Cornell and the "Rodeo" of Campus Sexual Violence

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Although the Cornell fraternity case was most prominently featured in the news at the end of September, it was not the only important item related to campus sexual violence that broke that week. Getting comparatively little attention was the action by the current U.S. Department of Education ("ED") to reestablish regulations first issued by ED as final rules during the current U.S. president's first term in office ("the 2020 rules"), supposedly to enforce the statute prohibiting sex discrimination, including sexual harassment, in U.S. education: Title IX of the Education Amendments of 1972 ("Title IX").

In actuality, of course, the 2020 rules do not enforce Title IX, they undermine it. For example, they narrow the definition of "sexual harassment" so that schools can only address sexual harassment once it becomes extremely severe and harmful to the student victim. Indeed, the 2020 rules were *designed* to undermine Title IX, as was made abundantly clear when a court invalidated their provisions compelling cross-examination in college disciplinary proceedings – a mandate only applicable to Title IX cases and contrary to recognized best practices.

Additional evidence of the 2020 rules' illegitimacy can be found in the data collected through the multi-year effort I led to read and catalog the over 100,000 comments that the American public filed with ED. That research found that more than 99 percent of the comments opposed the 2020 rules, almost all for reasons based in how the 2020 rules made it easier for U.S. educational institutions *not* to protect their students from sexual harassment, including in its most violent forms such as sexual assault. As the legal inadequacies exposed by that "Big Comment Catalog" show, however, reversing the 2020 rules is not enough. We also need to change the incentives that allow universities to protect their reputations instead of preventing sexual abuse.

Bad Memories Conjured by Cornell

The Cornell case sent me – and others who worked with the Obama-Biden administration's White House Task Force to Protect Students from Sexual Assault – on the worst "trip down memory lane" of my more than 30 years of work combating sexual harassment on U.S. college campuses. It reminded me of Dr. Bernice Sandler, commonly known as the "Godmother of Title IX," once telling me how she settled on the term "gang rape" during research she was conducting on gender equality in education not long after Title IX's passage. And I recalled reading anthropologist Peggy Reeves Sanday's chilling portrait of 1980s *Fraternity Gang Rape*, still relevant enough in the mid-2000s to merit a second edition. I had encountered Sanday's book while writing my article on *Masculinity and Title IX*, research that caused me to reflect on how an early-1990s senior male student journalist's exposé – of a rape "game" that *generations* of male students in my on-campus first-year dormitory called "the rodeo" and "passed down" as a "tradition" from class to class – had set me on the road to anti-sexual harassment/violence activism.

From Bad to Worse: Memories of the 2020 Rules and Their Aftermath

Despite how horrifying those memories continue to be, the reestablishment of the 2020 rules evokes memories that are in many ways even worse. I can remember how my hopes about what the federal government was poised to do in the first half of 2016 were dashed by the Electoral College victory of a man who boasted of sexually assaulting women. And those disappointed hopes were not just vague expectations of what a particular political candidate or party might do: they had concrete substance to them and were focused on getting schools to comprehensively prevent sexual

harassment and gender-based violence. Comprehensive prevention's concern with the larger populations affected by campus sexual abuse (victims/survivors and bystanders, as opposed to accused harassers, who research indicates are a much smaller number due to high rates of serial sexual harassment) would have helped many, many more students, as well as faculty and other university employees. The loss of those comprehensive prevention plans was therefore especially hard to bear.

Instead of pushing forward with these worthy projects, we have spent the decade since – with a couple of limited exceptions – fighting to protect, too often with only partial success, gains already in place when the first "Grab 'Em by the [Genitalia]" administration took office in 2017. For instance, various organizations, groups, and individuals collectively making up what I quickly named the "Title IX Civil Rights Movement" organized a remarkable and unprecedented effort to use U.S. administrative law – specifically the "notice and comment rulemaking" procedures required by the federal Administrative Procedure Act – to resist the 2020 rules and related efforts to undermine Title IX. The "crowd-research" comment-cataloging effort that I led found that 114,817 comments opposed the 2020 rules while only 853 comments supported them. Although a lack of resources delayed collection of this data past the point at which Title IX Movement activists could use it as evidence in litigation, they were nevertheless partially victorious in lawsuits seeking invalidation of the 2020 rules.

Four years of intense work followed the Biden-Harris administration's move into the White House, only to have new rules finalized mere months before the second "Grab 'Em by the [Genitalia]" administration began. January 2025 saw the immediate resuscitation of the 2020 rules, even though they were not formally reinstated until the terrible week with which this essay begins.

The Missed Opportunity of Shifting Incentives via Campus Climate Surveys

Even more disheartening, in its necessarily single-minded focus on undoing the damage of the 2020 rules, Biden's ED appears to have let an opportunity pass to realign schools' incentives so that they would focus on comprehensive prevention without the government compelling them to do so. In 2022's reauthorization of the U.S.'s Violence Against Women Act ("VAWA"), a method of accomplishing such a realignment that I first suggested over a decade beforehand was finally made law in Section 1507 of the Consolidated Appropriations Act of 2022 (codified at 20 U.S.C. 11611–6). The law requires ED to develop a "campus climate survey" that all campuses would be required to use to collect data on rates of sexual harassment and gender-based violence experienced by their students, data the institutions would then be mandated to disclose to the general public. This publicly available data would allow prospective students, when choosing where to go to college, to compare the schools' environments on safety, equality, and cultural tolerance for sexual abuse, but from January 2021 to January 2025, ED and other agencies neither developed such a survey nor required campuses to collect and disclose its data.

Had ED taken steps to enforce Section 1507, U.S. colleges and universities would now have business reasons to comprehensively prevent sexual harassment/violence, regardless of which set of Title IX rules was in place. With no government-mandated and -standardized campus climate survey to collect data about what is really happening at a school, however, especially when so few harassment survivors feel comfortable reporting, a school's low number of reports gives a false impression of a safe campus. Under this regime (the one that exists now and stretches back decades), the public-image-based incentive is for campuses to make victim reporting harder, not to bring the cultural or other causes of the high rates of violence to the surface so they can be prevented. With campus climate surveys, those incentives would shift and *discourage* a university from tolerating campus cultures such as those in which 50+ young men either join in or silently stand by when they receive a Snapchat message encouraging them to help sexually abuse a vulnerable classmate.

Even more critically, with campus climate surveys, the business incentives would be much more likely to

encourage more schools to utilize their unique position and reputation in the U.S. to improve the range and effectiveness of available comprehensive prevention techniques. Prior to the current administration's "Project 2025" white Christian nationalist efforts to dismantle it, the U.S. government relied on a system whereby it supported the development of new solutions to societal problems through funding innovations by the nation's best and brightest, often employed at colleges and universities. That approach included campus anti-sexual violence innovations such as 2022's VAWA Section 41801, which provides funding for trauma-informed campus restorative practices pilot programs. The Obama-Biden administration also started the "It's On Us" campaign to encourage the development of bystander intervention training on campuses, often targeting rape culture "hot spots" such as fraternities.

Avoiding a New Rodeo Ride

Many casual observers of the last 10-15 years of the policy wars over campus sexual harassment have used the term "pendulum" in conversations with me to describe the shifts in Title IX enforcement over that time, but "rodeo" feels like the better metaphor for my and others' decades of work trying to end this violence. Although I began writing this essay before the U.S.'s 2026 congressional – and many state and local – elections, I am finishing it after the election returns point to historically positive developments for women voters, women leaders and pro-woman public policies. Yet even as I anticipate the good changes that appear to be on the horizon, I fear that, unless we learn from our mistakes with regard to campus sexual abuse, another rodeo ride on an untamed bull looms.

Instead, we should hold the Cornell case, the lessons learned from the damage of the last ten years (as well as the potential for more in the next two), and the 2026 election results together in our minds as we gear up to again make progress on ending sexual harassment and gender-based violence – on and off campus, once and for all. Completing the steps laid out in the 2022 legal mandate for a campus climate survey would be a good start.

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