reports do a good job of outreach to those who have experienced violence, discrimination, and harassment, but suggest that reporters need similar resources. First, participants mentioned that small communicative gestures, like thanking reporters for filing reports, would seem supportive. Additionally, because many participants perceive that they experience greater risk around making reports because of their less secure position in the university (attached to their embodied identities), CU should strengthen its ability to protect reporters. Although retaliation is explicitly prohibited, at least one participant described threats she received after making a report and the intense fearfulness that she experienced as a result of

those threats. Efforts to combat retaliation often focus on those who have experienced violence, discrimination, or harassment, but CU and other universities could usefully focus attention on the retaliation that reporters may experience. To develop a comprehensive system for supporting mandated reporters, CU and other universities could draw upon academic research on whistleblowers.

- Integrate reporting trainings with privilege trainings.

Because organizational standpoint becomes partial through the invisibility of violence, and because recognition of violence is connected to embodied knowledges, mandatory reporting trainings could be usefully integrated with trainings that interrogate privilege. Marking whiteness, heteronormativity, and hegemonic masculinity, as well as the ways in which these discursive–material configurations make violence seem normal, is an important part of encouraging reporting. Units on campus do educational programming on these issues already, but not in concert with discussions of mandated reporting. A useful collaboration between the Office of Discrimination and Harassment, Community Health, and Center for Multicultural Affairs, for instance, could draw on the expertise of each program in order to generate training sessions that jointly establish the policy requirements, identify obstacles to enacting that policy (being a bystander, for instance), and the privilege attached to non-intervention. This kind of collaboration moves well beyond the "stamp on the butt" approach that participants associate with mandated reporting training, and it would disrupt some of the identitarian knowledge that participants say prompts an uneven burden for reporting across the university.

Communicative Ontology of Violence

- Increase undergraduate student awareness of mandatory reporting.

Participants in this study (not undergraduate students) claim that undergraduates are not aware of mandated reporting. The consequences of lack of information on the part of undergraduate students are twofold. First, if mandated reporting is to be effective, those who want to trigger university responses to violence must know that they can do so by speaking to a mandated reporter. Because sexual violence disproportionately affects undergraduate students, they need to know that they can talk to supervisors who can then begin university response processes. Second, many mandated reporters expressed concern that they would need to act against student wishes. If more students are aware of mandatory reporting, mandated reporters are less likely to experience the tension between supporting and reporting because students who speak with them are more likely to understand how to navigate disclosure in a way that is consistent with their wishes.

- Stop offering the rationale that if students speak about violence to a supervisor they want the university to do something.

This rationale was offered repeatedly in interviews and during my participant observation. It is fundamentally disingenuous. The university cannot evaluate the desires or wishes of someone speaking about violence unless the speaker states her wishes directly. The suggestion that students want something to be done, as I argued through the application of genderlect theory, carries a gendered interpretation of the purpose of talk that may or may not be consistent with the actual desires of those who speak. This rationale increases the tension that mandated reporters feel around support v. report, and it closes off opportunities to discuss how mandated reporters can navigate a situation if they find themselves needing to make a report that someone who has talked about violence was not happy about. Instead of saying that if someone talks to a supervisor about violence they want something done, training sessions could instead emphasize

this: The university has a legal and moral obligation to respond to violence on its campus.
Because of this, when people speak about violence in particular ways, the university must
respond to that violence, regardless of the wishes of the person speaking. This is a more accurate
explanation, and one that avoids writing onto speakers desires they may or may not have.

- Clarify potential overlapping reporting requirements for different university offices.

The relationship between university police, the Office of Discrimination and Harassment, and the
Office of Student Conduct is a complicated one, and evidence exists that officers in the police
department may not fully understand that, they too, are bound by university mandated reporting
(even though they are very clear about their obligations under the Clery Act). This murkiness
can lead to problematic situations like this one: the Colorado Campus Sharing Information Act
may be followed by officers who are collaborating with other university personnel to, for
instance, relocate students involved in complaints. In order to share information available to
police, victims have to sign a release. That release, however, may not inform students that when
the police discuss their situation with other campus authorities, those authorities will need to
report to ODH or OSC (if police have not already done so, and given the confusion around their
responsibility, that is likely). Thus students may not be appropriately informed about what
signing a waiver, in connection to the Campus Sharing Information Act, could entail. Other
murky areas include scenarios like these: A mandated reporter (under CU's policy) who is also a
Campus Security Authority (under the Clery Act) would need to report for purposes of Clery
sexually violent incidents regardless of whether the people involved were affiliated with the
university, whereas the CU policy would prompt a mandated report only if the incident involved
CU community members. Because trainings for these two groups (mandated reporters and
campus security authorities) are conducted separately, the different requirements under the

policy and the law are likely confusing or overlooked among most who are bound by both obligations.

- Provide institutional support and resources for prevention.

Several participants suggested that university response to violence (i.e., police, ODH, OSC, OVA) garners far more resources in terms of funding and full-time employees than do prevention efforts (i.e., Community Health, Women's Resource Center, the LGBTQ Resource Center, Center for Multi-Cultural Affairs, etc). The communicative ontology of violence suggests that if violence is not just a physical moment, but also a phenomenon inextricable from discursive–material interactions, that prevention efforts that push on the discursive elements of violence are crucial for comprehensive university relationship to violence. I spent many hours with two different reference librarians, one who specialized in government and public records, working to confirm participants' statements about disparities in funding. Unfortunately budget information at the level of program and department is not publicly available at CU. As a measure of deliberate indifference, universities should evaluate the resources sunk in response and prevention and find concrete ways to evaluate whether institutions are adequately working to *prevent*, not just respond appropriately to violence on their campuses.

Conclusion: Reorganizing Sexual Violence

To further develop the communicative ontology of violence, two strands of research can usefully follow this study. First, studies in other organizational settings would usefully complicate organizational standpoint. The U.S. military, in particular, is an important site because rates of sexual violence there, especially that committed against female soldiers, are even higher than in universities where students are more at risk than the general population. Further, because the U.S. military is organized around committing violence, the tangle of moral

attributions given to different kinds of violence, and the ways those attributions connect to boundaries around the organization, are especially salient. Second, the communicative ontology's linkage of the material and the discursive could be further developed around a study of verbal abuse in intimate relationships. Curiously, communication studies scholars have conducted research on talk about physical violence in abusive relationships, but research on talk *as* violence does not exist (despite the assertion, in almost all existing relational research in communication, that talk is an element of intimate partner violence). This line of research would benefit from collaboration with communo-biologists. Research in psychology has demonstrated physiological effects of emotional abuse, however those studies root the cause of physiological effects in emotion and cognition, not in communication. Further, those studies tend to take the discrete individual as unproblematically bounded. Communication can usefully (a) explicate the ways in which talk, not only thought, is involved in creating physical changes in the body and also (b) show the ways in which that talk draws upon social, not merely dyadic or individual, discourses for its effects.

I am heartened and inspired by the wave of activism that has been concomitant with my production of this dissertation. Alexandra Brodsky's story of an attempted rape at Yale opened the introductory chapter. Others joined her complaints about the normalization and dismissal of sexual violence at the campus, including an episode in which a group of male students gathered on university property to chant, "No means yes, yes means anal!" Brodsky and her peers had some success: Their complaints prompted an investigation from the Office of Civil Rights that led to concrete changes in Yale's policies and processes. Elsewhere around the country, undergraduate students have played a crucial role in drawing national public attention, and

federal legislative attention, to a campus rape culture that, despite decades of work, still pervades U.S. institutions of higher education.

The stories of these students begin and end this dissertation. In between their stories I have troubled, persistently, the notion of a stable individuated subject. But like the feminist theory that I draw upon, I do not want that problematization to lead to a space in which the real experience of violence, and those who experience it, can be denied. In the more than seven years that I have been doing service work and research in response to violence, I have come to live with the stories survivors have shared with me. Most of the stories I hear bear the marks of both resiliency and severity. The ramifications of violence that victims have talked about include unwanted pregnancies, acquiring sexually transmitted infections, loss of self-confidence, depression, trouble with alcohol and drugs, attempts at suicide, self-cutting, trouble with forming trusting intimate relationships, post-traumatic stress disorder, loss of jobs, loss of career aspirations, leaving school, and an overall sense of defeat. I highlight these consequences of the experience of violence in order to end, intentionally, on a note of urgency (even as I have problematized the nonviolent moralization of that urgency). Most who will read this dissertation and have helped me to write it are fellow members of the academy. As such, we are tasked with and committed to the importance of higher education. We—individually and institutionally— have failed if these outcomes of violence are the educational transformations that young folks, their mentors, and allies experience while living and learning at the intersections of femininity, queerness, and color.

References

Aakhus, M., Ballard, D., Flanagin, A. J., Kuhn, T., Leonardi, P., Mease, J., & Miller, K. (2011). Communication and materiality: A conversation from the *CM Café*. *Communication Monographs, 78*(4), 557–568. doi:10.1080/03637751.2011.61835

Abdul-Alim, J. (2011, March 21). HBCU sexual assault study released. *Diverse: Issues in Higher Education*. Retrieved from http://diverseeducation.com/article/14914/#

Acker, J. (1990). Hierarchies, jobs, bodies: A theory of gendered organizations. *Gender and Society, 4*(2), 139–158. doi:10.1177/089124390004002002

Acker, J. (2006). Inequality regimes: Gender, class, and race in organizations. *Gender & Society, 20*(4), 441–464. doi:10.1177/0891243206289499

Ahmed, S. (2012). *On being included: Racism and diversity in institutional life*. Durham, NC: Duke University Press.

Ahrens, C. E. (2006). Being silenced: The impact of negative social reactions on the disclosure of rape. *American Journal of Community Psychology, 38*(3–4), 263–274. doi:10.1007/s10464-006-9069-9

Ahrens, C. E., Campbell, R., Ternier-Thames, N. K., Wasco, S., Sharon, M., & Sefl, T. (2007). Deciding whom to tell: Expectations and outcomes of rape survivors' first disclosures. *Psychology of Women Quarterly, 31*(1), 38–49. doi:10.1111/j.1471-6402.2007.00329.x

Alcoff, L. (2006). *Visible identities: Race, gender, and the self*. New York, NY: Oxford University Press.

Ali, R. (2011). *Dear colleague letter*. Washington, DC: United States Department of Education, Office for Civil Rights. Retrieved from http://www.whitehouse.gov/sites/default/files/dear_colleague_sexual_violence.pdf

Allen, B. J. (1998). Black womanhood and feminist standpoints. *Management Communication Quarterly, 11*(4), 575–586. doi:10.1177/0893318998114004

Allen, B. J. (2009). Racial harassment in the workplace. In P. Lutgen-Sandvik & B. D. Sypher (Eds.), *The destructive side of organizational communication: Processes, consequences and constructive ways of organizing* (pp. 164–183). New York, NY: Routledge.

Alvesson, M., & Karreman, D. (2000). Varieties of discourse: On the study of organizations through discourse analysis. *Human Relations, 53*(9), 1125–1149. doi:10.1177/0018726700539002

Anderson, I., & Doherty, K. (2008). *Accounting for rape: Psychology, feminism and discourse analysis in the study of sexual violence*. New York, NY: Routledge.

Angus, I. (1998). The materiality of expression: Harold Innis' communication theory and the discursive turn in the human sciences. *Canadian Journal of Communication, 23*(1). Retrieved from http://cjc-online.ca/index.php/journal

Ardener, S. (2005). Ardener's "muted groups": The genesis of an idea and its praxis. *Women & Language, 28*(2), 50–54.

Ashcraft, K. L. (2001). Organized dissonance: Feminist bureaucracy as hybrid form. *Academy of Management Journal, 44*(6), 1301–1322. doi:10.2307/3069402

Ashcraft, K. L., & Allen, B. J. (2003). The racial foundation of organizational communication. *Communication Theory, 13*(1), 5–38. doi:10.1093/ct/13.1.5

Ashcraft, K. L., & Harris, K. L. (in press). 'Meaning that matters': An organizational communication perspective on gender, discourse, and materiality. In S. Kumra, R. Simpson, & R. Burke (Eds.), *The Oxford handbook of gender in organizations*. New York, NY: Oxford University Press.

Ashcraft, K. L., Kuhn, T. R., & Cooren, F. (2009). Constitutional amendments: "Materializing" organizational communication. *Academy of Management Annals, 3*(1), 1–64. doi:10.1080/19416520903047186

Bacchi, C. (2005). Discourse, discourse everywhere: Subject "agency" in feminist discourse methodology. *Nordic Journal of Women's Studies, 13*(3), 198–209. doi:10.1080/08038740600600407

Baird, S., & Jenkins, S. R. (2003). Vicarious traumatization, secondary traumatic stress, and burnout in sexual assault and domestic violence agency staff. *Violence and Victims, 18*(1), 71–86. doi:10.1891/vivi.2003.18.1.71

Bakhtin, M. M. (1981). In M. Holquist (Ed.), *The dialogic imagination: Four essays* (C. Emerson, M. Holquist Trans.). Austin, TX: University of Texas Press.

Barad, K. (1998). Getting real: Technoscientific practices and the materialization of reality. *Differences: A Journal of Feminist Cultural Studies, 10*(2), 87–128.

Barad, K. (2003). Posthumanist performativity: Toward an understanding of how matter comes to matter. *Signs, 28*(3), 801–831. doi:10.1086/345321

Baxter, L. A. (1990). Dialectical contradictions in relationship development. *Journal of Social and Personal Relationships, 7*(1), 69–88. doi:10.1177/0265407590071004

Bergin, J., & Westwood, R. I. (2003). The necessities of violence. *Culture and Organization, 9*(4), 211–223. doi:10.1080/1475955042000195454

Berglas, S., & Jones, E. E. (1978). Drug choice as self-handicapping strategy in response to noncontingent success. *Journal of Personality and Social Psychology, 36*(4), 405–417. doi:10.1037/0022-3514.36.4.405

Bessant, J. (1998). Women in academia and opaque violence. *Melbourne Studies in Education,*

39(2), 41–67. doi:10.1080/17508489809556317

Bingham, S. G. (1994). *Conceptualizing sexual harassment as discursive practice*. Westport, CT: Praeger.

Bingham, S. G., & Battey, K. M. (2005). Communication of social support to sexual harassment victims: Professors' responses to a student's narrative of unwanted sexual attention. *Communication Studies, 56*(2), 131–155. doi:10.1080/00089570500078767

Bograd, M. (2005). Strengthening domestic violence theories: Intersections of race, class, sexual orientation, and gender. In N. J. Sokoloff & C. Pratt (Eds.), *Domestic violence at the margins: Readings on race, class, gender, and culture* (pp. 25–38). New Brunswick, NJ: Rutgers University Press.

Bondurant, B. (2001). University women's acknowledgement of rape: Individual, situational, and social factors. *Violence Against Women, 7*(3), 294–314. doi:10.1177/1077801201007003004

Bone, J. E., Griffin, C. L., & Scholz, T. M. L. (2008). Beyond traditional conceptualizations of rhetoric: Invitational rhetoric and a move toward incivility. *Western Journal of Communication, 72*(4), 434–462. doi:10.1080/10570310802446098

Borland, K. (2007). Decolonizing approaches to feminist research: The case of feminist ethnography. In S. N. Hesse-Biber (Ed.), *Handbook of feminist research: Theory and praxis* (pp. 621–627). Thousand Oaks, CA: Sage.

Botta, R. A., & Pingree, S. (1997). Interpersonal communication and rape: Women acknowledge their assaults. *Journal of Health Communication, 2*(3), 197–212. doi:10.1080/108107397127752

Bourdieu, P. (1990). *The logic of practice*. Stanford, CA: Stanford University.

Bourdieu, P., & Wacquant, L. (1992). *An invitation to reflexive sociology*. Chicago, IL: University of Chicago Press.

Breckenridge, J. (1999). Subjugation and silences: The role of professions in silencing victims of sexual and domestic violence. In J. Breckenridge & L. Laing (Eds.), *Challenging silence: Innovative responses to sexual and domestic violence* (pp. 6–32). St Leonards, Australia: Allen & Unwin.

Brewis, J., & Grey, C. (1994). Re-eroticizing the organization: An exegesis and critique. *Gender, Work, and Organization, 1*(2), 67–82. doi:10.1111/j.1468-0432.1994.tb00007.x

Brewis, J., & Linstead, S. (2000). *Sex, work, and sex work*. New York, NY: Routledge.

Brodkey, L., & Fine, M. (1992). Presence of mind in the absence of body. In M. Fine, *Disruptive voices: The possibilities of feminist research* (pp. 77–95). Ann Arbor, MI: University of Michigan Press.

Brodsky, A. (2013, July 16). My school betrayed me [Email]. New York, NY: Change.org.

Brown, E. B. (1992). "What has happened here?": The politics of difference in women's history and feminist politics. *Feminist Studies, 18*(2), 295–312. doi:10.2307/3178230

Brummans, B. H. J. M. (2007). Death by document: Tracing the agency of a text. *Qualitative Inquiry, 13*(5), 711–727. doi:10.1177/1077800407301185

Bumiller, K. (2008). *In an abusive state: How neoliberalism appropriated the feminist movement against sexual violence*. Durham, NC: Duke University Press.

Burrell, G. (1984). Sex and organizational analysis. *Organization Studies, 5*(2), 97–118. doi:10.1177/017084068400500201

Burrell, G. (1992). The organization of pleasure. In M. Alvesson & H. Willmott (Eds.), *Critical management studies* (pp. 66–89). Newbury Park, CA: Sage.

Butler, J. (1991). Contingent foundations: Feminism and the question of 'postmodernism'. *Praxis International, 11*(2), 150–165.

Buzanell, P. M. (2000). Commentary about Aimee M. Carrillo Rowe's 'Locating feminism's subject: The paradox of white femininity and the struggle to forge feminist alliances'. *Communication Theory, 10*(1), 81–89. doi:10.1111/j.1468-2885.2000.tb00180.x

Cahill, A. J. (2001). *Rethinking rape*. Ithaca, NY: Cornell University Press.

Calás, M. B., & Smircich, L. (1991). Voicing seduction to silence leadership. *Organization Studies, 12*(4), 567–601. doi:10.1177/017084069101200406

Campbell, R. (2002). *Emotionally involved: The impact of researching rape*. New York, NY: Routledge.

Campbell, R., Wasco, S. M., Ahrens, C. E., Sefl, T., & Barnes, H. E. (2001). Preventing the "second rape": Rape survivors' experiences with community service providers. *Journal of Interpersonal Violence, 16*(12), 1239–1259. doi:10.1177/088626001016012002

Catalano, S. (2007). *Intimate partner violence in the US*. U. S. Department of Justice, Bureau of Justice Statistics. Retrieved from http://bjs.ojp.usdoj.gov/index.cfm?ty=pbdetail&iid=1000

Catley, B. (2005). Workplace violence and the forging of management and organization history. *International Critical Management Studies Conference,* Cambridge, UK. Retrieved from http://www.mngt.waikato.ac.nz/ejrot/cmsconference/2005/proceedings/managementorganizational/Catley.pdf

Catley, B., & Jones, C. (2002). Deciding on violence. *Philosophy of Management, 2*(1), 25–34. doi:10.5840/pom20022120

Center for Multicultural Affairs. (2012, April 3). *An open letter to CU and the Boulder community*. Boulder, CO: University of Colorado. Retrieved from http://cuvictimassistance.com/blog/

Center for Multicultural Affairs. (n.d.) Many faces . . . many voices. Retrieved from http://cma.colorado.edu/

Chamberlain, L. J., Crowley, M., Tope, D., & Hodson, R. (2008). Sexual harassment in organizational context. *Work and Occupation, 35*(3), 262–295. doi:10.1177/0730888408322008

Charmaz, K. (2004). Grounded theory in the 21st century: Applications for advancing social justice studies. In N. K. Denzin & Y. S. Lincoln (Eds.), *The Sage handbook of qualitative research* (3rd ed., pp. 507–536). Thousand Oaks, CA: Sage.

Clair, R. P. (1993a). The bureaucratization, commodification, and privatization of sexual harassment through institutional discourse. *Management Communication Quarterly, 7*(2), 123–157. doi:10.1177/0893318993007002001

Clair, R. P. (1993b). The use of framing devices to sequester organizational narratives: Hegemony and harassment. *Communication Monographs, 60*(2), 113–136. doi:10.1080/03637759309376304

Clair, R. P. (1994). Resistance and oppression as a self-contained opposite: An organizational communication analysis. *Western Journal of Communication, 58*(4), 235–262. doi:10.1080/10570319409374499

Clair, R. P., Chapman, P. A., & Kunkel, A. W. (1996). Narrative approaches to raising consciousness about sexual harassment: From research to pedagogy. *Journal of Applied Communication Research, 24*(4), 241–259. doi:10.1080/00909889609365455

Clarke, A. (2005). *Situational analysis: Grounded theory after the postmodern turn*. Thousand Oaks, CA: Sage.

Clarke, A. (2007). Feminisms, grounded theory, and situational analysis. In S. N. Hesse-Biber (Ed.), *Handbook of feminist research: Theory and practice.* (pp. 345–370). Thousand Oaks, CA: Sage.

Clift, E. (1997). Response to interpersonal communication and rape: Women acknowledge their assaults. *Journal of Health Communication, 2*(3), 213–214. doi:10.1080/108107397127761

Cloud, D. (1994). The materiality of discourse as oxymoron: A challenge to critical rhetoric. *Western Journal of Communication, 58*(3), 141–163. doi:10.1080/10570319409374493

Collins, P. H. (2000). *Black feminist thought: Knowledge, consciousness and the politics of empowerment* (2nd ed.). New York, NY: Routledge.

Collins, P. H. (2005). *Black sexual politics: African Americans, gender, and the new racism*. New York, NY: Routledge.

Collinson, D. L., & Collinson, M. (1989). Sexuality in the workplace: The domination of men's sexuality. In J. Hearn, D. L. Sheppard, P. Tancred-Sheriff, & G. Burrell (Eds.), *The sexuality of organization* (pp. 91–109). Newbury Park, CA: Sage.

Conrad, C., & Taylor, B. (1994). The context(s) of sexual harassment: Power, silences, and academe. In S. G. Bingham (Ed.), *Conceptualizing sexual harassment as discursive practice* (pp. 45–58). Westport, CT: Praeger.

Cooren, F. (2004). Textual agency: How texts do things in organizational settings. *Organization, 11*(3), 373–393. doi:10.1177/1350508404041998

Craig, R. T. (1999). Communication theory as a field. *Communication Theory, 9*(2), 119–161.

doi:10.1111/j.1468-2885.1999.tb00355.x

Crenshaw, K. (1989). Demarginalizing the intersection of race and sex: A black feminist critique of antidiscrimination doctrine, feminist theory, and antiracist politics. *University of Chicago Legal Forum,* 139–167.

Crenshaw, K. (1991). Mapping the margins: Intersectionality, identity politics, and violence against women of color. *Stanford Law Review, 43*(6), 1241–1299. doi:10.2307/1229039

Crosset, T. W., Benedict, J. R., & MacDonald, M. A. (1995). Male student-athletes reported for sexual assault: A survey of campus police departments and judicial affairs offices. *Journal of Sport and Social Issues, 19*(2), 126–140. doi:10.1177/019372395019002002

Daire, V. (2000). The case against mandatory reporting of domestic violence injuries. *Florida Bar Journal, 74*(1), 78–80.

Das, V. (2007). *Life and words: Violence and the descent into the ordinary*. Berkeley, CA: University of California Press.

Davis, A. (2000). The color of violence against women. *ColorLines, 3*(3). Retrieved from http://colorlines.com/archives/2000/10/the_color_of_violence_against_women.html

Derlega, V. J., & Grzelak, J. (1979). Appropriateness of self-disclosure. In G. J. Chelune (Ed.), *Self-disclosure: Origins, patterns, and implications of openness in interpersonal relationships* (pp. 151–176). San Francisco, CA: Jossey-Bass.

DeVault, M. L., & Gross, G. (2007). Feminist interviewing: Experience, talk, and knowledge. In S. N. Hesse-Biber (Ed.), *Handbook of feminist research: Theory and praxis* (pp. 173–197). Thousand Oaks, CA: Sage.

Dill, B. T., McLaughlin, A. E., & Nieves, A. D. (2007). Future directions of feminist research: Intersectionality. In S. N. Hesse-Biber (Ed.), *Handbook of feminist research: Theory and*

practice (pp. 629–637). Thousand Oaks, CA: Sage.

Dindia, K., & Allen, M. (1992). Sex differences in self-disclosure: A meta-analysis. *Psychological Bulletin, 112*(1), 106–124. doi:10.1037/0033-2909.112.1.106

DiTomaso, N. (1989). Sexuality in the workplace: Discrimination and harassment. In J. Hearn, D. L. Sheppard, P. Tancred-Sheriff, & G. Burrell (Eds.), *The sexuality of organization* (pp. 71–90). Newbury Park, CA: Sage.

Dotson, K. (2011). Tracking epistemic violence, tracking practices of silencing. *Hypatia, 26*(2), 236–257. doi:10.1111/j.1527-2001.2011.01177.x

Dougherty, D. S. (1999). Dialogue through standpoint. *Management Communication Quarterly, 12*(3), 436–468. doi:10.1177/0893318999123003

Dougherty, D. S. (2011). Managing sexual harassment through enacted stereotypes: An intergroup perspective. *Western Journal of Communication, 75*(3), 259–281. doi:10.1080/10570314.2011.571654

Dougherty, D. S., & Smythe, M. J. (2004). Sensemaking, organizational culture, and sexual harassment. *Journal of Applied Communication Research, 32*(4), 293–317. doi:10.1080/0090988042000275998

Dworkin, A. (1987). *Intercourse*. New York, NY: The Free Press.

Edwards, K. M., Turchik, J. A., Dardis, C. M., Reynolds, N., & Gidycz, C. A. (2011). Rape myths: History, individual and institutional-level presence, and implications for change. *Sex Roles, 65*(11–12), 761–773. doi:10.1007/s11199-011-9943-2

Eisenberg, E. M. (1984). Ambiguity as a strategy in organizational communication. *Communication Monographs, 51*(3), 227–242. doi:10.1080/03637758409390197

Eisenberg, E. M., & Witten, M. G. (1987). Reconsidering openness in organizational

communication. *Academy of Management Review, 12*(3), 418–426. doi:10.5465/AMR.1987.4306557

Ellingson, L. L. (2009). *Engaging crystallization in qualitative research: An introduction*. Los Angeles, CA: Sage.

Enck-Wazner, S. M. (2009). All's fair in love and sport: Black masculinity and domestic violence in the news. *Communication and Critical/Cultural Studies, 6*(1), 1–18. doi:10.1080/14791420802632087

Fairhurst, G. T., & Putnam, L. (2004). Organizations as discursive constructions. *Communication Theory, 14*(1), 5–26. doi:10.1093/ct/14.1.5

Felson, R. B., & Paré, P. (2005). The reporting of domestic violence and sexual assault by nonstrangers to the police. *Journal of Marriage & Family, 67*(3), 597–610. doi:10.1111/j.1741-3737.2005.00156.x

Figley, C. R. (Ed.). (1995). *Compassion fatigue: Coping with secondary traumatic stress disorder in those who treat the traumatized*. New York, NY: Brunner Mazel.

Fine, M. (1992). Coping with rape: Critical perspectives on consciousness. *Disruptive voices: The possibilities of feminist research* (pp. 61–76). Ann Arbor, MI: University of Michigan.

Fisher, B. S., Cullen, F. T., & Turner, M. G. (2000). *The sexual victimization of college women* (No. NCJ 182369). Office of Justice Programs, National Institute of Justice. Washington, DC: United States Department of Justice. Retrieved from http://www.ncjrs.gov/pdffiles1/nij/182369.pdf

Fitzgerald, L. F., Swan, S., & Fischer, K. (1995). Why didn't she just report him? The psychological and legal implications of women's responses to sexual harassment. *Journal of Social Issues, 51*(1), 117–138. doi:10.1111/j.1540-4560.1995.tb01312.x

Fixmer, N., & Wood, J. T. (2005). The personal is *still* political: Embodied politics in third wave feminism. *Women's Studies in Communication, 28*(2), 235–257. doi:10.1080/07491409.2005.10162493

Fleming, P. (2007). Sexuality, power and resistance in the workplace. *Organization Studies, 28*(2), 239–256. doi:10.1177/0170840606068307

Flores, L. (2006). Gender with/out borders: Discursive dynamics of gender, race, and culture. In B. J. Dow & J. T. Wood (Eds.), *The Sage handbook of gender and communication* (pp. 379–396). Thousand Oaks, CA: Sage.

Fonow, M. M., & Cook, J. A. (Eds.). (1991). *Beyond methodology: Feminist scholarship as lived research*. Bloomington, IN: Indiana University.

Fonow, M. M., & Cook, J. A. (2005). Feminist methodology: New applications in the academy and public policy. *Signs: Journal of Women in Culture and Society, 30*(4), 2211–2236. doi:10.1086/428417

Foss, S. K., & Griffin, C. L. (1995). Beyond persuasion: A proposal for invitational rhetoric. *Communication Monographs, 62*(1), 2–18. doi:10.1080/03637759509376345

Foucault, M. (1970). *The order of things: An archaeology of the human sciences*. New York, NY: Vintage Books.

Foucault, M. (1978). *The history of sexuality* (R. Hurley Trans.). New York, NY: Vintage Books.

Foucault, M. (1980). In C. Gordon (Ed.), *Power/knowledge: Selected interviews and other writings, 1972–1977*. New York, NY: Pantheon Books.

Foucault, M. (2002). *The archaeology of knowledge*. New York, NY: Routledge Classics.

Fowles, S. M. (2008). The fantasy of acceptable "non-consent": Why the female sexual

submissive scares us (and why she shouldn't). In J. Friedman & J. Valenti (Eds.), *Yes*

means yes!: Visions of female sexual power and a world without rape (pp. 117–126).

Berkeley, CA: Seal Press.

Frank, A. W. (2005). What is dialogical research, and why should we do it? *Qualitative Health*

Research, 15(7), 964–974. doi:10.1177/1049732305279078

Freeh, Sporkin, & Sullivan, LLP. (2012). *Report of the special investigative counsel regarding*

the actions of the Pennsylvania State University related to the child sexual abuse

committed by Gerald A. Sandusky. New York, NY: Author. Retrieved from

http://i.usatoday.net/news/nation/2012-07-12-penn-state-freeh-report.pdf

Freire, P. (1970). *Pedagogy of the oppressed.* New York, NY: Continuum.

Fritsch, T. A. (2002). *Mandatory reporting of domestic violence: Making it safe and effective.*

Lexington, KY: Kentucky Injury Prevention and Research Center. Retrieved from

http://opashg.nl/wp-content/uploads/Fritsch_Intimate-Partner-Violence-Surveillance-

Project_2002_Mandatory-reporting.pdf

Gage, E. A. (2008). Gender attitudes and sexual behaviors: Comparing center and marginal

athletes and nonathletes in a collegiate setting. *Violence Against Women, 14*(9), 1014–

1032. doi:10.1177/1077801208321987

Gajjala, R. (2002). An interrupted postcolonial/feminist cyberethnography: Complicity and

resistance in the 'cyberfield'. *Feminist Media Studies, 2*(2), 177–193.

doi:10.1080/14680770220150854

Gallop, J. (1997). *Feminist accused of sexual harassment.* Durham, NC: Duke University Press.

Gavey, N. (2005). *Just sex?: The cultural scaffolding of rape*. New York, NY: Routledge.

Gavey, N. (2011). Feminist poststructuralism and discourse analysis revisited. *Psychology of Women Quarterly, 35*(1), 183–188. doi:10.1177/0361684310395916

Gavey, N., & Schmidt, J. (2011). 'Trauma of rape' discourse: A double-edged template for everyday understandings of the impact of rape? *Violence Against Women, 17*(4), 433–456. doi:10.1177/1077801211404194

Gherardi, S. (1995). *Gender, symbolism and organizational cultures*. Thousand Oaks, CA: Sage.

Gielen, A. C., O'Campo, P. J., Campbell, J. C., Schollenberger, J., Woods, A. B., Jones, A. S., . . . Wynne, E. C. (2000). Women's opinions about domestic violence screening and mandatory reporting. *American Journal of Preventive Medicine, 19*(4), 279–285. doi:10.1016/S0749-3797(00)00234-8

Gill, R. (1995). Relativism, reflexivity, and politics: Interrogating discourse analysis from a feminist perspective. In C. Kitzinger & S. Wilkinson (Eds.), *Feminism and discourse: Psychological perspectives* (pp. 165–186). Thousand Oaks, CA: Sage.

Gilligan, C. (1993). *In a different voice: Psychological theory and women's development.* Cambridge, MA: Harvard University Press.

Grant, D., Hardy, C., Oswick, C., & Putnam, L. L. (2004). Introduction: Organizational discourse: Exploring the field. In D. Grant, C. Hardy, C. Oswick, & L. Putnam (Eds.), *The Sage handbook of organizational discourse* (pp. 1–36). Thousand Oaks, CA: Sage.

Gundlach, M. J., Douglas, S. C., & Martinko, M. J. (2003). The decision to blow the whistle: A social information processing framework. *Academy of Management Review, 28*(1), 107–123. doi:10.2307/30040692

Gunn, J., & Cloud, D. L. (2010). Agentic orientation as magical voluntarism. *Communication*

Theory, 20(1), 50–78. doi:10.1111/j.1468-2885.2009.01349.x

Gutek, B. A. (1989). Sexuality in the workplace: Key issues in social research and organizational practice. In J. Hearn, D. L. Sheppard, P. Tancred-Sheriff, & G. Burrell (Eds.), *The sexuality of organization* (pp. 56–70). Newbury Park, CA: Sage.

Haag, P. (1996). "Putting your body on the line": The question of violence, victims, and the legacies of second-wave feminism. *Differences: A Journal of Feminist Cultural Studies, 8*(2), 23–67.

Hall, S. (Ed.). (1997). *Representation: Cultural representations and signifying practices.* Thousand Oaks, CA: Sage.

Haraway, D. J. (1988). Situated knowledges: The science question in feminism and the privilege of partial perspective. *Feminist Studies, 14*(3), 575–599. doi:10.2307/3178066

Haraway, D. J. (1997). *Modest_Witness@Second_Millennium.FemaleMan_Meets_OncoMouse: Feminism and technoscience*. New York, NY: Routledge.

Haraway, D. J. (2004). *The Haraway reader*. New York, NY: Routledge.

Harding, S. (1991). *Whose science? Whose knowledge?: Thinking from women's lives*. Ithaca, NY: Cornell University Press.

Harding, S. (Ed.). (2004). *The feminist standpoint theory reader: Intellectual and political controversies*. New York, NY: Routledge.

Harris, K. L. (2011a). The next problem with no name: The politics and pragmatics of the word *rape*. *Women's Studies in Communication, 34*(1), 42–63. doi:10.1080/07491409.2011.566533

Harris, K. L. (2011b). Peanut butter sandwiches: Making sense of acquaintance rape in ongoing relationships. In D. O. Braithwaite & J. T. Wood (Eds.), *Casing interpersonal*

communication: Case studies in personal and social relationships (pp. 181–185).

Dubuque, IA: Kendall Hunt.

Harter, L. M., Kirby, E. L., & Gerbensky-Kerber, A. (2010). Enacting and disrupting the single-sex mandate of the YWCA: A post-structural feminist analysis of separatism as an organizing strategy. *Women & Language, 33*(1), 9–28.

Hartman, S. V. (1997). Seduction and the ruses of power. In *Scenes of subjection: Terror, slavery and self-making in nineteenth century America* (pp. 79–112). New York, NY: Oxford University Press.

Hartsock, N. C. M. (1998). *The feminist standpoint revisited and other essays*. Boulder, CO: Westview Press.

Hearn, J. (1994). The organization(s) of violence: Men, gender relations, organizations, and violences. *Human Relations, 47*(6), 731–755. doi:10.1177/001872679404700608

Hearn, J. (1998). *The violences of men: How men talk about and how agencies respond to men's violence to women*. Thousand Oaks, CA: Sage.

Hearn, J. (2003). Organization violations in practice: A case study in a university setting. *Culture and Organization, 9*(4), 253–273. doi:10.1080/1475955042000195436

Hearn, J., & Parkin, W. (2001). *Gender, sexuality and violence in organizations: The unspoken forces of organization violations*. Thousand Oaks, CA: Sage.

Hedge, R. S. (1998). A view from elsewhere: Locating difference and a politics of representation from a transnational feminist perspective. *Communication Theory, 8*(3), 271–297. doi:10.1111/j.1468-2885.1998.tb00222.x

Hekman, S. (2008). Constructing the ballast: An ontology for feminism. In S. Alaimo & S. Hekman (Eds.), *Material feminisms* (pp. 85–119). Bloomington, IN: Indiana University.

Held, V. (2006). *The ethics of care: Personal, political, global.* New York, NY: Oxford

    University Press.

Hengehold, L. (2000). Remapping the event: Institutional discourses and the trauma of rape.

    Signs: Journal of Women in Culture and Society, 26(1), 189–214. doi:10.1086/495571

Herman, J. (1997). *Trauma and recovery: The aftermath of violence—from domestic violence to

    political terror*. New York, NY: Basic Books.

Hesse-Biber, S. N., & Piatelli, D. (2012). The feminist practice of holistic reflexivity. In S. N.

    Hesse-Biber (Ed.), *The handbook of feminist research: Theory and praxis* (2nd ed., pp.

    557–582). Thousand Oaks, CA: Sage.

Hill, C. (2011). *Crossing the line: Sexual harassment at school.* Washington, DC: American

    Association of University Women. Retrieved from

    http://www.aauw.org/research/crossing-the-line/

Holland, S. (2009). The enigmatic Lynndie England: Gendered explanations for the crisis at Abu

    Ghraib. *Communication and Critical/Cultural Studies, 6*(3), 246–264.

    doi:10.1080/14791420903049744

hooks, b. (1994a). Eros, eroticism, and the pedagogical process. In *Teaching to transgress:

    Education as the practice of freedom* (pp. 191–200). New York, NY: Routledge.

hooks, b. (1994b). Feminism inside: Toward a black body politic. In T. Golden (Ed.), *Black male

    representations of masculinity in contemporary American art* (pp. 128–140). New York,

    NY: Whitney Museum of American Art.

hooks, b. (1994c). *Teaching to transgress: Education as the practice of freedom.* New York, NY:

    Routledge.

hooks, b. (2000). *Feminism is for everybody: Passionate politics*. Cambridge, MA: South End

Press.

Hope, A., & Eriksen, M. (2009). From military sexual trauma to 'organization-trauma':
    Practising 'poetics of testimony'. *Culture and Organization, 15*(1), 109–127.
    doi:10.1080/14759550802709582

Jackson, D., Peters, K., Andrew, S., Edenborough, M., Halcomb, E., Luck, L., . . . Wilkes, L.
    (2010). Trial and retribution: A qualitative study of whistleblowing and workplace
    relationships in nursing. *Contemporary Nurse, 36*(1–2), 34–44.
    doi:10.5172/conu.2010.36.1-2.034

Jessop, A. (2012, March 21, 2012). Highest net income amongst athletic departments. *Business
    of College Sports*. Retrieved from http://businessofcollegesports.com/2012/03/21/highest-
    net-income-amongst-athletics-departments/

Jian, G., Schmisseur, A. M., & Fairhurst, G. T. (2008). Organizational discourse and
    communication: The progeny of Proteus. *Discourse & Communication, 2*(3), 299–320.
    doi:10.1177/1750481308091912

Jones, E. E., & Berglas, S. (1978). Control of attributions about the self through self-
    handicapping strategies: The appeal of alcohol and the role of underachievement.
    Personality and Social Psychology Bulletin, 4(2), 200–206.
    doi:10.1177/014616727800400205

Karjane, H. M., Fisher, B. S., & Cullen, F. T. (2002). *Campus Sexual Assault: How America's
    Institutions of Higher Education Respond* (No. 196676). Newton, MA: Education
    Development Center. Retrieved from
    https://www.ncjrs.gov/pdffiles1/nij/grants/196676.pdf

Kempton, S. (1970, July). Cutting loose. *Esquire,* 53–57.

Kirby, E. L., & Krone, K. J. (2002). "The policy exists but you can't really use it": Communication and the structuration of work-family policies. *Journal of Applied Communication Research, 30*(1), 50–77. doi:10.1080/00909880216577

Kitch, S. (2009). *The specter of sex: Gendered foundations of racial formation in the United States*. Albany, NY: State University of New York Press.

Kittay, E. F. (1999). *Love's labor: Essays on women, equality, and dependency.* New York, NY: Routledge.

Knudsen, S. V. (2005). Intersectionality: A theoretical inspiration in the analysis of minority cultures and identities in textbooks. *Caught in the Web Or Lost in the Textbook? Eighth International Conference on Learning and Educational Media,* 61–76. Retrieved from http://www.iartem.no/documents/caught_in_the_web.pdf

Koss, M. P. (1988). Hidden rape: Sexual aggression and victimization in a national sample in higher education. In A. W. Burgess (Ed.), *Rape and sexual assault II* (pp. 3–25). New York, NY: Garland Publishing.

Koss, M. P., Abbey, A., Campbell, R., Cook, S., Norris, J., Testa, M., . . . White, J. (2007). Revising the SES: A collaborative process to improve assessment of sexual aggression and victimization. *Psychology of Women Quarterly, 31*(4), 357–370. doi:10.1111/j.1471-6402.2007.00385.x

Koss, M. P., Gidycz, C. A., & Wisniewski, N. (1987). The scope of rape: Incidence and prevalence of sexual aggression and victimization in a national sample of higher education students. *Journal of Consulting and Clinical Psychology, 55*(2), 162–170. doi:10.1037/0022-006X.55.2.162

Kramarae, C. (2005). Muted group theory and communication: Asking dangerous questions.

Women & Language 28(2), 55–61.

Kristeva, J. (1980). *Desire in language: A semiotic approach to literature and art*. New York, NY: Columbia University Press.

Lamb, S. (Ed.). (1999). *New versions of victims: Feminists struggle with the concept*. New York, NY: New York University Press.

Larkin, H., & O'Malley, N. (1999). In favor of mandatory reporting. *Western Journal of Medicine, 171*(2), 119–121.

Levy, C. (2011) The Campus Sharing Information Act: Attachment A. Retrieved from http://www.leg.state.co.us/Clics/CLICS2011A/commsumm.nsf/b4a3962433b52fa787256 e5f00670a71/bc63b5b54eee82fd872578400057380a/$FILE/0223HseEdAttachA.pdf

Linstead, S. (1997). Abjection and organization: Men, violence, and management. *Human Relations, 50*(9), 1115–1145. doi:10.1177/001872679705000904

Lipman, F. D. (2012). *Whistleblowers: Incentives, disincentives, and protection strategies*. Hoboken, NJ: John Wiley & Sons.

Lisak, D., & Miller, P. M. (2002). Repeat rape and multiple offending among undetected rapists. *Violence and Victims, 17*(1), 73–84. doi:10.1891/vivi.17.1.73.33638

Lombardi, K., & Jones, K. (2009). *Campus sexual assault statistics don't add up: The troubling discrepancies in Clery Act numbers*. Washington, DC: The Center for Public Integrity. Retrieved from http://www.publicintegrity.org/investigations/campus_assault/articles/entry/1841/

Lozano-Reich, N. M., & Cloud, D. L. (2009). The uncivil tongue: Invitational rhetoric and the problem of inequality. *Western Journal of Communication, 73*(2), 220–226. doi:10.1080/10570310902856105

Lutgen-Sandvik, P., & Tracy, S. J. (2011). Answering five key questions about workplace

    bullying: How communication scholarship provides thought leadership for transforming

    abuse at work. *Management Communication Quarterly, 20*(10), 1–45.

    doi:10.1177/0893318911414400

Macbeth, D. (2001). On "reflexivity" in qualitative research: Two readings, and a third.

    Qualitative Inquiry, 7(1), 35–68. doi:10.1177/107780040100700103

MacKinnon, C. A. (1982). Feminism, Marxism, method, and the state: An agenda for theory.

    Signs, 7(3), 515–544. doi:10.1086/493898

Maier, S. L. (2008). "I have heard horrible stories . . .": Rape victim advocates' perceptions of

    the revictimization of rape victims by the police and medical system. *Violence Against*

    Women, 14(7), 786–808. doi:10.1177/1077801208320245

Marcus, S. (1992). Fighting bodies, fighting words: A theory and politics of rape prevention. In

    J. Butler & J. W. Scott (Eds.), *Feminists theorize the political* (pp. 385–403). New York,

    NY: Routledge.

Mardorossian, C. M. (2002). Toward a new feminist theory of rape. *Signs, 27*(3), 743–775.

    doi:10.1086/337938

Markovitz, J. (2006). Anatomy of a spectacle: Race, gender, and memory in the Kobe Bryant

    rape case. *Sociology of Sport Journal, 23*(4), 396–418.

Martin, J. (1990). Deconstructing organizational taboos: The suppression of gender conflict in

    organizations. *Organization Science, 1*(4), 339–359. doi:10.1287/orsc.1.4.339

McCabe, C. (2013, January 16). Group files sexual assault complaint against UNC. *Daily Tar*

    Heel. Retrieved from http://www.dailytarheel.com/article/2013/01/group-files-sexual-

    assault-complaint-against-unc_0116

McCall, L. (2005). The complexity of intersectionality. *Journal of Women in Culture and Society, 30*(3), 1771–1800. doi:10.1086/426800

McKay, J., Rowe, D., & Miller, T. (2001). Panic sports and the racialized male body. In T. Miller (Ed.), *Sportsex* (pp. 79–102). Philadelphia, PA: Temple University Press.

Messer-Davidow, E. (2002). *Disciplining feminism: From social activism to academic discourse.* Durham, NC: Duke University Press.

Messner, M. A. (2002). *Taking the field: Women, men, and sports*. Minneapolis, MN: University of Minnesota Press.

Mills, S. (2004). *Discourse: The new critical idiom*. New York, NY: Routledge.

Mohanty, C. T. (2003). Privatized citizenship, corporate academies, and feminist projects. In *Feminism without borders: Decolonizing theory, practicing solidarity* (pp. 169–189). Durham, NC: Duke University Press.

Moon, L. (2011). The gentle violence of therapists: Misrecognition and dis-location of the other. *Psychotherapy and Politics International 9*(3), 194–205. doi:10.1002/ppi.251

Morris, W. (2012, April 2). What we talk about when we talk about hoodies: Trayvon Martin, the Miami Heat, and the garment we can no longer take for granted. *Grantland*. Retrieved from http://www.grantland.com/story/_/id/7764334/trayvon-martin-miami-heat-talk-talk-hoodies

Mumby, D. K. (2004). Discourse, power and ideology: Unpacking the critical approach. In D. Grant, C. Hardy, C. Oswick, & L. Putnam (Eds.), *The Sage handbook of organizational discourse* (pp. 237–258). Thousand Oaks, CA: Sage.

Mumby, D. K., & Putnam, L. (1992). The politics of emotion: A feminist reading of bounded rationality. *The Academy of Management Review, 17*(3), 465–486. doi:10.5465/AMR.1992.4281983

Mumby, D. K., & Stohl, C. (1996). Disciplining organizational communication studies. *Management Communication Quarterly, 10*(1), 50–72. doi:10.1177/0893318996010001004

Nakayama, T. (2005). Muting and finding an Asian voice. *Women & Language, 28*(2), 66–72.

Naples, N. A. (2003). *Feminism and method: Ethnography, discourse analysis, and activist research*. New York, NY: Routledge.

Nkomo, S. M. (1992). The emperor has no clothes: Rewriting "race in organizations". *Academy of Management Review, 17*(3), 487–513. doi:10.5465/AMR.1992.4281987

Noddings, N. (2003). *Caring: A feminine approach to ethics and moral education.* Berkeley, CA: University of California Press.

Noddings, N. (2005). *The challenge to care in schools: An alternative approach to education.* New York, NY: Teachers College Press.

Office of Discrimination and Harassment. (n.d.). *Stop discrimination and harassment* [Pamphlet]. Boulder, CO: University of Colorado Boulder.

Office of Discrimination and Harassment. (2011). *Discrimination and harassment policies and procedures* (Campus Policies: Human Resources). Boulder, CO: University of Colorado. Retrieved from http://www.colorado.edu/policies/discrimination-and-harassment-policy-and-procedures

Office of Planning, Budget, and Analysis. (2010). *Student social climate survey, fall 2010.* Boulder, CO: University of Colorado. Retrieved from

http://www.colorado.edu/pba/surveys/climate/10/

Office of Planning, Budget, and Analysis. (2012). *CU boulder campus employees by job category and demographics, fall 2011.* Boulder, CO: University of Colorado. Retrieved from http://www.colorado.edu/pba/facstaff/catdiv2011.htm

Office of Victim Assistance. (2012). *How to handle mandatory reporting.* Boulder, CO: University of Colorado. Retrieved from http://cuvictimassistance.com/issues/mandatory-reporting

Offices of Discrimination and Harassment and Labor Relations. (2011). *Discrimination and harassment policy and procedures* (Campus Policies: Human Resources). Boulder, CO: University of Colorado. Retrieved from http://www.colorado.edu/policies/discrimination-and-harassment-policy-and-procedures

Orbe, M. P. (1998). *Constructing co-cultural theory: An explication of culture, power, and communication*. Thousand Oaks, CA: Sage.

Orchowski, L. M., Meyer, D. H., & Gidycz, C. A. (2009). College women's likelihood to report unwanted sexual experiences to campus agencies: Trends and correlates. *Journal of Aggression, Maltreatment & Trauma, 18*(8), 839–858. doi:10.1080/10926770903291779

Owen, W. F. (1985). Thematic metaphors in relational communication: A conceptual framework. *Western Journal of Speech Communication, 49*(1), 1–13. doi:10.1080/10570318509374177

Parkin, W. (1989). Private experiences in the public domain: Sexuality and residential care organizations. In J. Hearn, D. L. Sheppard, P. Tancred-Sheriff, & G. Burrell (Eds.), *The sexuality of organization* (pp. 110–124). Newbury Park, CA: Sage.

Pateman, C. (1989). Feminist critiques of the public/private dichotomy. In *The disorder of*

women (pp. 118–140). Palo Alto, CA: Stanford University Press.

Pearson, K. (2007). The trouble with Aileen Wuornos, feminism's "first serial killer".

Communication and Critical/Cultural Studies, 4(3), 256–275.

doi:10.1080/14791420701472791

Pelzer, P. (2003). The dinner party of silent gentlemen: The intrinsic violence of organisations.

Culture and Organization, 9(4), 225–237. doi:10.1080/1475955042000195445

Peters, K., Luck, L., Hutchinson, M., Wilkes, L., Sharon, A., & Jackson, D. (2011). The

emotional sequelae of whistleblowing: Findings from a qualitative study. *Journal of*

Clinical Nursing, 20(19–20), 2907–2914. doi:10.1111/j.1365-2702.2011.03718.x

Petronio, S. (2007). Translational research endeavors and the practices of communication

privacy management. *Journal of Applied Communication Research, 35*(3), 218–222.

doi:10.1080/00909880701422443

Phillips, L. M. (2000). *Flirting with danger: Young women's reflections on sexuality and*

domination. New York, NY: New York University Press.

Pillow, W. S. (2003). Confession, catharsis, or cure? Rethinking the uses of reflexivity as

methodological power in qualitative research. *Qualitative Studies in Education, 16*(2),

175–196. doi:10.1080/0951839032000060635

Potter, R. A. (1995). L'objet X: Performing race in a postmodern world. *Literature and*

Psychology, 41, 17–29.

Presser, L. (2005). Negotiating power and narrative in research: Implications for feminist

methodology. *Signs: Journal of Women in Culture and Society, 30*(4), 2067–2090.

doi:10.1086/428424

Projansky, S. (2001). *Watching rape: Film and television in postfeminist culture*. New York,

NY: New York University Press.

Putnam, L. L., & Fairhurst, G. T. (2001). Discourse analysis in organizations: Issues and concerns. In F. M. Jablin & L. L. Putnam (Eds.), *The new handbook of organizational communication: Advances in theory, research, and methods* (pp. 78–136). Thousand Oaks, CA: Sage.

Rakow, L. F., & Wackwitz, L. A. (2004). Voice in feminist communication theory. In L. F. Rakow & L. A. Wackwitz (Eds.), *Feminist communication theory: Selections in context* (pp. 93–109). Thousand Oaks, CA: Sage Publications.

Ramazanoglu, C. (1989). *Feminism and the contradictions of oppression*. New York, NY: Routledge.

Richardson, B. K., & Taylor, J. (2009). Sexual harassment at the intersection of race and gender: A theoretical model of the sexual harassment experiences of women of color. *Western Journal of Communication, 73*(3), 248–272. doi:10.1080/10570310903082065

Ricouer, P. (1998). Violence and language. *Bulletin De La Société Américaine De Philosophie De Langue Française, 10*(2), 32–41.

Riggs, D. W. (2004). Challenging the monoculturalism of psychology: Towards a more socially accountable pedagogy and practice. *Australian Psychologist, 39*(2), 118–126. doi:10.1080/00050060410001701834

Rodriguez, M., McLoughlin, E., Bauer, H., Paredes, V., & Grumbach, K. (1999). Mandatory reporting of intimate partner violence to police: Views of physicians in California. *American Journal of Public Health, 89*(4), 575–578. doi:10.2105/AJPH.89.4.575

Rowe, A. M. C. (2000). Locating feminism's subject: The paradox of white femininity and the paradox to forge feminist alliances. *Communication Theory, 10*(1), 64–80. doi:10.1111/j.1468-2885.2000.tb00179.x

Roy, J. (2007). *Campus violence policy* (Campus Policies: Human Resources). Boulder, CO: University of Colorado. Retrieved from http://www.colorado.edu/policies/campus-violence-policy

Salin, D. (2003). Ways of explaining workplace bullying: A review of enabling, motivating, and precipitating structures and processes in the work environment. *Human Relations, 56*(10), 1213–1232. doi:10.1177/00187267035610003

Sandberg, J. (2005). How do we justify knowledge produced within interpretive approaches? *Organizational Research Methods, 81*(1), 41–68. doi:10.1177/1094428104272000

Scarry, E. (1985). *The body in pain: The making and unmaking of the world*. New York, NY: Oxford University Press.

Schauben, L. J., & Frazier, P. A. (1995). Vicarious trauma: The effects on female counselors of working with sexual violence survivors. *Psychology of Women Quarterly, 19*(1), 49–64. doi:10.1111/j.1471-6402.1995.tb00278.x

Schneider, E. (1991). The violence of privacy. *Connecticut Law Review, 23*(4), 973–984.

Scott, J. (1992). Experience. In J. Butler & J. Scott (Eds.), *Feminists theorize the political* (pp. 22–40). New York, NY: Routledge.

Scott-Hunt, S., & Lim, H. (2005). To pay suspicious attention: Following the weave of 'mixed logics' in women's ethical decision making. *Feminist Legal Studies, 13*(2), 205–237. doi:10.1007/s10691-005-7542-8

Seymour, K. (2009). Women, gendered work and gendered violence: So much more than a job. *Gender, Work & Organization, 16*(2), 238–265. doi:10.1111/j.1468-0432.2009.00437.x

Sharpe, C. (2012). Blackness, sexuality, and entertainment. *American Literary History, 24*(4), 827–841. doi:10.1093/alh/ajs046

Shugart, H. A. (2001). Isn't it ironic?: The intersection of third-wave feminism and Generation X. *Women's Studies in Communication, 24*(2), 131–168. doi:10.1080/07491409.2001.10162432

Simpson v. University of Colorado, 372 F. Supp. 2d 1229 (District Court, D. Colorado 2005).

Simpson v. University of Colorado, 500 F. 3d 1170 (10th Cir. 2007).

Smith, A. (2000). It's my decision, isn't it? A research note on battered women's perceptions of mandatory intervention laws. *Violence Against Women, 6*(12), 1384–1402. doi:10.1177/10778010022183703

Smith, A. (2005). *Conquest: Sexual violence and American Indian genocide*. Cambridge, MA: South End Press.

Spade, D. (2011). *Normal life: Administrative violence, critical trans politics, and the limits of law*. Brooklyn, NY: South End Press.

Spall, S. (1998). Peer debriefing in qualitative research: Emerging operational models. *Qualitative Inquiry, 4*(2), 280–292. doi:10.1177/107780049800400208

Speer, S. A. (2005). *Gender talk: Feminism, discourse and conversation analysis*. New York, NY: Routledge.

Spivak, G. C. (1988). Can the subaltern speak? In C. Nelson & L. Grossberg (Eds.), *Marxism and the interpretation of culture* (pp. 271–313). Chicago, IL: University of Illinois Press.

Stacey, J. (1988). Can there be a feminist ethnography? *Women's Studies International Forum, 11*(1), 21–27. doi:10.1016/0277-5395(88)90004-0

Stafford, D. (2012). *Clery Act Overview for CSAs* [Presentation handout]. Rehoboth Beach, DE: D. Stafford & Associates.

Starzynski, L. L., Ullman, S. E., Filipas, H. H., & Townsend, S. M. (2005). Correlates of women's sexual assault disclosure to informal and formal support sources. *Violence and Victims, 20*(4), 417–432. doi:10.1891/0886-6708.20.4.417

Strauss, A. L., & Corbin, J. M. (1998). *Basics of qualitative research: Techniques and procedures for developing grounded theory* (2nd ed.). Thousand Oaks, CA: Sage.

Students Active for Ending Rape. (2008). *Title IX and sexual assault: Know your rights and your college's responsibilities.* Washington, DC: American Civil Liberties Union. Retrieved from http://www.aclu.org/womens-rights/fact-sheet-title-ix-and-sexual-assault-%E2%80%94-know-your-rights-and-your-colleges-responsibi

Sullivan, C. M., & Hagen, L. A. (2005). Survivors' opinions about mandatory reporting of domestic violence and sexual assault by medical professionals. *Affilia: Journal of Women & Social Work, 20*(3), 346–361. doi:10.1177/0886109905277611

Tannen, D. (2001). *You just don't understand: Women and men in conversation.* New York, NY: Quill.

Thompson, J., Petronio, S., & Braithwaite, D. O. (2012). An examination of privacy rules for academic advisors and college student-athletes: A communication privacy management perspective. *Communication Studies, 63*(1), 54–76. doi:10.1080/10510974.2011.616569

Tillman, S., Bryant-Davis, T., Smith, K., & Marks, A. (2010). Shattering silence: Exploring barriers to disclosure for African American sexual assault survivors. *Trauma, Violence &*

Abuse, 11(2), 59–70. doi:10.1177/1524838010363717

Townsley, N. C., & Geist, P. (2000). The discursive enactment of hegemony: Sexual harassment and academic organizing. *Western Journal of Communication, 62*(2), 190–217. doi:10.1080/10570310009374671

Tracy, S. J. (2010). Qualitative quality: Eight "big-tent" criteria for excellent qualitative research. *Qualitative Inquiry, 16*(10), 837–851. doi:10.1177/1077800410383121

Tracy, S. J. (2013). *Qualitative research methods: Collecting evidence, crafting analysis, communicating impact*. Malden, MA: Wiley-Blackwell.

Tracy, S. J., Lutgen-Sandvik, P., & Alberts, J. (2006). Nightmares, demons, and slaves: Exploring painful metaphors of workplace bullying. *Management Communication Quarterly, 20*(2), 148–185. doi:10.1177/0893318906291980

Trethewey, A. (1999). Isn't it ironic: Using irony to explore the contradictions of organizational life. *Western Journal of Communication, 63*(2), 140–167. doi:10.1080/10570319909374634

Trethewey, A. (2004). Sexuality, eros, and pedagogy: Desiring laughter in the classroom. *Women & Language, 27*(1), 34–39.

Tsoukas, H. (2000). False dilemmas in organization theory: Realism or social constructivism? *Organization, 7*(3), 531–535. doi:10.1177/135050840073012

Tsoukas, H., & Vladimirou, E. (2001). What is organizational knowledge? *Journal of Management Studies, 38*(7), 973–993. doi:10.1111/1467-6486.00268

U.S. Army. (2012). *Army 2020: Generating health and discipline in the force ahead of the strategic reset.* Washington, DC: Department of the Army. Retrieved from http://usarmy.vo.llnwd.net/e2/c/downloads/235822.pdf

U.S. Department of Education. (2011). *The handbook for campus safety and security reporting*. Washington, DC: Office of Postsecondary Education. Retrieved from http://www2.ed.gov/admins/lead/safety/handbook.pdf

University of Colorado. (2011). Majority of CU-Boulder students report positive campus experience, according to social climate survey. Retrieved from http://www.colorado.edu/news/releases/2011/06/01/majority-cu-boulder-students-report-positive-campus-experience-according

University of Colorado. (2012). *Sexual harassment policy and procedures* (Administrative Policy Statement 5014). Boulder, CO: Author. Retrieved from https://www.cu.edu/policies/aps/hr/5014.pdf

University of Colorado Boulder Police Department. (2012, January 22). Boulder police investigating University Hill attack [Email]. Boulder, CO: University of Colorado.

University of Colorado Courses. (2012). Policy provisions: Obligation to report incidents of discrimination and/or harassment [Online training, module 3]. *Discrimination and Harassment: CU Boulder*. Boulder, CO: Regents of the University of Colorado.

van der Tuin, I. (2009). 'Jumping generations': On second- and third-wave feminist epistemology. *Australian Feminist Studies, 24*(59), 17–31. doi:10.1080/08164640802645166

Weedon, C. (1997). *Feminist practice and poststructuralist theory* (2nd ed.). Malden, MA: Blackwell.

Weiler, K. (1991). Freire and a feminist pedagogy of difference. *Harvard Educational Review, 61*(4), 449–475.

Westwood, R. I. (2003). Economies of violence: An autobiographical account. *Culture and*

Organization, 9(4), 275–293. doi:10.1080/1475955042000195418

Wiegman, R. (1995). *American anatomies: Theorizing race and gender*. Durham, NC: Duke University Press.

Wong, L. M. (1994). Di(s)-secting and dis(s)-closing 'whiteness': Two tales about psychology. *Feminism & Psychology, 4*(1), 133–153. doi:10.1177/0959353594041008

Wood, J. T. (1992). Telling our stories: Narratives as a basis for theorizing sexual harassment. *Journal of Applied Communication Research, 20*(4), 349–362. doi:10.1080/00909889209365343

Wood, J. T. (2004). Monsters and victims: Male felons' accounts of intimate partner violence. *Journal of Social & Personal Relationships, 21*(5), 555–576. doi:10.1177/0265407504045887

Wood, J. T. (2005). Feminist standpoint theory and muted group theory: Commonalities and divergences. *Women & Language 28*(2), 61–64.

Wood, J. T. (2013). *Gendered lives: Communication, gender, and culture* (10th ed.). Boston, MA: Wadsworth.

Žižek, S. (2008). *Violence: Six sideways reflections*. New York, NY: Picador.

Appendix 1

INTERVIEW SCHEDULE

Interviews were semi-structured, and these questions served as a guide for conversation. As necessary, I offered interviewees reminders about my obligations to report violence, discrimination and harassment to the Office of Discrimination and Harassment or Office of Student Conduct. I also periodically reiterated a request that participants omit identifying details if they chose to speak about instances of violence. Per the university's Institutional Review Board, these reminders and requests served to protect participants from risks associated with the study.

For participants who are responsible for designing, implementing, or advising about the mandatory reporting policy.

I. Would you be willing to tell me about your role in designing, implementing, or advising about the mandatory reporting policy?

    A. Do you experience any rewards as a result of your role? If so, what are they?

    B. Do you experience any challenges or discomforts as a result of your role? If so, what are those challenges or discomforts?

II. In your opinion, what are the most important goals the policy is designed to achieve?

III. In your opinion, what are the strengths of the mandatory reporting policy?

    A. How well is the policy working? How do you know?

    B. Do you have any examples that illustrate this?

IV. In your opinion, what are the weaknesses or limitations of the mandatory reporting policy?

    A. How could the policy work better?

    B. Do you have any examples that illustrate this?

V. How does the policy influence your communication about sexual harassment and sexual violence with other university members?

    A. If necessary to clarify "communication," ask about how the policy influences the ways in which the participant talks with, writes email to, interacts with, speaks in public forums to, teaches, advises, or coaches other university members.

    B. If necessary to clarify "other university members" ask about undergraduate students, graduate students, staff, faculty, and administrators.

VI. How does the policy influence your communication about sexual harassment and sexual violence with others who are not university members?

A. If necessary to clarify "communication," ask about how the policy influences the ways in which the participant talks with, writes email to, speaks in public forms to, interacts with, teaches, advises, or coaches other non-university members.

B. If necessary to clarify "others who are not university members," ask about police officers, legal representatives, community clinicians, family members, relatives, friends, etc.

VII. If the mandatory reporting policy did not exist, what would be different?

VIII. In your opinion, what is sexual harassment?

IX. In your opinion, what is sexual violence?

X. In your opinion, what is the university's role in relationship to sexual violence?

A. Do you believe that the university is *responsible or accountable* for sexual violence?

B. Do you believe that the university can either *cause or contribute* to sexual violence?

C. Do you believe that the university should *respond to or prevent* sexual violence?

For participants who are bound by the mandatory reporting policy.

I. In your opinion, what is sexual harassment?

II. In your opinion, what is sexual violence?

III. What are your impressions of the university's mandatory reporting policy?

IV. In your opinion, what are the strengths of this policy?

A. What is your impression of how well the policy is working? What led you to form this impression?

B. Do you have any examples that illustrate your impression of the policy?

V. In your opinion, what are the weaknesses or limitations of this policy?

A. Do you have any ideas about how the policy could work better? What led you to develop these ideas?

B. Do you have any examples that illustrate your impression of the policy's weaknesses?

VI. What are your thoughts and feelings about your responsibility to report?

In the next few questions, I will ask more specifically about the extent to which you have witnessed or learned about sexual harassment and violence involving university members. As you answer these questions, please remember that I am obligated to make a report about these incidents if you provide identifying information (name, job title, etc) about a university member

who has perpetrated violence or harassment. To help me protect your confidentiality, you may wish to omit these identifying details as you answer these questions.

VII. Have you ever been in a situation where you witnessed sexual harassment or sexual violence involving another university member?

    A. If yes:

        1. How did you respond to that experience?

        2. Did you experience any rewards during or after your response to that experience?

        3. Did you face any dilemmas or difficult decisions when responding to that experience? Describe them.

        4. If you had this kind of experience again, would you respond similarly? If no, what would you do differently?

    B. If no:

        1. If you had that kind of experience, how do you think you would respond?

        2. Do you think you would experience any rewards during or after your response to that experience?

        3. Do you think you would face any dilemmas or difficult decisions when responding to that experience? Describe them.

VIII. Have you ever been in a situation where you heard about an episode of sexual harassment or sexual violence involving another university member?

    A. If yes:

        1. How did you respond to that experience?

        2. Did you experience any rewards during or after your response to that experience?

        3. Did you face any dilemmas or difficult decisions when responding to that experience? Describe them.

        4. If you had this kind of experience again, would you respond similarly? If no, what would you do differently?

    B. If no:

        1. If you had that kind of experience, how do you think you would respond?

        2. Do you think you would experience any rewards during or after your response to that experience?

        3. Do you think you would face any dilemmas or difficult decisions when responding to that experience? Describe them.

IX. Have you ever had to make a report?

    A. If yes, what was your experience like?

        1. What thoughts or feelings did you have?

        2. How were your interactions with the university officials responsible for receiving your report?

        3. How were your interactions with those about whom you made the report?

    B. If no, imagine how that experience would be.

        1. What thoughts or feelings do you think you would have?

        2. How do you think you would feel about your interactions with the university officials responsible for receiving your report? What do you expect you would think about these interactions?

        3. How do you think you would feel about your interactions with those about whom you made the report? What do you expect you would think about these interactions?

X. How does the policy influence your communication about sexual harassment and sexual violence with other university members?

    A. If necessary to clarify "communication," ask about how the policy influences the ways in which the participant talks with, writes email to, interacts with, speaks in public forums to, teaches, advises, or coaches other university members.

    B. If necessary to clarify "other university members" ask about undergraduate students, graduate students, staff, faculty, and administrators.

XI. How does the policy influence your communication about sexual harassment and sexual violence with others who are not university members?

    A. If necessary to clarify "communication," ask about how the policy influences the ways in which the participant talks with, writes email to, interacts with, speaks in public forums to, teaches, advises, or coaches other non-university members.

    B. If necessary to clarify "others who are not university members," ask about police officers, legal representatives, community clinicians, family members, relatives, friends, etc.

XII. In your opinion, what is the university's role in relationship to sexual violence?

    A. Do you believe that the university is *responsible or accountable* for sexual violence?

    B. Do you believe that the university can either *cause or contribute* to sexual violence?

    C. Do you believe that the university should *respond to or prevent* sexual violence?

Appendix 2

PARTICIPANT PSEUDONYMS AND ROLES

Pseudonym	Role
Aaron	undergraduate student
Adam	B
Ashley	A
Audrey	A
Bonnie	B
Cam	B
Chris	undergraduate student
David	undergraduate student
Deb	B
Don	B
Emily	B
Emma	A
Lee	undergraduate student
Melanie	B
Meg	B
Pat	B
Paul	undergraduate student
Rachel	A
Rob	A
Sal	A
Sam	B
Sarah	A
Sue	A
Vin	B

A = advises, implements, or enforces mandatory reporting
B = bound by mandatory reporting

Appendix 3

DOCUMENTS ANALYZED

Cited In-Text

Ali, R. (2011). *Dear colleague letter.* Washington, DC: United States Department of Education, Office for Civil Rights. Retrieved from http://www.whitehouse.gov/sites/default/files/dear_colleague_sexual_violence.pdf

Brodsky, A. (2013, July 16). My school betrayed me [Email]. New York, NY: Change.org.

Center for Multicultural Affairs. (2012, April 3). *An open letter to CU and the Boulder community*. Boulder, CO: University of Colorado. Retrieved from http://cuvictimassistance.com/blog/

Center for Multicultural Affairs. (n.d.) Many faces . . . many voices. Retrieved from http://cma.colorado.edu/

Freeh, Sporkin, & Sullivan, LLP. (2012). *Report of the special investigative counsel regarding the actions of the Pennsylvania State University related to the child sexual abuse committed by Gerald A. Sandusky*. New York, NY: Author. Retrieved from http://i.usatoday.net/news/nation/2012-07-12-penn-state-freeh-report.pdf

Levy, C. (2011) The Campus Sharing Information Act: Attachment A. Retrieved from http://www.leg.state.co.us/Clics/CLICS2011A/commsumm.nsf/b4a3962433b52fa787256 e5f00670a71/bc63b5b54eee82fd872578400057380a/$FILE/0223HseEdAttachA.pdf

McCabe, C. (2013, January 16). Group files sexual assault complaint against UNC. *Daily Tar Heel*. Retrieved from http://www.dailytarheel.com/article/2013/01/group-files-sexual-assault-complaint-against-unc_0116

Office of Discrimination and Harassment. (n.d.). *Stop discrimination and harassment* [Pamphlet]. Boulder, CO: University of Colorado Boulder.

Office of Discrimination and Harassment. (2011). *Discrimination and harassment policies and procedures* (Campus Policies: Human Resources). Boulder, CO: University of Colorado. Retrieved from http://www.colorado.edu/policies/discrimination-and-harassment-policy-and-procedures

Office of Planning, Budget, and Analysis. (2010). *Student social climate survey, fall 2010.* Boulder, CO: University of Colorado. Retrieved from http://www.colorado.edu/pba/surveys/climate/10/

Office of Planning, Budget, and Analysis. (2012). *CU boulder campus employees by job category and demographics, fall 2011.* Boulder, CO: University of Colorado. Retrieved from http://www.colorado.edu/pba/facstaff/catdiv2011.htm

Office of Victim Assistance. (2012). *How to handle mandatory reporting.* Boulder, CO: University of Colorado. Retrieved from http://cuvictimassistance.com/issues/mandatory-reporting

Offices of Discrimination and Harassment and Labor Relations. (2011). *Discrimination and harassment policy and procedures.* (Campus Policies: Human Resources). Boulder, CO: University of Colorado. Retrieved from http://www.colorado.edu/policies/discrimination-and-harassment-policy-and-procedures

Roy, J. (2007). *Campus violence policy* (Campus Policies: Human Resources). Boulder, CO: University of Colorado. Retrieved from http://www.colorado.edu/policies/campus-violence-policy

Simpson v. University of Colorado, 372 F. Supp. 2d 1229 (District Court, D. Colorado 2005).

Simpson v. University of Colorado, 500 F. 3d 1170 (10th Cir. 2007).

Stafford, D. (2012). *Clery Act Overview for CSAs* [Presentation handout]. Rehoboth Beach, DE:

D. Stafford & Associates.

Students Active for Ending Rape. (2008). *Title IX and sexual assault: Know your rights and your college's responsibilities.* Washington, DC: American Civil Liberties Union. Retrieved from http://www.aclu.org/womens-rights/fact-sheet-title-ix-and-sexual-assault-%E2%80%94-know-your-rights-and-your-colleges-responsibi

U.S. Department of Education. (2011). *The handbook for campus safety and security reporting.* Washington, DC: Office of Postsecondary Education. Retrieved from http://www2.ed.gov/admins/lead/safety/handbook.pdf

University of Colorado. (2011). Majority of CU-Boulder students report positive campus experience, according to social climate survey. Retrieved from http://www.colorado.edu/news/releases/2011/06/01/majority-cu-boulder-students-report-positive-campus-experience-according

University of Colorado. (2012). *Sexual harassment policy and procedures* (Administrative Policy Statement 5014). Boulder, CO: Author. Retrieved from https://www.cu.edu/policies/aps/hr/5014.pdf

University of Colorado Boulder Police Department. (2012, January 22). Boulder police investigating University Hill attack [Email]. Boulder, CO: University of Colorado.

University of Colorado Courses. (2012). Policy provisions: Obligation to report incidents of discrimination and/or harassment [Online training, module 3]. *Discrimination and Harassment: CU Boulder*. Boulder, CO: Regents of the University of Colorado.

Analyzed But Not Cited In-Text

Adelman, R. B., & Norman, T. C. (2009). The Interactive Theater Project's facilitation and information packet for Just Another Party. Boulder, CO: University of Colorado.

Aldama, A. J. (2012, March 12). Where are the changes CU-Boulder deserves? *Daily Camera*.

    Retrieved from http://www.dailycamera.com/letters/ci_20157046/letter-editor-where-are-

    changes-cu-boulder-deserves?IADID=Search-www.dailycamera.com-

    www.dailycamera.com

American Civil Liberties Union. (n.d.) Title IX and sexual violence in schools. Washington, DC:

    Author. Retrieved from http://www.aclu.org/womens-rights/title-ix-and-sexual-violence-

    schools

Anas, B. (2012, July 20). CU regents suggest rule on briefing of crimes, potential scandals. *Daily*

    Camera. Retrieved from http://www.dailycamera.com/cu-news/ci_21124129/cu-regents-

    suggest-rule-briefing-crimes-potential-scandals

Bowen, S. (2012, February 2). The damaging effects of false criminal allegations. *Colorado*

    Daily. Retrieved from http://www.coloradodaily.com/our-

    take/ci_19847898?#axzz1yBo8DGng

Brief of American Civil Liberties Union et al. as Amici Curiae Supporting Appellants, *Simpson*

    v. University of Colorado, No. 06-1184 (10th Cir. Aug. 24, 2006). Retrieved from

    http://www.aclu.org/racial-justice-womens-rights/simpson-v-university-colorado

Colorado Coalition Against Sexual Assault. (n.d.). A victim of sexual assault should never be

    charged for a forensic exam. Retrieved from

    http://cityofdacono.com/DocumentCenter/Home/View/670

Community Health. (n.d.). College climate factors that enable gender violence [Workshop

    handout]. Boulder, CO: University of Colorado.

Community Health. (n.d.). Gender violence basics and research [Workshop handout]. Boulder,

    CO: University of Colorado.

Community Health. (n.d.). Gender violence scenarios [Workshop handout]. Boulder, CO: University of Colorado.

Conyers, J. (2004, March 1). Letter to the U.S. House of Representatives Committee on the Judiciary [Request for Congress to investigate CU]. Retrieved from http://www.thedenverchannel.com/news/rep-john-conyers-letter-requesting-congressional-cu-probe

CUIndependent. (2010, October 14). CU holds gender and racial justice forum. *CUIndependent.com*. Retrieved from http://www.cuindependent.com/2010/10/14/cu-holds-gender-and-racial-justice-forum/19322

DiStefano, P. P. (2012, April 9). Issues of false reporting and racial profiling in our community [Email]. Boulder, CO: University of Colorado.

DiStefano, P. P. (2012, September 24). Clery Act crime reporting [Email]. Boulder, CO: University of Colorado.

Gender Violence Prevention Advisory Committee. (2012, Summer). GVPAC newsletter. Boulder, CO: University of Colorado.

Harris, K. L. (2012). Information sheet [Research recruitment document]. Boulder, CO: Author.

Harris, K. L. (2012). Participant informed consent form [Research document]. Boulder, CO: Author.

Interactive Theater Project. (n.d.). Facilitation guide. Boulder, CO: University of Colorado.

Interactive Theater Project. (2011). Just Another Party: 2011 bystander emphasis version [Script]. Boulder, CO: University of Colorado.

Melton, A. (2012, March 12). Administration responds to Take Back Our Campus. *CUIndependent.com*. Retrieved from

http://www.cuindependent.com/2012/03/12/administration-responds-to-take-back-our-campus/32687/

Miller, V. (2011, April 30). Boulder hate-crime convictions raise First Amendment questions. *Daily Camera.* Retrieved from http://www.dailycamera.com/ci_17965210

Mole, B. (2012, August 10). Campus threat assessment teams face complex task of judging risk. *The Chronicle of Higher Education*. Retrieved from http://chronicle.com/article/Threat-Assessment-Teams-Face/133523/

Office of Discrimination and Harassment. (n.d.). Discrimination and harassment CU Boulder video script. Boulder, CO: University of Colorado.

Office of Discrimination and Harassment. (n.d.). The investigative process. Boulder, CO: University of Colorado. Retrieved from http://hr.colorado.edu/dh/Pages/InvestigativeProcess.aspx

Office of Discrimination and Harassment. (2011). Fiscal Year 2010–2011 Statistical Report. Boulder, CO: University of Colorado. Retrieved from http://hr.colorado.edu/dh/Documents/StatRept10-11.pdf

Office of Discrimination and Harassment. (2012). Fiscal Year 2011–2012 Statistical Report. Boulder, CO: University of Colorado. Retrieved from http://hr.colorado.edu/dh/Documents/Stat%20Rept%2011-12.pdf

Office of Discrimination and Harassment and Office of Student Conduct. (n.d.). If you are a victim. Boulder, CO: University of Colorado. Retrieved from http://www.colorado.edu/studentaffairs/studentconduct/downloads/If%20you%20are%20a%20victim.pdf

Office of Planning, Budget, and Analysis. (2010). Annual progress report on campus diversity

plan: "A blueprint for action." Boulder, CO: University of Colorado. Retrieved from

http://www.colorado.edu/pba/div/divplanprogress.htm

Office of Student Conduct. (n.d.). Discrimination and harassment policy: Understanding

discrimination and sexual harassment [Orientation session handout]. Boulder, CO:

University of Colorado.

Office of Student Conduct. (2011). Student conduct code policies & procedures 2011–2012.

Boulder, CO: University of Colorado. Retrieved from

http://www.colorado.edu/studentaffairs/studentconduct/downloads/StudentConductPolici

esandProcedures2011-12.pdf

University of Colorado. (2009). *Conflict of interest in cases of amorous relationships.*

(Administrative Policy Statement 5015). Boulder, CO: Author. Retrieved from

https://www.cu.edu/policies/aps/hr/5015.pdf

University of Colorado Boulder. (n.d.). New student orientation student responsibilities 101

[Orientation session attendance form]. Boulder, CO: Author.

University of Colorado Boulder. (2008, October 9). Prevention of gender violence is focus of

new CU position. Boulder, CO: Author. Retrieved from

http://www.colorado.edu/news/releases/2008/10/09/prevention-gender-violence-focus-

new-cu-boulder-position

University of Colorado Boulder. (2012, October 19). Preventing gender violence. Boulder, CO:

Author. Retrieved from http://www.colorado.edu/node/1784765

University of Colorado Boulder Police Department. (2011). 2010 Clery Act Statistics. Boulder,

CO: University of Colorado. Retrieved from

http://police.colorado.edu/sites/default/files/2010%20Clery%20Statistics_Revised.pdf

University of Colorado Boulder Police Department. (2011). 2011 Annual Security & Fire Safety

Report. Boulder, CO: University of Colorado. Retrieved from

http://police.colorado.edu/sites/default/files/CU%202011%20ASR.Fire%20Safety%20Re

ports.pdf

University of Colorado Boulder Police Department. (2011, October 24). CU police arrest sex

assault suspect [Email]. Boulder, CO: University of Colorado.

University of Colorado Boulder Police Department. (2012, January 25). Boulder police

determine University Hill attack was a false report [Email]. Boulder, CO: University of

Colorado.

University Police Department and Emergency Management. (n.d.). Clery Act and campus

security authorities. Boulder, CO: University of Colorado. Retrieved from

http://police.colorado.edu/records-reports/clery-act-and-campus-security-authorities

University Police Department and Emergency Management. (2010). Preventing violence on

campus. Boulder, CO: University of Colorado. Retrieved from

http://police.colorado.edu/crime-prevention-safety/preventing-violence-campus