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Tanya Asim Cooper

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#SororityToo

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#SororityToo

Tanya Asim Cooper*

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ABSTRACT

Sexual violence is an epidemic affecting millions of students, and those who participate in collegiate Greek life are especially vulnerable. As social societies bent on secrecy, fraternities and sororities often hide violence in their midst. Laws and campus policies when accessed offer little help to victims, and often secondarily traumatize them. Publicized scandals on campus and social media campaigns, however, have raised awareness and sparked public outrage against the widespread problem of sexual violence and high-risk Greek life. Systems change theory offers a useful framework to reform high-risk Greek life from many angles: education, reporting, litigation, and collective action of its system actors. Effective strategies exist to create safer Greek organizations for students, but without reform, we will continue to jeopardize the education and health of millions of students.

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INTRODUCTION

When Jenna finally told her mother that her boyfriend had raped her one night in her college dorm room, her mother took over.¹ Her mother came to school and checked into a nearby hotel. She took her daughter to the campus women's center and also to the local courthouse to file a request for a restraining order.

Since Jenna had reported the rape, she had not been to class for weeks. Although the incident was horrible, seeing her now ex-

1. Based on a true story. Names and some distinguishing details have been changed to protect privacy.

boyfriend and his fraternity brothers in class was worse. Even her own sorority sisters avoided her, not only because they dated his fraternity brothers but because Jenna had broken their code of silence.

Before the rape, Jenna and her boyfriend, her high school sweetheart, were once excited about getting into the same college and leaving their hometown together. Then, they each got into their top-choice fraternity and sorority, and everything seemed perfect.

But that was when the problems started. Jenna's boyfriend became increasingly controlling and jealous. He dictated who she could and could not be friends with. He chose her outfits and insisted she wear her hair long and straight. She was not allowed to attend any parties or mixers with other fraternities, even if her sorority required her presence and fined her absence.

He expected sex all the time and said it was her duty. When Jenna said no, he made her feel ashamed and then forced himself on her anyway. The last time she objected he grabbed her by the throat, held her down to strangle her, and threatened to kill her if she told anyone. That was when Jenna decided to tell her mother. At her mother's insistence, they also told the campus women's center.

Her college offered to move her into a different dorm and change her class schedule. But Jenna felt she had to change her entire life. In the end, she decided it would be easier to withdraw from school, abandon her restraining order request, and transfer to a college near home. At a new school no one would know what happened, and she would not have to hide in her room anymore.

Like Jenna, many sorority women are victims of sexual violence.² But the extent of this problem, which occurs not only in preexisting relationships but also in hook-up and first-frat party contexts, is not fully known because most survivors do not report. Although sexual violence affects men and LGBTQ+ students too, this Article centers on the particular vulnerability of sorority women.³

2. See CTRS. FOR DISEASE CONTROL & PREVENTION, PREVENTING INTIMATE PARTNER VIOLENCE: FACT SHEET, <https://www.cdc.gov/violenceprevention/intimatepartnerviolence/fastfact.html> [<https://perma.cc/6CJL-TN89>] (last updated Feb. 26, 2019) ("Sexual violence is forcing or attempting to force a partner to take part in a sex act, sexual touching, or a non-physical sexual event (e.g., sexting) when the partner does not or cannot consent."); see also NAT'L SEXUAL VIOLENCE RES. CTR., WHAT IS SEXUAL VIOLENCE? 1 (2010) [hereinafter WHAT IS SEXUAL VIOLENCE?].

3. See Nancy Chi Cantalupo, *Masculinity & Title IX: Bullying and Sexual Harassment of Boys in the American Liberal State*, 73 MD. L. REV. 887, 891–93 (2014) [hereinafter *Masculinity & Title IX*] (discussing sexual violence against the aforementioned populations); see also NAT'L CTR. FOR INJURY PREVENTION &

Millions of sorority women are at risk.⁴ Although Greek clubs historically focused on solidarity and social association, today's high-risk sororities and fraternities are often associated with partying, secrecy, and dangerous rituals that sometimes dominate student life in higher education.⁵ Key factors that make sorority women more vulnerable for sexual violence include partying with high-risk fraternities, hypersexualized gender roles and rules, and the pervasive culture of silence.⁶

Not all sororities and fraternities are equally high risk for sexual violence.⁷ Clear differences exist in Greek organizations by race, interest affinity (e.g., religious or academic versus purely social), and its true purpose.⁸ This Article centers on those members most at risk.⁹ High-risk Greek practices often put men and women in great risk of harm or even death.¹⁰ The collegiate power that shrouds the Greek community sometimes insulates these problems of sexual violence and discourages disclosure.¹¹ With repeated scandals affecting many Greek chapters across the country, the national spotlight still shines on the Greek system and the barriers it sometimes mounts for sorority survivors.¹²

CONTROL, NISVS: AN OVERVIEW OF 2010 FINDINGS ON VICTIMIZATION BY SEXUAL ORIENTATION (2019).

4. See Nicole Glass, *Examining the Benefits of Greek Life*, USA TODAY (May 8, 2012, 10:41 AM), <https://www.usatoday.com/story/college/2012/05/08/examining-the-benefits-of-greek-life/37392651/> [https://perma.cc/3GJ3-R944] (noting nine million college students in Greek life nationwide in 2012). Membership since then is up. See FRATERNITY ADVISOR, *Greek Life Statistics*, <http://thefraternityadvisor.com/greek-life-statistics/> [https://perma.cc/2MVX-YTUA] (last visited Mar. 30, 2020).

5. See *infra* Section I.B.

6. See *id.*

7. See, e.g., Alexandra Robbins, *A Frat Boy and a Gentleman*, N.Y. TIMES (Jan. 26, 2019), <https://www.nytimes.com/2019/01/26/opinion/sunday/fraternity-sexual-assault-college.html> [https://perma.cc/YE4P-UEBQ] [hereinafter *A Frat Boy and a Gentleman*].

8. See, e.g., *id.* (distinguishing between high-risk and low-risk fraternities); see also ALEXANDRA ROBBINS, *PLEDGED: THE SECRET LIFE OF SORORITIES* 11 (2004) (distinguishing sororities) [hereinafter *PLEDGED*].

9. See *A Frat Boy and a Gentleman*, *supra* note 7.

10. See *id.*

11. See *id.*

12. See, e.g., *id.* (reporting “2,130 incidents of university-recognized, national, predominantly white fraternities committing major violations of conduct or ethical codes,” including sexual assault, harassment, and violence between January 2010 to June 2018).

When sorority survivors report sexual violence outside of Greek life, the legal frameworks in place to address it are often not effective at best and exacerbate the trauma at worst.¹³ College officials fear their campuses might appear unsafe and that inherent bias sometimes perverts their responses to victims of sexual violence.¹⁴ Poor responses from campus administrators too often silence reporting victims.¹⁵ This is especially bad news for sorority survivors who risk alienating Greek organizations by reporting, only to face collegiate obstacles next.

As awareness of sexual violence in Greek life grows, many Greek organizations collaborate with universities to effectively address the problem.¹⁶ Systems change theory helps inform and reform high-risk Greek clubs, as well as the universities that tolerate them. When Greek systems rediscover their mission and change their behaviors, sororities in particular can get back to their true purpose of empowering women. Through greater awareness and coordinated responses, Greek organizations and universities can take better care of their students. Sexual violence of sorority women cannot remain the status quo.

The four parts of this Article explore (1) the features of Greek life that endanger students; (2) how laws and campus policies intended to address sexual violence are often inadequate to protect sorority victims and hold their abusers accountable; (3) how systems change theory exposes system actors and strategic leverage points to effect change within the Greek system and universities; and (4) effective strategies for reform. The future of Greek life will depend on whether it is willing and able to change.

I. THE PROBLEM OF SEXUAL VIOLENCE IN GREEK LIFE

A. Estimates of College Survivors

Although awareness about campus sexual violence is growing, the magnitude of this problem is not fully known.¹⁷ Sexual violence

13. See Jennifer J. Freyd, *Official Campus Statistics for Sexual Violence Mislead*, AL JAZEERA AM. (July 14, 2014, 6:00 AM) [hereinafter *Official Campus Statistics for Sexual Violence Mislead*].

14. See *id.*

15. See *infra* Section II.B.

16. See *infra* Part IV.

17. See *Official Campus Statistics for Sexual Violence Mislead*, *supra* note 13 (“[E]ven the highest rates of official reported victimization on campuses are substantially lower than what social science data suggest are the real rates of sexual assault.”).

on campus is hard to track because most victims never report.¹⁸ Most college victims do not report for the same reasons as victims in the general population do not, like self-blame and embarrassment, but college women in particular tend to keep their sexual victimization private.¹⁹ Other reasons for not reporting include fear they will not be believed, wonder whether their experience was serious enough, and worry that nothing would be done to address it.²⁰

Researchers also found a systems barrier to reporting: students receive so little education about campus sexual violence that victims do not identify themselves with traditional labels.²¹ Many victims of sexual violence do not consider themselves dating the person who abused them, or do not realize that “hooking up” counts in the context of campus sexual violence.²²

18. See SOFI SINOZICH & LYNN LANGTON, U.S. DEP’T OF JUSTICE, RAPE AND SEXUAL ASSAULT VICTIMIZATION AMONG COLLEGE-AGE FEMALES, 1995–2013 1 (2014) (finding only 20% of students raped or sexually assaulted reported to police).

19. See *Official Campus Statistics for Sexual Violence Mislead*, *supra* note 13 (noting that victims do not report for fear of stigma and negative consequences); see also Kim M. Anderson & Fran S. Danis, *Collegiate Sororities and Dating Violence: An Exploratory Study of Informal and Formal Helping Strategies*, 13 VIOLENCE AGAINST WOMEN 87, 89 (2007) (noting that victims are more likely to tell friends, not family or school officials about sexual violence).

20. See David Cantor et al., *Report on the AAU Campus Climate Survey on Sexual Assault and Sexual Misconduct*, WESTAT 36 (Oct. 20, 2017) (surveying students on why they did not report incidents of sexual assault).

21. See Jennifer Freyd, *Campus Sexual Assault: A Civil Rights Perspective Part 1: The Problem*, ABA (Jan. 23, 2019), [https://www.americanbar.org/groups/crsj/events_cle/campus-sexual-assault-teleconference-series--a-civil-rights-pers/\[https://perma.cc/9M9R-4C2C\]](https://www.americanbar.org/groups/crsj/events_cle/campus-sexual-assault-teleconference-series--a-civil-rights-pers/[https://perma.cc/9M9R-4C2C]) [hereinafter ABA WEBINAR SERIES] (noting only 10% of students report their abuse to a university source because they either do not understand different definitions of sexual violence, including sexual assault or rape, or would not use those definitions to describe their experiences, and concluding that researchers should ask victims to explain their experience in behavioral terms).

22. See Brittany Duncan, *Navigating Sex in College: A Qualitative Exploration of College Students’ Views on Hookup Culture and Sexual Assault*, B.C. LIBR. 1, 6 (2016) (“A hookup involves some sort of sexual interaction but could range anywhere from ‘making out’ to full sexual intercourse.”). Dating relationships are becoming rare and more serious “[a]s hookup culture becomes more pervasive and sexual relationships more casual.” *Id.* at 33; see also VANESSA GRIGORIADIS, *BLURRED LINES: RETHINKING SEX, POWER, & CONSENT ON CAMPUS* 35 (2017); SHARON G. SMITH ET AL., *THE NATIONAL INTIMATE PARTNER AND SEXUAL VIOLENCE SURVEY: 2015 DATA BRIEF – UPDATED RELEASE 1*, 7 (2018) (describing intimate partners to include romantic or sexual partners whom the victims dated, were seeing, or “hooked up”). Despite trending from dating to hooking up, neither context is immune from the potential for abuse. See, e.g., Jessica Bennett & Daniel Jones, *45 Stories of Sex and Consent on Campus*, N.Y. TIMES (May 10, 2018), <https://www.nytimes.com/interactive/2018/05/10/style/sexual-consent-college-campus.html>

Sexual violence disproportionately affects college-age women.²³ Estimates range from one-in-five to one-in-three women are sexually assaulted in college.²⁴ According to the 2015 Campus Climate Survey on Sexual Assault and Misconduct, in which 150,072 students across twenty-seven universities responded, “[t]he incidence of sexual assault and sexual misconduct due to physical force, threats of physical force, or incapacitation among female undergraduate student respondents was 23.1%, including 10.8% who experienced penetration.”²⁵ Victims are typically assaulted by someone they know.²⁶

Greek membership is associated with an increased risk of harm for sexual violence, and millions of students nationwide participate in Greek organizations.²⁷ During 2016–2017, the National Panhellenic Conference (mostly white sororities) reported 401,138 undergraduate

[<https://perma.cc/GLM8-44E8>] (recounting real stories in which students experienced abuse in the hookup context).

23. See Cortney A. Franklin, *Sorority Affiliation and Sexual Assault Victimization: Assessing Vulnerability Using Path Analysis*, 22 VIOLENCE AGAINST WOMEN 895, 895 (2015) (citing social science); see also SINOZICH & LANGTON, *supra* note 18, at 4 (comparing females ages eighteen to twenty-four to females in other age groups, and finding rape and sexual assault occurred to this population at the highest rates).

24. See Nick Anderson & Scott Clement, *Poll: One in 5 Women Say They Have Been Sexually Assaulted in College*, WASH. POST (June 12, 2015), <https://www.washingtonpost.com/graphics/local/sexual-assault-poll/> (reporting 2015 survey results of 1,053 students age seventeen to twenty-six). Despite some debate over the one-in-five statistic, researchers agree that “there will never be a definitive estimate of the prevalence of sexual assault.” See *id.*; Christopher Krebs & Christine Lindquist, *Setting the Record Straight on “1 in 5”*, TIME (Dec. 15, 2014), <https://time.com/3633903/campus-rape-1-in-5-sexual-assault-setting-record-straight/> [<https://perma.cc/U7U2-HGJ6>] (“[O]fficial crime statistics dramatically underestimate the prevalence of sexual assault.”).

25. ASS’N OF AM. UNIVS., *AAU Climate Survey on Sexual Assault and Sexual Misconduct* (2015) (Sept. 3, 2015), <https://www.aau.edu/key-issues/aau-climate-survey-sexual-assault-and-sexual-misconduct-2015> [<https://perma.cc/A9MS-GC73>]; Cantor et al., *supra* note 20, at ii, vi.

26. See Anderson & Danis, *supra* note 19, at 88; Stacey Copenhaver & Elizabeth Grauerholz, *Sexual Victimization Among Sorority Women: Exploring the Link Between Sexual Violence and Institutional Practices*, 24 SEX ROLES 31, 32 (1991) (“Most women know their attackers; indeed, about half are likely to be these women’s dates.”).

27. *Greek Life Statistics*, *supra* note 4 (“There are over 9 million Greek members nationally.”). Membership in Greek life has increased more than fifty percent in the last decade. See GRIGORIADIS, *supra* note 22, at 154.

members across 3,352 chapters from twenty-six member sororities.²⁸ In 2015–2016, the North American Interfraternity Conference (mostly white but also some historically black fraternities) reported 384,193 undergraduate members across 6,233 chapters on 800 college campuses.²⁹ The National Pan-Hellenic Council (nine historically black fraternities and sororities) reports 1.5 million members.³⁰

B. Sorority Women Are Most at Risk for Sexual Violence

Studies show that compared to college women generally, sorority women are more at risk for sexual violence.³¹ In fact, “empirical research has demonstrated a positive significant relationship between membership in sororities and sexual assault and increased victimization risk among those women who reside in sorority houses.”³² Several factors make sorority women particularly vulnerable: fraternities, alcohol, sex, and silence—Greek life’s paramount features.³³

1. Sorority Women Associate with Fraternity Men

Historically, sorority-fraternity events, or mixers, served to provide members with opportunities to meet, mingle, and even

28. See NAT’L PANHELLENIC CONFERENCE, 2017–18 ANNUAL SURVEY HIGHLIGHTS: FAST FACTS (2018) (reporting over five million women were initiated into their twenty-six sororities as of 2017).

29. See *Fraternity Stats At-a-Glance*, N. AM. INTERFRATERNITY CONF., <https://nicfraternity.org/fraternity-stats-at-a-glance/> [<https://perma.cc/T8DE-EJAF>] (last visited Mar. 30, 2020) (reporting 4.2 million fraternity alumni in the world).

30. See U. WASH. NAT’L PAN-HELLENIC COUNCIL, <https://uwnphc.wordpress.com/> [<https://perma.cc/D835-NYRX>] (last visited Mar. 30, 2020); TROY U., *National Pan-Hellenic Council*, <https://www.troy.edu/student-life-resources/groups-organizations/greek-life/pan-hellenic-council-nphc/index.html> [<https://perma.cc/B4JR-TZLY>] (last visited Mar. 30, 2020). The National Pan-Hellenic Council was founded in 1930 and is comprised of nine historically black fraternities and sororities, collectively known as the Divine Nine. See BLACKGREEK.COM, *The Divine Nine and the National Pan-Hellenic Council*, <http://www.blackgreek.com/divinenine/> (last visited Mar. 30, 2020).

31. See Anderson & Danis, *supra* note 19, at 88 (collecting research).

32. Franklin, *supra* note 23, at 896 (internal citations omitted).

33. See *id.* at 899 (“To be sure, characteristics of sorority living may enhance vulnerability in terms of women’s suitability as sexual conquests.”).

marry,³⁴ and many of those expectations persist today.³⁵ Studies show that sorority women tend to date fraternity men, but even more general contact with fraternity men increases their risk of harm.³⁶ Research also shows fraternity men are more sexually aggressive compared with nonaffiliated college men, and fraternity culture “generates and reinforces beliefs and values that subordinate women.”³⁷

Compared with other college men, research has found “fraternity men are more likely to commit rape.”³⁸ Indeed, fraternity men themselves sometimes tout a rape culture.³⁹ Not all fraternity men

34. See Jeanette Norris, Paula S. Nurius & Linda A. Dimeff, *Through Her Eyes: Factors Affecting Women's Perception of and Resistance to Acquaintance Sexual Aggression Threat*, 20 PSYCHOL. WOMEN Q. 123, 131 (1996) (collecting social science); see also Anderson & Danis, *supra* note 19, at 88 (“[C]ontact between these groups is encouraged through formal events and informal peer interaction.”).

35. See PLEDGED, *supra* note 8, at 86–87 (depicting the pressures many women felt to date and get engaged while still in school).

36. See Franklin, *supra* note 23, at 899 (“[R]outine participation in Greek-affiliated activities and regular contact with fraternity members similarly exposes sorority women to likely offenders.”); Linda Kalof, *Rape-Supportive Attitudes and Sexual Victimization Experiences of Sorority and Nonsorority Women*, 29 SEX ROLES 767, 770 (1993) (citing studies in which 50% of sorority women reported sexual coercion by fraternity men at their social functions). “[S]orority women were more likely to report frequent contact with fraternity men when compared with independents, and this contact was significantly related to their likelihood of victimization.” Franklin, *supra* note 23, at 913.

37. Kalof, *supra* note 36, at 768.

38. John D. Foubert, Johnathan T. Newberry & Jerry L. Tatum, *Behavior Differences Seven Months Later: Effects of a Rape Prevention Program*, 44 J. STUDENT AFF. RES. & PRAC. 728, 730 (2007) (collecting social science); see also John Foubert, “Rapebait” E-mail Reveals Dark Side of Frat Culture, CNN (Oct. 9, 2013, 4:09 PM), <https://www.cnn.com/2013/10/09/opinion/foubert-fraternities-rape/index.html> [<https://perma.cc/Q4RH-QF32>] (“[Three studies show] fraternity men are three times more likely to rape.”); Lily Herman, *Students Tackle Consent in Greek Housing with “Consent Is So Frat,”* USA TODAY (Sept. 6, 2014, 7:00 PM), <https://www.usatoday.com/story/college/2014/09/06/students-tackle-consent-in-greek-housing-with-consent-is-so-frat/37395813/> [<https://perma.cc/QN2Y-THCB>] (reporting that “10% of campus sexual assaults take place in fraternity houses”) (internal citation omitted).

39. ANDREW LOHSE, CONFESSIONS OF AN IVY LEAGUE FRAT BOY: A MEMOIR 3–4, 15 (2014) (“We consumed all of the clichés about the houses—one was known as the rapey frat.”); Tracy Clark-Flory, *Yale Fraternity Pledges Chant About Rape*, SALON (Oct. 15, 2010, 7:16 PM), https://www.salon.com/2010/10/15/yale_fraternity_pledges_chant_about_rape/ (“[C]hanting, ‘No means yes, yes means anal!’”); see also Tyler Kingkade, *Georgia Tech Frat Email About “Luring Your Rapebait” Condemned by Everyone*, HUFFPOST (Oct. 8, 2013, 10:35 AM), https://www.huffpost.com/entry/georgia-tech-frat-email-rapebait_n_4063101 (discussing the email that “explain[ed] how members of the house could get laid at parties”); Tyler Kingkade, *Texas Tech Frat Loses Charter Following “No Means Yes,*

rape—and college men who do are not always in fraternities⁴⁰—but heavy drinking, peer norms encouraging sex, and easily accessible bedrooms at fraternity house parties may influence otherwise nonviolent men to commit sexual violence.⁴¹

2. Social Norms Around Alcohol, Partying, and Sex

Drinking is glorified in Greek life,⁴² and “fraternity and sorority members report more peer pressure to drink.”⁴³ Greek life members in fact drink significantly more alcohol than nonaffiliated college students.⁴⁴ Even though official, national rules prohibit sororities from serving alcohol or hosting parties for safety reasons,⁴⁵ its members still drink more than non-sorority college women.⁴⁶ In Greek life, alcohol serves an important social function: “a social lubricant, a convenient topic for conversation, and an excuse for” acting out sexually.⁴⁷ Greek

Yes Means Anal” Display, HUFFPOST (Oct. 8, 2014, 1:07 PM), https://www.huffingtonpost.com/2014/10/08/texas-tech-frat-no-means-yes_n_5953302.html [https://perma.cc/QGD6-Z34T]; Julie Turkewitz, *Swarthmore Students Demand Closing of Fraternity That Boasted of “Rape Attic,”* N.Y. TIMES (Apr. 30, 2019), <https://www.nytimes.com/2019/04/30/us/swarthmore-college-phi-psi-fraternities.html> [https://perma.cc/LG9A-P739].

40. See GRIGORIADIS, *supra* note 22, at 157, 229; Patricia Yancey Martin & Robert A. Hummer, *Fraternities and Rape on Campus*, 3 GENDER & SOC’Y 457, 458 (1989).

41. See Jacqueline Chevalier Minow & Christopher J. Einolf, *Sorority Participation and Sexual Assault Risk*, 15 VIOLENCE AGAINST WOMEN 835, 849 (2009).

42. See JULIE K. EHRHART & BERNICE R. SANDLER, ASS’N AM. CS., *CAMPUS GANG RAPE: PARTY GAMES?* 7 (1985).

43. Kathleen Brown-Rice & Susan Furr, *Differences in College Greek Members’ Binge Drinking Behaviors: A Dry/Wet House Comparison*, 5 PROF. COUNS. 354, 355 (2015) (collecting research).

44. See *id.*; Franklin, *supra* note 23, at 912 (“As compared with independents, sorority women drank alcohol with greater frequency”); Henry Wechsler, George Kuh & Andrea E. Davenport, *Fraternities, Sororities and Binge Drinking: Results from a National Study of American Colleges*, 46 NASPA J. 395, 413 (2009) (stating that in Greek life, “binge drinking is standard practice”); PLEDGED, *supra* note 8, at 351.

45. See GRIGORIADIS, *supra* note 22, at 156 (according to National Panhellenic Conference rules).

46. See Brown-Rice & Furr, *supra* note 43, at 356; see also PLEDGED, *supra* note 8, at 137–39 (describing pervasive drinking in sorority houses despite official ban).

47. Norris et al., *supra* note 34, at 133.

life espouses an “anything goes” and “party now before real life begins” culture.⁴⁸

These social norms contribute to the heightened risk of sexual violence in sorority and fraternity settings. Sorority women face greater risk for sexual victimization because of excessive alcohol use, which diminishes their ability to protect themselves.⁴⁹ Women who live in sorority houses “are also 3 times as likely to be sexually assaulted while intoxicated than the general population of collegiate women who live on campus.”⁵⁰ The ethos of fraternity life, moreover, prizes sexual conquests of women and condones the use of alcohol, drugs, and extortion to accomplish those results.⁵¹ “It is common for men to invite women to other parts of the [fraternity] house for a variety of legitimate and contrived reasons, including to their bedrooms where alcoholic beverages are stored.”⁵²

3. Gender Roles and Rules

Gender norms in Greek life are sometimes extreme. Men and women are often expected to shed their individual identities and conform to their respective fraternity’s and sorority’s image.⁵³ This is particularly true during recruitment (Rush Week) when sororities want to project a unified, uniform image.⁵⁴ Sororities dictate “grooming standards” to their members, down to details like clothing outfits, hairstyles, makeup, and nail polish.⁵⁵

High-risk fraternities and sororities adopt hyper-sexualized roles and stereotypes. Researchers in the 1980–1990s found extreme expressions of masculinity, femininity, and the role sorority women

48. *Id.* at 131.

49. *See* Franklin, *supra* note 23, at 912; *see also* Minow & Einolf, *supra* note 41, at 844 (finding positive correlation between drinking alcohol, attending Greek events where alcohol is served, and sexual victimization for sorority women).

50. Anderson & Danis, *supra* note 19, at 88 (collecting research).

51. *See* Franklin, *supra* note 23, at 901 (collecting empirical studies).

52. Norris et al., *supra* note 34, at 131.

53. *See* Kalof, *supra* note 36, at 773–74.

54. *See* PLEDGED, *supra* note 8, at 25 (“[I]n many mainstream sororities, the women all look and act the same.”).

55. *See* Cavan Sieczkowski, *This Sorority’s Pre-Rush Week Beauty Standards Are Pure Madness*, HUFFPOST (Jan. 16, 2015, 3:34 PM), http://www.huffingtonpost.com/2015/01/16/sorority-beauty-standards-email-rush-week_n_6488708.html [<https://perma.cc/P83J-GB2D>]; *see also* PLEDGED, *supra* note 8, at 13 (internal citation omitted).

played as sexual prey or bait for fraternity men.⁵⁶ Despite “[p]rogressive shifts in social ideology” where stringent gender roles are less socially acceptable on campus,⁵⁷ high-risk Greek life maintains its “institutionalized gender imbalance” where women cater to men to attract, arouse, and appease them.⁵⁸ Sorority women are still perceived as sexual objects (“fresh meat”),⁵⁹ and sexist party themes reinforce these roles: “office bros and secretary hoes, professors and schoolgirls, and golf pros and tennis hoes.”⁶⁰ Some surmise that these tendencies for sorority women to oversubscribe to hyper-sexualized roles make them more vulnerable to sexual assault.⁶¹

4. *The Culture of Silence*

Greek life also enforces a culture of silence.⁶² Fraternities tend to keep their rituals and behaviors secret, especially from campus authorities and police when under criminal investigation.⁶³ This

56. See Kalof, *supra* note 36, at 769; Martin & Hummer, *supra* note 40, at 466–69. “Practices associated with the social construction of fraternity brotherhood emphasize a macho conception of men and masculinity, a narrow, stereotyped conception of women and femininity, and the treatment of women as commodities.” *Id.* at 469.

57. Franklin, *supra* note 23, at 911.

58. GRIGORIADIS, *supra* note 22, at 155 (describing dancing and cooking for men in a “culture of frat-boy worship”); Norris et al., *supra* note 34, at 137 (“[From] dressing and acting sexy” to “flattering [men] . . . [and] smooth[ing] ruffled feelings and awkward moments between them[,] . . . women are placed in conflict [in] social[] [situations].”); see also Cortney A. Franklin & Tasha A. Menaker, *Feminist Routine Activity Theory and Sexual Assault Victimization: Estimating Risk by Perpetrator Tactic Among Sorority Women*, 13 VICTIMS & OFFENDERS 158, 162 (2018).

59. See GRIGORIADIS, *supra* note 22, at 34.

60. Duncan, *supra* note 22, at 38 (“The party culture on campus thus places men in positions of power and blatantly objectifies women.”); see also GRIGORIADIS, *supra* note 22, at 156 (describing the “new fad as just bras” that can work “for all themes”).

61. See Kalof, *supra* note 36, at 775.

62. See MARTIN D. SCHWARTZ & WALTER S. DEKESEREDY, SEXUAL ASSAULT ON THE COLLEGE CAMPUS: THE ROLE OF MALE PEER SUPPORT 121 (1996); see also LOHSE, *supra* note 39, at 54 (“What happens in the house stays in the house. Trust the brothers, each other, and yourself. And do not, for any reason, blitz the brotherhood.”); Martin & Hummer, *supra* note 40, at 464 (“Secrecy is a priority value and practice in fraternities, partly because full-fledged membership is premised on it.”).

63. See Martin & Hummer, *supra* note 40, at 463–64; SCHWARTZ & DEKESEREDY, *supra* note 62, at 121. But see Office of Public Affairs, *Georgia Tech Student Tells Fraternity Brothers He’s a “Rapist and Pedophile,”* OFFICE OF THE FULTON CTY. DIST. ATTORNEY (July 20, 2018), <https://www.atlantafultoncountyda.org/georgia-tech-student-tells-fraternity-brothers->

culture of silence hides sexual violence, including gang rape: “Silence is one of the most common ways in which fraternities perpetuate and legitimate individual and gang rapes.”⁶⁴ Over thirty years of research confirms the connections between fraternities and gang rapes.⁶⁵

Sororities are reluctant to participate in studies of sexual victimization for fear of violating the “code of silence.”⁶⁶ “Although participants acknowledged that relationship violence may happen to any woman, it remains a difficult subject to discuss within sororities because of the perception that it is not socially acceptable to address.”⁶⁷ Stigma around sexual violence persists because it is never discussed.⁶⁸

II. LAWS AND CAMPUS POLICIES, WHEN ACCESSED, ARE OFTEN INEFFECTIVE OR INADEQUATE FOR SORORITY SURVIVORS

Although sexual violence is a crime, most survivors choose not to report their abuse to law enforcement or campus authorities.⁶⁹ This is especially true for high-risk Greek life members, who value secrecy and loyalty over truth and justice—or at least feel pressured to maintain the former, rather than pursuing legal or campus judicial processes and risking public exposure.⁷⁰ This Greek-specific barrier to reporting must be addressed to effectively reduce sexual violence among its members, as explored *infra*. However, when survivors attempt to access campus legal protections and remedies, campus officials sometimes compound their trauma in the process.

hes-a-rapist-and-pedophile/ [https://perma.cc/3CGP-UH9P] (revealing how fraternity members reported a fellow brother’s criminal conduct to police).

64. SCHWARTZ & DEKESEREDY, *supra* note 62, at 121.

65. See EHRHART & SANDLER, *supra* note 42, at 5–8; Martin & Hummer, *supra* note 40, at 458, 463–64; see also GRIGORIADIS, *supra* note 22, at 157 (citing United Educators’ report finding fraternities over represented in gang rape).

66. See Copenhaver & Grauerholz, *supra* note 26, at 33; Kalof, *supra* note 36, at 777 (finding sorority members “timid about confronting complex problems” in case it “might detract from their social standing”); see also Norris et al., *supra* note 34, at 135 (noting reluctance to report sexual violence for fear of “Greek bashing”).

67. Anderson & Danis, *supra* note 19, at 92 (noting embarrassment sorority women feel in bringing up sexual violence).

68. See *id.* at 89 (telling friends, not family or school officials).

69. See *supra* Section I.A.

70. See *supra* Subsection I.B.4.

A. Campus Sexual Violence Laws Must Do Better to Protect Sorority Victims

Campus disciplinary proceedings are modeled upon Title IX of the Education Amendments of 1972, which prohibits sex discrimination, including sexual assault and harassment, in certain federally funded educational programs.⁷¹ Notably, Title IX excludes membership practices of collegiate, social fraternities or sororities,⁷² specifically to “give[] legitimacy to the single-sex status of fraternities and sororities.”⁷³

Title IX is nevertheless the most relevant federal statute on campus sexual violence,⁷⁴ and the principle behind its enforcement is that sexual violence on campus needs to be addressed there, not only by the criminal justice system.⁷⁵ But Title IX offers little guidance on its face, so schools must look to the Department of Education’s Office for Civil Rights (OCR) for Title IX requirements.⁷⁶ OCR, in turn, releases official guidance to schools on their responsibilities to handle campus sexual assault cases, including confidential reporting, investigating complaints, setting timeframes to complete

71. See Title IX of the Education Amendments of 1972, Pub. L. No. 92-318, 86 Stat. 373 (codified at 20 U.S.C. § 1681 *et seq.* (2018)). Title IX, in relevant part, provides that, “[n]o person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance” § 1681(a).

72. See § 1681(a)(6)(A).

73. *Chi Iota Colony of Alpha Epsilon Pi Fraternity v. City Univ. of N.Y.*, 443 F. Supp. 2d 374, 388–89 (E.D.N.Y. 2006) (discussing in dicta the legislative intent behind the 1974 amendment to preserve single-sex Greek organizations and exempt them from federal gender discrimination laws), *vacated*, 502 F.3d 136, 148 (2d Cir. 2007) (emphasis omitted) (disagreeing with “[t]he district court[’s] conclu[sion] that while eliminating sex discrimination in general is a compelling state interest, preventing fraternities from discriminating is not” and noting “[t]he fact that a practice is lawful does not mean that a state may not have a substantial interest in opposing it”).

74. See Nancy Chi Cantalupo, *Burying Our Heads in the Sand: Lack of Knowledge, Knowledge Avoidance, and the Persistent Problem of Campus Peer Sexual Violence*, 43 LOY. U. CHI. L.J. 205, 224–25 (2011) [hereinafter *Burying Our Heads in the Sand*]; Jill C. Engle, *Mandatory Reporting of Campus Sexual Assault and Domestic Violence: Moving to a Victim-Centric Protocol That Comports with Federal Law*, 24 TEMP. POL. & CIV. RTS. L. REV. 401, 403 (2015).

75. See GRIGORIADIS, *supra* note 22, at 289.

76. See Lauren P. Schroeder, *Cracks in the Ivory Tower: How the Campus Sexual Violence Elimination Act Can Protect Students from Sexual Assault*, 45 LOY. U. CHI. L.J. 1195, 1198, 1202 (2014).

investigations, and establishing the standard of proof in campus disciplinary proceedings.⁷⁷

But OCR's approach to campus sexual violence has changed dramatically from pro-victim to pro-accused depending on the government administration in power.⁷⁸ Many believe, for example, that the Obama administration oversaw huge strides for campus sexual assault victims by capping timelines for investigations and favoring a lower preponderance of evidence standard to adjudicate complaints.⁷⁹ "Under the [Obama] administration, [OCR] opened nearly 400 investigations into schools' handling of sexual violence."⁸⁰ Critics, however, complained that school officials conducting investigations were not qualified.⁸¹

In 2017, the Trump administration rescinded Obama-era guidance in favor of students accused of campus relationship-violence crimes.⁸² The Trump administration allowed schools to *choose* a higher clear and convincing standard of evidence, permitting mediation to resolve complaints, and removing timelines to complete Title IX investigations.⁸³ Critics of Trump-era guidelines argue that

77. Compare Letter from Russlyn Ali, Assistant Sec'y for Civil Rights, Dep't of Educ. (Apr. 4, 2011) [hereinafter *2011 Dear Colleague Letter*] (displaying Obama administration guidance), with Letter from Candice Jackson, Acting Assistant Sec'y for Civil Rights, Dep't of Educ. (Sept. 22, 2017) [hereinafter *2017 Dear Colleague Letter*] (displaying Trump administration guidance).

78. Compare *2011 Dear Colleague Letter*, *supra* note 77, with *2017 Dear Colleague Letter*, *supra* note 77.

79. See Olympia Duhart, *Betsy DeVos Confirmation Will Weaken Campus Sexual Assault Response*, WOMENS ENEWS (Feb. 6, 2017), <http://womensenews.org/2017/02/betsy-devos-confirmation-will-weaken-campus-sexual-assault-response/> [<https://perma.cc/F73Z-AT5U>].

80. Dana Bolger, *Betsy DeVos's New Harassment Rules Protect Schools, Not Students*, N.Y. TIMES (Nov. 27, 2018), <https://nyti.ms/2zsabpK> [<https://perma.cc/9829-GE4Q>] [hereinafter *Betsy DeVos's New Harassment Rules Protect Schools, Not Students*]; see also KATHARINE K. BAKER ET AL., TITLE IX & THE PREPONDERANCE OF THE EVIDENCE: A WHITE PAPER 12 (2016) ("By June 2016, there were somewhere between 246 and 315 OCR investigations of sexual violence or sexual harassment-related complaints (depending on how those complaints are categorized) against 196-243 schools.").

81. See Duhart, *supra* note 79; Rachel Martin, *Why Colleges Adjudicate Their Own Campus Crimes*, NAT'L PUB. RADIO (Nov. 30, 2014, 8:06 AM), <https://www.npr.org/2014/11/30/367544499/why-colleges-adjudicate-their-own-campus-crimes> [<https://perma.cc/9SMY-JG3K>] (citing example of English and arts professors hearing cases).

82. See *2017 Dear Colleague Letter*, *supra* note 77 (arguing that prior guidance lacked clarity and deprived accused students of due process).

83. See Nick Anderson, *Lawsuit Challenges Trump's Rollback of Guidance on Campus Sexual Violence*, WASH. POST (Jan. 25, 2018, 10:13 AM),

the new rules narrow the definition of sexual harassment, limit where sexual crimes occur, and make it harder for victims to prove offender and school liability.⁸⁴ Public sentiment likewise varies over whether and how the federal government regulates sexual violence on campus.⁸⁵

Regardless of how the pendulum swings on the issue of campuses protecting their students from sexual violence, larger questions remain as to whether and to what extent the government will regulate sexual violence and related crimes on federally funded campuses. Universities have a duty to maintain safe environments to foster learning for their students.⁸⁶ But if the federal government's oversight under OCR waxes and wanes depending on politics, will the scales of justice tip away from victims?⁸⁷ Despite their duty, will universities shift their responsibility to protect students to criminal and

https://www.washingtonpost.com/news/grade-point/wp/2018/01/25/lawsuit-challenges-trumps-rollback-of-guidance-on-campus-sexual-violence/?utm_term=.7a97259853ea [<https://perma.cc/8MBJ-ZT2X>] [hereinafter *Lawsuit Challenges Trump's Rollback of Guidance on Campus Sexual Violence*]. See generally Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 85 Fed. Reg. 30026 (proposed May 19, 2020) (to be codified at 34 C.F.R. pt. 106).

84. See *Betsy DeVos's New Harassment Rules Protect Schools, Not Students*, *supra* note 80; see also GRIGORIADIS, *supra* note 22, at 289 (arguing against a higher standard of proof because "it is [already] so hard to prove sexual assault").

85. Compare *Lawsuit Challenges Trump's Rollback of Guidance on Campus Sexual Violence*, *supra* note 83 (arguing pro-victim), with Nick Anderson, *Men Punished in Sexual Misconduct Cases on College Campuses Are Fighting Back*, WASH. POST (Aug. 20, 2014), https://www.washingtonpost.com/local/education/men-punished-in-sexual-misconduct-cases-on-colleges-campuses-are-fighting-back/2014/08/20/96bb3c6a-1d72-11e4-ae54-0cfe1f974f8a_story.html (arguing pro-accused).

86. See *Masculinity & Title IX*, *supra* note 3, at 943 ("Title IX jurisprudence spurs schools to action by targeting their 'guardianship' role and making it a liability to ignore or fail to take action in the face of sexual harassment and violence."); Schroeder, *supra* note 76, at 1236 ("[S]chools are obligated under federal law to maintain safe and equal learning environments for everyone."); see also Nancy Chi Cantalupo, "Decriminalizing" *Campus Institutional Responses to Peer Sexual Violence*, 38 J.C. & U.L. 481, 523 (2012) (demonstrating how often school responses to sexual violence already run contrary to applicable laws); Engle, *supra* note 74, at 403 ("When universities are careful to comply with the intent of Title IX's sexual harassment provisions, alongside its legal obligations, meaningful victim support and university legal compliance can peacefully coexist.").

87. See *Lawsuit Challenges Trump's Rollback of Guidance on Campus Sexual Violence*, *supra* note 83 (quoting a victim advocate explaining that the Trump administration's actions have deterred new survivors from reporting sexual violence, and others wonder what will happen to their pending cases).

civil justice systems outside the university?⁸⁸ What duties do fraternities and sororities have to maintain safe educational environments? Will universities and OCR enforce Title IX on Greek life?

B. Campus Procedures Often Exacerbate Trauma

Tracking campus crimes is likewise fraught.⁸⁹ It was not until 2013 that Congress enacted the Campus Sexual Violence Elimination Act (Campus SaVE Act),⁹⁰ requiring all federally funded institutions of higher education to document their incidence of sexual violence crimes.⁹¹ This campus crime incidence is published as annual campus security reports, which the Department of Education's Clery Act Compliance Division monitors.⁹² But tracking crime on campus requires victims to make the initial report and campus law enforcement to correctly identify, classify, and record the crime.⁹³ For example, campus police that respond to an incident between a same-sex couple may not categorize it as dating violence, or might dismiss

88. See *id.* (“[Action under Trump] has also eased pressure on schools to resolve cases promptly.”); see also GALLUP, THE 2015 INSIDE HIGHER ED SURVEY OF COLLEGE & UNIVERSITY PRESIDENTS 18 (Scott Jaschik & Doug Lederman eds. 2015) (“[H]alf [of college presidents polled believe] that local law enforcement should be responsible for handling all sexual assault cases on campuses.”).

89. See Engle, *supra* note 74, at 402 (“A threshold problem is simply that the legal reporting requirements concerning campus crime are numerous and in some instances, discordant and ripe for misinterpretation.”).

90. The Campus SaVE Act was included within the Violence Against Women Reauthorization Act of 2013, Pub. L. No. 113-4, § 304, 127 Stat. 54, 89–92 (2013), but it actually amended an existing law, Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1991 (codified at 20 U.S.C. § 1092(f) (1990)). See *Frequently Asked Questions, CAMPUS SAVE ACT*, <http://thecampusaveact.com/faq/> [<https://perma.cc/2SWF-FAVA>] (last visited Mar. 30, 2020) [hereinafter *SaVE Act FAQ*].

91. See Engle, *supra* note 74, at 404 (requiring schools to also publish procedures for reporting crimes, preserving evidence, and informing victims their right not to report); Schroeder, *supra* note 76, at 1202 (requiring that schools create plans to prevent sexual violence).

92. See Schroeder, *supra* note 76, at 1214–15; *SaVE Act FAQ*, *supra* note 90 (“Penalties for non-compliance with the Clery Act include fines up to \$35k per violation and loss of eligibility for federal student aid programs.”).

93. See Karen Oehme, Nat Stern & Annelise Mennicke, *A Deficiency in Addressing Campus Sexual Assault: The Lack of Women Law Enforcement Officers*, 38 HARV. WOMEN'S L.J. 337, 351–52 (2015) (recounting inappropriate school police reactions to victims who report “ranging from indifference to skepticism to hostility”).

the incident as a roommate feud.⁹⁴ Sexual violence that happens off campus, moreover, might also never come to campus authorities' attention.⁹⁵ For these reasons, campus security reports are perhaps not the solution Congress envisioned.⁹⁶

Another problem is the inherent conflict of interest for institutions to honestly disclose their campus crime versus the competing goal to attract and assure new students and their parents about campus safety.⁹⁷ "Colleges and universities have a perverse incentive to discourage sexually victimized students from reporting assault, due to the reputational hit colleges experience if their reported rates of violence are higher than those of their competitors."⁹⁸

Victims are routinely pressured to remain silent about their abuse because of "institutional barriers to reporting," including denial and hostile responses to victims.⁹⁹ Although 52% of college presidents agree that "fraternities play a disproportionate role in sexual assault cases on campuses," only 32% acknowledge the prevalence of campus sexual violence, and merely 6% agree it happens at their institution.¹⁰⁰

94. See *Burying Our Heads in the Sand*, *supra* note 74, at 221–22 ("[T]he vast majority of professionals working on the front lines in residence life, student conduct, public safety, and other departments where survivors are likely to report are not hired for, or trained in, knowledge about campus peer sexual violence.").

95. See PLEDGED, *supra* note 8, at 55 ("Satellite houses are off-campus houses or apartments where alcohol violations are less likely to be spotted by Greek officers.").

96. See *Burying Our Heads in the Sand*, *supra* note 74, at 244 ("Unfortunately, the criteria by which the Clery Act requires schools to count crime, as well as the discretion that the statute gives schools and its lack of strict, comprehensive, and proactive enforcement, have prevented it from reaching its potential.").

97. See Tyler Kingkade, *When a College Reports Zero Sexual Assaults, That's a Terrible Sign*, HUFFPOST (AUG. 17, 2015, 7:53 AM), http://www.huffingtonpost.com/entry/college-sexual-assault-ranking_us_55ca42c5e4b0f1cbf1e67a6a [hereinafter *When a College Reports Zero Sexual Assaults, That's a Terrible Sign*] (quoting experts that the fewer assaults a school reports indicate a culture where victims are not comfortable reporting, versus the more assaults a school reports suggest victims' faith their schools will believe them); see also *Burying Our Heads in the Sand*, *supra* note 74, at 224 ("[E]nding the violence and creating a safer campus requires more victims to come forward, but encouraging reporting makes a campus look less safe.").

98. *Official Campus Statistics for Sexual Violence Mislead*, *supra* note 13; see also *Burying Our Heads in the Sand*, *supra* note 74, at 224; ABA WEBINAR SERIES, *supra* note 21.

99. *Official Campus Statistics for Sexual Violence Mislead*, *supra* note 13; see *Burying Our Heads in the Sand*, *supra* note 74, at 214–17 (describing many different school responses to victims that violated Title IX).

100. GALLUP, *supra* note 88, at 18.

“Colleges can make it difficult to determine how to report; they can also make life harder for students who do report by shaming, invalidating and even punishing them.”¹⁰¹ School officials sometimes “prefer to deal with such cases internally, as opposed to using a university’s proper investigative channels to report potentially serious sex crimes.”¹⁰²

Institutional betrayal compounds the trauma many survivors experience,¹⁰³ retraumatizing and preventing them from reporting future assaults.¹⁰⁴ People are demanding more school accountability, especially considering how university actions often multiply the harm and trauma in an already horrific situation.¹⁰⁵ Strangely, universities appear more worried about perpetrators suing them for discipline imposed than their liability to victims for mishandling their cases, which comes at much higher costs.¹⁰⁶

101. *Official Campus Statistics for Sexual Violence Mislead*, *supra* note 13; PEPPERDINE UNIV., *Student Life, Relations, and the Law – Part 2 (Keynote address of survivor Dana Bolger)*, YOUTUBE, <https://www.youtube.com/watch?v=SOKr7Vy9qrI> [<https://perma.cc/H642-FKXE>] (last visited Mar. 30, 2020) [hereinafter *Student Life, Relations, and the Law*] (sharing her experience reporting her assault to an Amherst school official, who told her to take a leave of absence, work at Starbucks, and wait out her abuser—let him graduate).

102. Melissa Caskey, *Pepperdine Hosts Domestic Abuse Forum*, MALIBU TIMES (Oct. 16, 2014) http://www.malibutimes.com/news/article_730d4696-54a4-11e4-80e4-a76dc9f1a717.html#user-comment-area [<https://perma.cc/QWJ7-E8DX>] (discussing Joanne Belknap’s research).

103. See GRIGORIADIS, *supra* note 22, at 90 (defining institutional betrayal as administrative neglect).

104. See BAKER ET AL., *supra* note 80, at 1–2 (detailing the devastating and “damaging health, educational and economic effects” on victims of sexual violence); see also *Burying Our Heads in the Sand*, *supra* note 74, at 223 (“[S]urvivors’ fears regarding the hostile treatment they will face if they report the violence cause many survivors not to come forward, and these fears appear to be justified by many schools’ actual institutional responses when survivors do report.”); Julie Goldscheid, *United States v. Morrison and the Civil Rights Remedy of the Violence Against Women Act: A Civil Rights Law Struck Down in the Name of Federalism*, 86 CORNELL L. REV. 109, 117 (2000) (“Congress observed that it is not unusual for many student victims to ‘drop out of school altogether . . . [or] interrupt [their] college career[s] simply to avoid [their] attacker[s].’”).

105. See *Burying Our Heads in the Sand*, *supra* note 74, at 217–19.

106. See Nick Anderson, *Colleges Often Reluctant to Expel for Sexual Violence – With U-Va. a Prime Example*, WASH. POST (Dec. 15, 2014), https://www.washingtonpost.com/local/education/colleges-often-reluctant-to-expel-for-sexual-violence--with-u-va-a-prime-example/2014/12/15/307c5648-7b4e-11e4-b821-503cc7efed9e_story.html [<https://perma.cc/J84D-L7BH>] [hereinafter *Colleges Often Reluctant to Expel for Sexual Violence*]; see also BAKER ET AL., *supra* note 80, at 11 (“[A] 2011–13 study shows that schools paid nearly \$5 million, half of their total defense costs for all litigation during those years, in costs attached to OCR

III. USING SYSTEMS CHANGE THEORY TO REFORM HIGH-RISK GREEK LIFE

In general, systems of power and control drive many of our interactions whether they happen between two individuals or at the institutional level. Our society operates in the context of hierarchical structures that are based on the notion that some individuals and groups should have greater power than others. Power carries with it many privileges including the ability to make rules, access resources, and discredit and control those with less power. Power relationships are so entrenched in our culture that any pattern of domination and control appears to be normal and the use of violence to maintain control is often tolerated, as long as the victim of the violence is viewed as deserving of the treatment. . . . Abusers feel entitled to exert their control through the use of various forms of abuse and typically experience few negative consequences for their behavior. In some cases individuals experience multiple layers of oppression and are faced with even greater and more complex barriers.¹⁰⁷

Systems thinking is a useful framework for exposing the Greek system's power and control because it shows how actors operate individually and collectively to oppress victims of sexual violence.¹⁰⁸ Greek chapters wield immense power to govern their own behavior, often without much accountability from their national affiliates (nationals) or universities.¹⁰⁹ Visualizing the system by starting with the actors and their dynamics reveals the critical junctures or points of leverage where victims are repeatedly traumatized and where change is most effective.

A. Systems Change Theory Explained

Derived from other disciplines, systems change is a framework for examining complex systems: economic, social, environmental, and

investigations.”); *Burying Our Heads in the Sand*, *supra* note 74, at 218–19 (describing millions of dollars in fines and settlements that schools paid to victims who sued for mishandling their sexual violence cases).

107. MARILYN BEST & DEBBIE NELSON, ORGANIZING COLLEGE CAMPUSES AGAINST DATING ABUSE 1, 4 (1999).

108. See generally James P. Barber et al., *Fraternities and Sororities: Developing a Compelling Case for Relevance in Higher Education*, in TODAY'S COLLEGE STUDENTS: A READER 241, 248 (2015) (using Bronfenbrenner's ecological systems model to demonstrate the interactions between the system actors: individual student, chapter, fraternity/sorority community, campus, and (inter)national organization). “As members of fraternities and sororities, college students move within individual, organizational, community, and institutional contexts.” *Id.* at 242.

109. See *infra* notes 164, 172 and accompanying text.

legal.¹¹⁰ “A system is an interconnected set of elements that is coherently organized in a way that achieves something.”¹¹¹ Systems have three parts: the elements or actors in the system, the interconnections or dynamics between those actors, and the true purpose of the system.¹¹² Under this framework, a system’s true purpose is not what it says it is but how it behaves over time.¹¹³ If a university proclaims an interest in eradicating campus sexual violence, but does very little or nothing towards that goal, then that is not its purpose.¹¹⁴

Consistent behavior over time suggests that some feedback loop exists.¹¹⁵ Intervention is sometimes necessary to reduce a positive feedback loop’s power,¹¹⁶ and systems not only resist change but also “develop, adapt, and evolve.”¹¹⁷ By identifying and understanding a system’s components and dynamics and recognizing patterns of

110. See also JAKE CHAPMAN, *SYSTEM FAILURE: WHY GOVERNMENTS MUST LEARN TO THINK DIFFERENTLY* 35 (2d ed. 2004) (“Systems thinking is more like history or philosophy: it is an intellectual approach to issues that can apply to a wide range of human experience.”); Thomas J. Bernard, Eugene A. Paoline III & Paul-Philippe Pare, *General Systems Theory and Criminal Justice*, 33 J. CRIM. JUST. 203, 203 (2005) (“General systems theory (GST) had a long tradition in the natural, behavior, and social science . . . where it added substantial insights to the understanding of a wide variety of complex phenomena.”); see generally DONELLA H. MEADOWS, *THINKING IN SYSTEMS: A PRIMER* XI (Diana Wright ed., 2008) (explaining that systems modelling has evolved through the work of many people over time).

111. MEADOWS, *supra* note 110, at 11; see also CTR. FOR ECOLITERACY, *Seven Lessons for Leaders in Systems Change* (Mar. 10, 2011), <http://www.ecoliteracy.org/article/seven-lessons-leaders-systems-change%20> [<https://perma.cc/8EX9-RPC3>] (defining a system according to the American Association for the Advancement of Science as “any collection of things that have some influence on one another”).

112. See MEADOWS, *supra* note 110, at 11.

113. *Id.* at 14 (“If a government proclaims its interest in protecting the environment but allocates little money or effort toward that goal, environmental protection is not, in fact, the government’s purpose.”).

114. See, e.g., *When a College Reports Zero Sexual Assaults, That’s a Terrible Sign*, *supra* note 97; see also *Burying Our Heads in the Sand*, *supra* note 74, at 224–25.

115. See MEADOWS, *supra* note 110, at 25. In systems thinking, two types of feedback loops exist: a positive or self-reinforcing feedback loop, and a negative or regulating feedback loop. See *id.* at 28, 30–31.

116. See Donella H. Meadows, *Places to Intervene in a System (In Increasing Order of Effectiveness)*, *WHOLE EARTH*, Winter 1997, at 78, 81 [hereinafter *Places to Intervene in a System*].

117. See CTR. FOR ECOLITERACY, *supra* note 111.

behaviors that belie its true purpose, changing whole systems is possible.¹¹⁸

To visualize systems, analysts use diagrams, maps, figures, or “rich picture[s].”¹¹⁹ Rich pictures highlight the three-part system (actors, dynamics, and purpose).¹²⁰ Rich pictures also identify leverage points, or “places in the system where a small change could lead to a large shift in behavior.”¹²¹

Changing a system depends on how its parts are affected.¹²² Changing the actors or elements has the least effect on the system, but changing dynamics between elements—and especially changing the ultimate purpose of the system—has the greatest effect.¹²³ Systems, however, often resist change in order to perpetuate themselves.¹²⁴ Social movements that are successful focus not only on individual dynamics but on redefining systems and changing their rules.¹²⁵

118. See MEADOWS, *supra* note 110, at 6–7.

119. See CHAPMAN, *supra* note 110, at 46 (defining “rich picture[s],” a core feature of systems thinking, as a “freehand representation of whatever the individual regards as the most salient features of the [complicated system]”); see also *Places to Intervene in a System*, *supra* note 116, at 78 (modeling systems); see generally MEADOWS, *supra* note 110 (using figures to help visualize a system).

120. See CHAPMAN, *supra* note 110, at 14 (crediting rich pictures with offering a bigger picture of the system by “going up a level of abstraction”).

121. See MEADOWS, *supra* note 110, at 145; *Places to Intervene in a System*, *supra* note 116, at 78.

122. See MEADOWS, *supra* note 110, at 17.

123. *Id.* (“[T]he least obvious part of the system, its function or purpose, is often the most crucial determinant of the system’s behavior Changing relationships usually changes system behavior.”). But see *Places to Intervene in a System*, *supra* note 116, at 83 (noting the exception when changing a single player at the top of the system can change the system’s goal).

124. See CHAPMAN, *supra* note 110, at 22 (“Systems thinking predicts that individuals will not change their mode of thinking or operating within the world until their existing modes are proved beyond doubt, through direct experience, to be failing.”); MEADOWS, *supra* note 110, at 15 (“An important function of almost every system is to ensure its own perpetuation.”); see also CTR. FOR ECOLITERACY, *supra* note 111.

125. See Marshall Ganz, *Leading Change: Leadership, Organization, and Social Movements*, in HANDBOOK OF LEADERSHIP THEORY AND PRACTICE: AN HBS CENTENNIAL COLLOQUIUM ON ADVANCING LEADERSHIP 527, 527 (Nitin Nohria & Rakesh Khurana eds., 2010); see also CTR. FOR ECOLITERACY, *supra* note 111 (“Lasting change frequently requires a critical mass or density of interrelationships within a community.”); see generally Steve Waddell, *Four Strategies for Large Systems Change*, STAN. SOC. INNOVATION REV. 41 (Spring 2018) (applying systems change framework to poverty, global corruption, renewable energy, financial systems, and marriage equality).

B. Mapping the Actors and Critical Junctures of Greek Life

In the Greek system, four actors are highlighted here: (1) individual sorority members, (2) sorority chapters and their nationals, (3) campus officials, and (4) the Department of Education.¹²⁶ The respective power that each player holds determines how sexual violence is handled.

1. Individual Sorority Members

Individual sorority members are the most vulnerable to sexual violence due to their young age and membership in Greek life.¹²⁷ Greek life forces sorority women to “walk a cognitive tightrope” in social situations by requiring them “to be alert to risk [of harm] . . . with the same men they are expected to attract.”¹²⁸ Sorority women routinely underestimate their risk of harm because they believe the familial bonds of Greek membership and “fictitious kinship” will protect them.¹²⁹ “In the context of the sorority-fraternity system, wherein a woman feels secure among her ‘sisters’ and ‘brothers,’ she may not perceive that her risk for being victimized is at least as great as in the rest of the university setting.”¹³⁰ When asked to anticipate how they might respond in hypothetical situations to protect themselves against an assault, a typical response was “[they] would not be ‘dumb enough’ to get into [that] risky situation in the first place

126. The emphasis on sorority women in this systems change framework is not meant to suggest that sorority women must take all the responsibility for addressing and avoiding sexual violence, and that fraternity men have no responsibility to refrain from perpetuating it, but rather to empower sorority women with information and tools to change the system themselves. *See infra* note 327 and accompanying text.

127. *See supra* Section I.B.; *see also* Barber et al., *supra* note 108, at 248–49 (noting the majority of Greek members are eighteen to twenty-two years old and “at a formative period in cognitive approach, identity, and key relationships”).

128. *See* Norris et al., *supra* note 34, at 137; *see also* PLEDGED, *supra* note 8, at 59–60 (noting sororities’ contradictory expectations for their women to not only “appear chaste and ladylike” but also to date and hook up with fraternity men).

129. *See* Franklin, *supra* note 23, at 901; Minow & Einolf, *supra* note 41, at 848 (underestimating risk of harm from fraternity men whom they have been taught to regard as family).

130. Norris et al., *supra* note 34, at 132 (collecting social science). For some extreme examples of fraternities’ “little sisters” programs in which sorority women admitted their “roles” included having sex with many of the brothers, even gang-rape, *see* PLEDGED, *supra* note 8, at 62.

[or] [t]hey were ‘too smart to be raped.’”¹³¹ Some older research also found sorority women felt reluctant to resist a sexual assault for fear of being embarrassed or offending their assailant.¹³²

But the source of their greatest vulnerability is a Greek system-specific barrier: sorority women are reluctant to report sexual violence for fear of “Greek bashing” or generating “negative press about the Greek system” because they feel “a sense of responsibility to protect the reputation of their houses.”¹³³ These dynamics reveal the pressure that other system actors impose on individual sorority women, often depriving them of control over their own bodies.¹³⁴

2. Sorority Chapters, National Headquarters, and the National Panhellenic Conference, Inc.

At the peer or partner level, sorority chapters wield and share great power individually and with their nationals, but not equally with fraternities.¹³⁵ Even though some contend sororities have more power than fraternities on campus,¹³⁶ others believe the extreme gender norms and sexist party themes reinforce fraternities’ dominance over sororities, often to the point of sexual violence.¹³⁷ “Many scholars have questioned women’s claims of empowerment in light of the institutionalized sexism that exists with party culture.”¹³⁸ Sororities subscribe to these sex roles, which keep them subordinate.¹³⁹

High-risk sororities often adopt a group-think mentality, which reinforce the group (the chapter, sisters, nationals) over the individual

131. Norris et al., *supra* note 34, at 132 (fearing stranger rape more).

132. *See id.* at 135.

133. *Id.*

134. *See* PLEDGED, *supra* note 8, at 63 (“I didn’t feel like I had the power to [object].”) (quoting a sorority woman).

135. *See generally* Barber et al., *supra* note 108, at 250 (describing the functions and responsibility of Greek chapters to “cultivate the development of individual students while also enacting the values it espouses”).

136. *See* PLEDGED, *supra* note 8, at 238 (quoting Professor Pat Hermann at the University of Alabama, who studied Greek life for decades).

137. *See* *A Frat Boy and a Gentleman*, *supra* note 7 (discussing a 2016 study of 365 undergraduate men on the correlation between hypermasculinity and acceptance of sexual violence against women); *see also supra* Section I.B. (explaining that gender norms and sexist party themes reinforce men’s power over women).

138. Duncan, *supra* note 22, at 38 (“[G]ender politics of campus sex [in the last decade] don’t seem to have changed very much at all.”).

139. *See* Martin & Hummer, *supra* note 40, at 469 (stating that fraternity norms emphasize masculinity over femininity, which is used to elevate status of men and lower status of women).

sorority members.¹⁴⁰ Because these sororities teach their members how to act and what to expect in social and intimate interactions with fraternities, sorority women may learn to act in ways that increase their risk of sexual victimization.¹⁴¹ Like their individual members, sororities as a whole appear to underestimate their risk of harm, especially their group-think mentality and ability to “systematically influence women’s beliefs and behaviors.”¹⁴² In fact, sororities associate any danger with fraternities, not themselves in facilitating it.¹⁴³

When one of their sisters is victimized, sororities often reinforce the code of silence. Stigmas on sexual violence and perceptions that it is better to avoid the topic persist. Sororities have also reported difficulties sharing information on fraternity aggression from house to house.¹⁴⁴ Sororities were also reluctant to share information when their members had bad experiences in fraternity houses for fear of risking their own house’s reputation.¹⁴⁵

The organizational structure of a sorority can create another system-specific barrier:

One of the first lessons pledges learn is to respect the hierarchy of the house. Most sorority houses are managed by the sisters who comprise the executive board, or “exec board,” of the chapter. (A chapter, also referred to as a house, is a college branch of the sorority’s national organization.) These elected officers usually include a president, vice president, and officers who monitor the house’s finances, public relations, scholarship, fraternity relations, standards, and pledges. Below these officers in the hierarchy, several girls serve as chairs of various committees.¹⁴⁶

This organizational hierarchy also contributes to “the sexual power structure *within* sororities.”¹⁴⁷ In her undercover exposé, *Pledged: The Secret Life of Sororities*, journalist Alexandra Robbins

140. See ALEXANDRA ROBBINS, *PLEDGED: THE SECRET LIFE OF SORORITIES* x (2005) [hereinafter *PLEDGED PAPERBACK EDITION*] (“[The] danger [is] that in some of the less evolved houses, students can get so caught up in the idea of the group that their individual identities, opinions, and values get lost within the herd mentality. . . .”); see also Franklin, *supra* note 23, at 901 (referencing research on group dynamics and peer influences in socializing normative behavior and producing “group think”).

141. See Franklin, *supra* note 23, at 901.

142. *Id.*

143. See *id.*

144. See Norris et al., *supra* note 34, at 136.

145. See *id.*

146. *PLEDGED*, *supra* note 8, at 35–36. This organizational structure refers to the mostly white sororities in the National Panhellenic Conference, not historically black sororities or coeducational Greek organizations. See *id.*

147. *Id.* at 60 (emphasis added).

details the extreme exploits of one sorority that required its pledge class to have sex with an entire fraternity.¹⁴⁸ “When girls are put in charge of other girls—younger girls who don’t yet understand the political landscape within the house—sex can become a commodity and a way to establish dominance within the sisterhood.”¹⁴⁹

When a victim does report the crime to her sorority, the standards committee or executive board may choose not to report it outside the chapter, not to campus or local authorities or even their own nationals.¹⁵⁰ Sometimes, the victim does not want the sorority to report the crime, but other times the reason the executive board did not report the crime was fear of alienating their favorite fraternity.¹⁵¹ Thus, a sorority’s loyalty to a fraternity could trump its loyalty to its own sister.¹⁵²

One level above the sorority’s campus chapter is its nationals or “inter/national council or board that directs the strategic initiatives of the sorority and works directly with the staff to accomplish the goals of the organization.”¹⁵³ Among “the inter/national [headquarters] staff are traveling leadership consultants.”¹⁵⁴ Nationals, together with regional, local, and volunteer alumnae advisors, provide each campus chapter with education and support.¹⁵⁵ Nationals appear to address sexual violence in policy.¹⁵⁶ In practice, however, nationals have

148. See generally *id.*

149. *Id.* at 60.

150. This is based on true stories from my practice and research, which also revealed no sorority chapter bylaws or standards that included information on how to handle a report of sexual violence.

151. See PLEDGED, *supra* note 8, at 58–59 (“At one university, sorority sisters convinced a sister who was raped at a fraternity party not to report the rape because if she did, the fraternity brothers would ‘hate’ them and wouldn’t invite them to parties anymore.”).

152. See *id.*

153. See THE SORORITY LIFE, *Looking Beyond Your Sorority Chapter*, <https://thesororitylife.com/current-members/learn/looking-beyond-your-sorority-chapter/> (last visited Mar. 30, 2020).

154. *Id.* (“These are women who just graduated from college and spend their time traveling from chapter to chapter providing education and support.”).

155. See *id.* (explaining that sororities have staff who travel from chapter to chapter to provide education and support).

156. See TRIDELTA, *Sexual Assault Awareness Month* (Mar. 28, 2019), <https://www.tridelta.org/news/sexual-assault-awareness-month/> [<https://perma.cc/LA53-T5SS>] (quoting Kimberlee Di Fede Sullivan, a Pepperdine University chapter president) (“Sexual assault is not a sorority-specific issue, but it’s an issue that we—as sorority women and leaders—are uniquely positioned to address.”). TriDelta nationals also offers online programming for its chapters, and statistics and links to

sometimes enforced a code of silence by prohibiting sorority chapters and individual sorority members to participate in research studies on sexual assault or talk about sorority life to the media.¹⁵⁷

One level higher than nationals in Greek life organization is the aforementioned National Panhellenic Conference (NPC) “for the twenty-six national ‘historically white’ sororities.”¹⁵⁸ NPC is explicitly against sexual assault: “NPC deplores the act of sexual assault. We support the rights of not only our members, but all women who are survivors of sexual assault. A woman’s right to report and seek a fair, supportive and timely due process will remain a priority for NPC.”¹⁵⁹

In July 2018, NPC amended its Manual of Information to oppose a growing university practice to designate NPC volunteer alumnae advisors and traveling consultants as mandatory reporters under Title IX and as campus security authorities under the Clery Act, with obligations to report crimes on campus.¹⁶⁰ Titled *Opposing Reporting Requirement for Volunteers*, NPC said making these advisors mandatory reporters might “change[] the dynamics of the relationship between the chapter advisor and the collegiate members” and discourage victims from reporting to them and getting help.¹⁶¹ NPC prefers “to allow ‘student-directed employees’ to provide care and support to [victims] while also allowing the [victim] to make the decision on when/where/how to report.”¹⁶² Thus, NPC allows its staff, advisors, and consultants to use their discretion to refer victims to resources, advocates, and law enforcement.¹⁶³ As the umbrella organization for twenty-six sororities, NPC has the power to shape policy and practice.¹⁶⁴ While a victim-centered approach to handling sexual violence is generally ideal, as explored *infra*, whether NPC uses

information and resources. *See generally id.* (listing several resources to help victims of sexual assault, as well as educational resources).

157. *See, e.g.,* PLEDGED, *supra* note 8, at 9–10 (recounting about “going undercover” after author couldn’t get permission from any national sorority headquarters); Norris et al., *supra* note 34, at 126 (noting that one sorority chapter’s nationals declined permission for its members to participate in research on sexual assault).

158. *See* PLEDGED, *supra* note 8, at 341.

159. NATIONAL PANHELLENIC CONFERENCE, MANUAL OF INFORMATION 60 (2019).

160. *See id.* at 61–62.

161. *See id.* (allowing for the exception when a volunteer sorority alumna is also employed by the college).

162. *See id.* at 62 (adopting the University of Oregon’s policy).

163. *See id.*

164. *But see* Wechsler et al., *supra* note 44, at 409 (finding that national leaders are actually powerless to reign in hazardous behaviors in their chapters).

its influence to help sorority victims or hinders them remains to be seen.¹⁶⁵

3. Greek Standards Board and Campus Officials

One level above the sorority campus chapter is the Greek life campus or standards board, usually called the Panhellenic Council or Association, comprised of representatives from the university's fraternities and sororities.¹⁶⁶ They may exist formally or underground.¹⁶⁷ In theory, Greek campus boards have the power to hold individual fraternity and sorority chapters accountable for misdeeds, but the extent to which that happens in the context of sexual violence is unclear.¹⁶⁸ Panhellenic Association student leaders at some universities train sorority women on sexual violence and encourage them to participate in research studies on campus sexual assault.¹⁶⁹

As explored above, the interests of colleges or universities in projecting a safe campus image might put them in conflict with victims of sexual violence.¹⁷⁰ Campus officials have the power to regulate Greek life, and sometimes do.¹⁷¹ But it appears that campus administrators are generally reluctant to intervene in this sector of student life.¹⁷² Greek organizations have strong alumni support who

165. Compare NATIONAL PANHELLENIC CONFERENCE, *supra* note 159, at 61–62 (explaining that NPC is opposed to making volunteers mandatory reporters to encourage more victims of sexual assault to seek help), with Wechsler et al., *supra* note 44, at 409 (asserting that national leaders typically fail to prevent hazardous behaviors in chapters).

166. See PLEDGED, *supra* note 8, at 35.

167. See *id.*; see also *infra* notes 203–205 (explaining the “Machine” at the University of Alabama).

168. See PLEDGED, *supra* note 8, at 35 (recounting how Greek officers tend to look the other way for alcohol violations).

169. See, e.g., Norris et al., *supra* note 34, at 126 (noting that Panhellenic Association student leaders of an acquaintance rape education and prevention committee at one west coast college approached researchers and collaborated with them to design the study); see also Anderson & Danis, *supra* note 19, at 97.

170. See discussion *supra* Section II.B.

171. See Benjamin Mueller, *Yale Restricts a Fraternity After Sexual Misconduct*, N.Y. TIMES (Feb. 14, 2015), <https://www.nytimes.com/2015/02/15/nyregion/yale-restricts-a-fraternity-after-sexual-misconduct.html> [<https://perma.cc/GT4E-SLJG>] (banning a fraternity's on-campus activities for less than two years for violating the university's sexual misconduct policy). “In addition to the ban on campus activities, the fraternity is prohibited from using university email systems and bulletin boards or using its name in connection with Yale University.” *Id.*

172. See Wechsler et al., *supra* note 44, at 409 (finding “little evidence that campus officials hold fraternity members accountable for their irresponsible, and

make large financial contributions to universities.¹⁷³ “Universities are also deeply reliant on the Greeks for housing[,]”¹⁷⁴ which is remarkable considering that fraternity houses range between the third and sixth most expensive properties to insure because of the illegal activity that happens there, with costs just behind amusement parks and toxic waste dumps.¹⁷⁵

4. Department of Education

The power the Department of Education has to effect change on campus sexual violence has historically depended on different government administrations.¹⁷⁶ History has revealed that when governments scrutinize how schools handle sexual violence, the results are powerful.¹⁷⁷ Providing the public with more information about the epidemic of campus sexual violence should not be a partisan issue.¹⁷⁸ Not only does public shaming of universities work to promote change, but our society demands it.¹⁷⁹

often illegal, behavior”); see also PLEDGED, *supra* note 8, at 322 (quoting university administrators).

173. See SCHWARTZ & DEKESEREDY, *supra* note 62, at 135. Greek alumni have immense power over a campus’s policy toward its organizations and often have a personal interest in seeing a chapter and their house remain under university auspices. See PLEDGED, *supra* note 8, at 27; see also GRIGORIADIS, *supra* note 22, at 231 (detailing how “[u]niversities benefit from the Greek system”).

174. GRIGORIADIS, *supra* note 22, at 231.

175. See Martin & Hummer, *supra* note 40, at 465; see also GRIGORIADIS, *supra* note 22, at 231; Douglas E. Fierberg & Chris D. DeJong, “Universities and Fraternities Must Tell the Whole Truth” *About Sexual Violence*, TIME (May 15, 2004), <http://time.com/100084/campus-sexual-assault-fraternities/> [<https://perma.cc/NF4Z-6JBP>] (noting that universities are not so lax in regulating their dormitories).

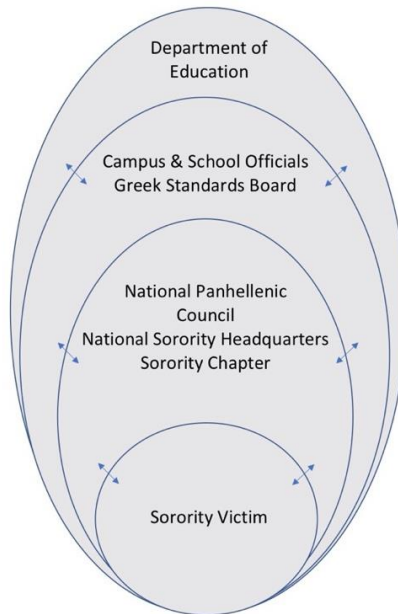
176. See Barber et al., *supra* note 108, at 253 (noting that “[r]egulation of fraternities/sororities has shifted” over time and in response to increases in state and federal litigation, growing diversity in the student body, and growing prevalence of social media).

177. See *supra* note 80 and accompanying text (filing complaints against almost 400 schools).

178. See Anna Bahr, *Campus Sexual Assault Bill Relies on Public Shaming of Colleges*, N.Y. TIMES (Aug. 1, 2014), <https://www.nytimes.com/2014/08/02/upshot/campus-sexual-assault-bill-relies-on-public-shaming.html> [<https://perma.cc/WT5N-8DQN>] (“[T]ransparency is the single most important change that Congress could bring about.”) (quoting Stanford law professor, Michele Dauber).

179. See *id.* “A loss of federal funding is so extreme for colleges that the punishment has never been imposed,” but holding colleges accountable when they violate federal laws has already proven costly when victims have sued. *Id.*; see *supra* note 106 and accompanying text; see also GRIGORIADIS, *supra* note 22, at 90 (reporting sexual violence to national media affects school ratings and keeps

In the Greek system, a rich picture of the actors that hold power to influence the rates of and responses to sexual violence on campus might look like this:¹⁸⁰



Spheres of Influence

Figure 1

In Figure 1, concentric circles depict each actor's level of influence and power to effect sexual violence.¹⁸¹ Sorority victims have the smallest sphere of influence and also exist in other actors' sphere of influence.¹⁸² Each circle represents its own system, and "[a]ll of the systems are interrelated, affecting one another and the individual; this interaction is represented by the arrows bridging the levels[.]"¹⁸³

Besides examining the actors, systems thinking also examines the critical junctures or leverage points where incentives reinforce interconnections or dynamics between players.¹⁸⁴ This flowchart

university administrators paying attention to this problem). "Scandals have direct effects on corporate bottom lines." *Id.*; see also *Student Life, Relations, and the Law*, *supra* note 101 (demanding the Department of Education exercise its "authority to hold schools accountable for violating student's rights").

180. See Barber et al., *supra* note 108, at 248.

181. See *id.*

182. See *id.*

183. See *id.* (applying Bronfenbrenner's framework to fraternities and sororities).

184. See MEADOWS, *supra* note 110, at 145.

depicts the actors with whom a sorority victim must often interact to report sexual violence and seek recourse:¹⁸⁵



Levels of Reporting

Figure 2

In Figure 2, each level represents an opportunity for another system actor to address sexual violence or perpetuate it.¹⁸⁶ In addition to the violence or primary traumatization they experienced, sorority victims sometimes must recount their experience to each actor in the hierarchy.¹⁸⁷ This figure illustrates why sorority victims choose not to report and repeat their story time and time again.¹⁸⁸ Each level also represents leverage points where actors can direct efforts to improve the system.¹⁸⁹ To be most effective, leverage points can yield change when the underlying purpose of the system changes too.¹⁹⁰

185. See Barber et al., *supra* note 108, at 248.

186. See *id.*

187. See *id.*

188. See *id.* at 250.

189. See Meadows, *supra* note 110, at 145.

190. See *supra* note 123 and accompanying text.

C. Greek Life's True Purpose Is Perpetuating Itself

Each Greek organization's values are evident by the organization's behaviors, and those behaviors that perpetuate sexual violence become clearer over time.¹⁹¹ Nevertheless, with greater awareness and intention, all Greek organizations can make their members safer.¹⁹²

1. *History of Greek Life*

History illuminates that a system's behavior over time, not its rhetoric, indicates its true purpose.¹⁹³ Historically white fraternities were social clubs or gatherings for men of similar interests, usually literary and social.¹⁹⁴ Dating back to the 1750s, these exclusive clubs often formed secrecy pacts.¹⁹⁵ Whether they began as political or social gatherings to play whist, the "tradition is that they met in the upper room of the tavern and that their laughter shook the house."¹⁹⁶

Historically, white sororities likewise formed as groups of women with common interests, but in the 1800s their political purpose was solidarity and "safe havens for friendship and support."¹⁹⁷

191. See Caitlin Flanagan, *The Dark Power of Fraternities*, ATLANTIC (last updated Sept. 9, 2019, 2:00 PM), <http://www.theatlantic.com/features/archive/2014/02/the-dark-power-of-fraternities/357580/> [https://perma.cc/W44J-5RTJ].

192. See *id.*

193. See *The Flat Hat Club*, 25 WM. & MARY Q. 161, 161 (1917).

194. See *id.* ("Among the earliest collegiate societies the Phi Beta Kappa established at William and Mary College, in 1776, takes precedence as the first Greek letter fraternity."). "College fraternities . . . are as old, almost, as the republic. In a sense, they are older: they emanated in part from the Freemasons, of which George Washington himself was a member." Flanagan, *supra* note 191; see also GRIGORIADIS, *supra* note 22, at 230 (tracing the history of white fraternities through four distinct eras).

195. See *The Flat Hat Club*, *supra* note 193, at 161 (documenting "The American Whig Society" in 1769 at Princeton and "The Flat Hat Club" at William and Mary College in 1750); see also SCHWARTZ & DEKESEREDY, *supra* note 62, at 121.

196. *The Flat Hat Club*, *supra* note 193, at 162 (quoting a witness in 1881 or 1882, "I fancy that there was a punch bowl near about."). The P.D.A. Society ("[the initials] were understood to [be] Latin words") at William and Mary College before the American Revolution "had lost all reputation for letters and was noted only for the dissipation and conviviality of its members." *Id.* at 164.

197. Anderson & Danis, *supra* note 19, at 87 ("Those were not safe times for women on campus. They were frequently taunted and ridiculed by male students and faculty for daring to violate cultural norms consigning women to the roles of wives and mothers."); see also Barber et al., *supra* note 108, at 243 (documenting the

“Predominantly white sororities were founded for many reasons: to guarantee an exclusive dating and mating pool . . . to provide supervised housing . . . and to offer access to campus political power.”¹⁹⁸

Because these historically secret gatherings mostly involved men and women with means,¹⁹⁹ these groups gained power, influence, and mystique that shrouded them in secrecy and exclusivity.²⁰⁰ “The fabled Skull and Bones society is the stuff of lore at Yale University. Harvard University has Final Clubs, known as a grooming place for the rich and powerful.”²⁰¹

But their rise to power has also been described as “deep” and “dark.”²⁰² One infamous example is Theta Nu Epsilon, a community of fraternities and sororities at the University of Alabama, whose power and influence have affected elections on all levels—from

founding of Alpha Delta Pi (1851) and Phi Mu (1852) at Wesleyan Female College in Macon, Georgia).

198. Alexandra Berkowitz & Irene Padavic, *Getting a Man or Getting Ahead: A Comparison of White and Black Sororities*, 27 J. CONTEMP. ETHNOGRAPHY 530, 537 (1999); see also Barber et al., *supra* note 108, at 243 (internal citation omitted) (noting the establishment of the NPC in 1902 by historically white sororities in response to “restrictive social customs, unequal status under law . . . [such as] hostile college administrations and the threat of being outlawed by state legislators”).

199. See Christie DiGangi, *Here’s What It Cost Me to Be in a Sorority for 4 Years*, CREDIT (Sept. 18, 2015), <http://blog.credit.com/2015/09/heres-what-it-cost-me-to-be-in-a-sorority-for-4-years-125669>. New member sorority dues today can range from \$600 to nearly \$1,600. *Id.* Costs to live in the sorority house plus dues can be approximately \$4,100 per semester. *Id.* One graduate estimated her entire experience including incidental fees, fines, crafting supplies, and t-shirts cost \$14,395.24. *Id.*; see also PLEDGED, *supra* note 8, at 68 (reporting range of dues from a few hundred dollars to \$2,500 per semester); Risa C. Doherty, *Greek Letters at a Price*, N.Y. TIMES (Oct. 28, 2014), <https://www.nytimes.com/2014/11/02/education/edlife/greek-letters-at-a-price.html> [<https://perma.cc/VQE9-F72T>].

200. See Barber et al., *supra* note 108, at 243.

201. Jay Reeves, *Student Exposes “Corrupt” Secret Society at Alabama*, TUSCALOOSA NEWS (Nov. 1, 2015), <https://www.tuscaloosanews.com/news/20151101/student-exposes-corrupt-secret-society-at-alabama> [<https://perma.cc/KU4Z-SADK>].

202. Flanagan, *supra* note 191 (“They also have a long, dark history of violence against their own members and visitors to their houses, which makes them in many respects at odds with the core mission of college itself.”).

campus to local, state, and federal.²⁰³ Dubbed the “Machine,”²⁰⁴ their notoriety stems from cross-burnings in the 1960s to rigging elections in 2014.²⁰⁵ This combination of secrecy, power, and influence have enabled these centuries-old institutions to persist over time.

2. *Traditions of Greek Life*

Fraternity history is long, and its benefits run deep: providing young men with opportunities in fields of business, law, and politics, and success as CEOs, congressmen, senators, and American presidents.²⁰⁶ “Fraternity tradition at its most essential is rooted in a set of old, deeply American, morally unassailable convictions, some of which—such as a young [white] man’s right to the freedom of association—emanate from the Constitution itself.”²⁰⁷

The Greek system constitutes a historically stable social system with many aspects that increase feelings of comfort and conformity among its members: established charters and bylaws, longstanding traditions involving highly scripted events and family-like referents . . . degrees of relatedness among specific fraternity and sorority houses, and social and economic similarity among members.²⁰⁸

203. See Stephen N. Dethrage, *Theta Nu Epsilon History Stretches Back a Century*, CRIMSON WHITE (Nov. 16, 2011), <http://www.cw.ua.edu/article/2011/11/theta-nu-epsilon-history-stretches-back-a-century> [<https://perma.cc/4RYH-VBTR>] (tracing the secret society’s past to 1928 when it was then referred to as a “political machine”); see also Reeves, *supra* note 201 (describing how the homecoming queen to student government president are elected through bloc voting run by the group, and “alumni . . . have gone on to hold offices including governor and U.S. senator”); *Confirmed Facts About the Machine*, CRIMSON WHITE (Nov. 30, 2011), <http://www.cw.ua.edu/article/2011/11/confirmed-facts-about-the-machine> [<https://perma.cc/AM52-JFU9>] (documenting their secret endorsement of student government candidates for senate and executive offices).

204. Dethrage, *supra* note 203 (“The Machine is a select coalition of traditionally white fraternities and sororities designed to influence campus politics.”); Reeves, *supra* note 201 (“‘The Machine’ . . . [is] a powerful force at the University of Alabama, functioning within the shadows of what is billed as the largest community of fraternities and sororities on a U.S. college campus.”). But its existence is still disputed. See Reeves, *supra* note 201 (“Machine members don’t acknowledge its existence, and the university doesn’t recognize it as an official group.”).

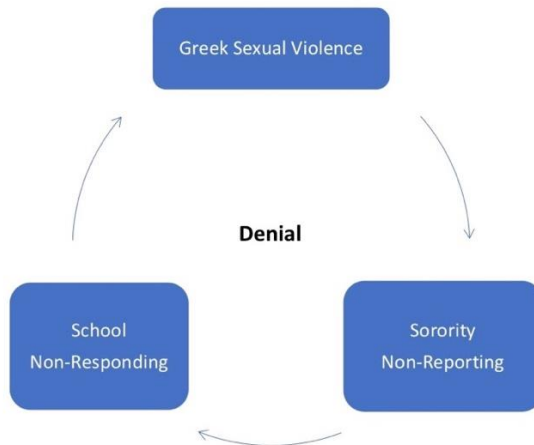
205. See Reeves, *supra* note 201 (bribing Greek voters with free limo rides and booze).

206. See Flanagan, *supra* note 191 (“[T]he system has produced its share of poets, aesthetes, and Henry James scholars.”); see also Glass, *supra* note 4 (noting the first female astronaut and female senator were Greek).

207. Flanagan, *supra* note 191.

208. Norris et al., *supra* note 34, at 125 (collecting social science).

Law and society have generally allowed the Greek system to maintain its traditions for hundreds of years, even when those traditions were challenged.²⁰⁹ Despite their concerns, colleges and universities have seemingly turned a blind eye on Greek life with all its inherent dangers, especially an increased risk for sexual violence.²¹⁰ Thus, from a systems thinking framework, this historically stable social system is likely reinforced by a feedback loop like this:²¹¹



The Cycle of Sexual Violence

Figure 3

In Figure 3, the Greek cycle of sexual violence perpetuates itself.²¹² As Professor Cantalupo explained,

[t]he rate of campus peer sexual violence and the high non-reporting rate perpetuate a cycle whereby perpetrators commit sexual violence because they think they will not get caught or because they actually have not been caught. As a result of survivors not reporting the violence, perpetrators are not caught, continue to believe they will not get caught, and continue to perpetrate.²¹³

209. See, e.g., *Chi Iota Colony of Alpha Epsilon PI Fraternity v. City Univ. of N.Y.*, 443 F. Supp. 2d 374, 388–89 (E.D.N.Y. 2006).

210. See *supra* notes 172–174 and accompanying text.

211. See Melanie Norwood, *Cycle of Violence: Theory & Diagram*, STUDY.COM, <https://study.com/academy/lesson/cycle-of-violence-theory-diagram.html> [<https://perma.cc/J9MZ-FBDU>] (last visited Mar. 30, 2020).

212. This figure was adapted from the Cycle of Violence diagram. See *id.*

213. *Burying Our Heads in the Sand*, *supra* note 74, at 219.

Applied to Greek life, the high rate of sexual violence, high sorority victim nonreporting rate, *and* high university nonresponding rate perpetuate a cycle in which fraternity perpetrators commit sexual violence because they think they will not get caught or because they actually have not been caught.²¹⁴ As a result of sorority survivors not reporting, and colleges not responding appropriately, “perpetrators are not caught, continue to believe they will not get caught, and continue to perpetrate.”²¹⁵

Feedback loops reveal that Greek sexual violence perpetuates itself with its culture of silence and that universities are complicit in allowing dangerous Greek systems to flourish despite knowing the increased risks of harm to its members—their students. Fraternities, sororities, and universities all depend on each actor buying into the current system, however flawed.²¹⁶ This could potentially change if an actor refused to maintain the status quo, or if their true purpose changed.²¹⁷

3. *Determining a Chapter’s True Purpose*

College fraternities and sororities today are general or social in nature and distinct from “the several other types of fraternities on American campuses (religious, ethnic, [and] academic).”²¹⁸ Membership in Greek life is positively associated with leadership in the fraternity or sorority chapter or the larger university, service on campus and in the community, and active involvement in student life, plus the opportunity to “achieve success academically, personally, and professionally.”²¹⁹ Greek members contribute millions of hours and dollars in community service and philanthropic causes.²²⁰

214. *See id.*

215. *See id.*

216. *See* MEADOWS, *supra* note 110, at 6–7.

217. *Compare id.* (asking “what-if” questions about possible future behaviors in creative, courageous system redesign), *with* PLEDGED, *supra* note 8, at 324 (asking, “[w]hat if [sororities] snubbed the fraternities that condoned the behavior of rapist brothers? What if sororities fought for political or cultural change on issues they cared about?”).

218. Flanagan, *supra* note 191.

219. THE UNIV. OF ALA., *Fraternity and Sorority Life: About*, <https://ofsl.sa.ua.edu/about/> [<https://perma.cc/47HC-5Z48>] (last visited Mar. 30, 2020).

220. *See* Flanagan, *supra* note 191; *see also* UNIV. OF GA., *Greek Life: Student Affairs*, https://greeklife.uga.edu/content_page/panhellenic-council-content-pageacademics.html [<https://perma.cc/HLW4-RA7E>] (listing volunteer and philanthropic activities) (last visited Mar. 30, 2020).

A fraternity's behaviors expose its true purpose.²²¹ Not all fraternities deserve the "rapey" label, and high-risk fraternities are those "that contain the values, norms and practices that increase women's risk of sexual victimization."²²² Such high-risk fraternities represent a small percentage of predominantly white chapters, but "[t]hose are the chapters we see in the news[.]"²²³

Low-risk fraternities, on the other hand, are those that "consciously acted in ways to disrupt sexism, racism and homophobia."²²⁴ These fraternities reject hypermasculine norms and favor "a more inclusive form of masculinity . . . based on social equality for gay men, respect for women[,] . . . racial parity . . . [and] emotional [intimacy]."²²⁵ Low-risk fraternities aim to prevent sexual assault through awareness, bystander intervention, and other strategies discussed *infra*.²²⁶

Sororities, similarly, reveal their true purpose through their actions.²²⁷

[Many] claim to instill within their sororities "individuality, . . . togetherness, . . . [and] friendships," according to the web site for Alpha Epsilon Phi, whose motto is "Many Hearts, One Purpose." They promote goals such as Delta Delta Delta's, to "develop a stronger and more womanly character, to broaden the moral and intellectual life, and to assist its members in every possible way." They foster, like Kappa Kappa Gamma, "friendship rooted in a tradition of high standards."²²⁸

Despite what they claim, low-risk sororities behave in conscious ways to minimize sexual violence through education, peer support, and other concrete, proven strategies.²²⁹ High-risk chapters, on the other hand, engage in behaviors that make their members more susceptible to violence.²³⁰ These behaviors include sexually exploiting them, placing them in risky situations, stigmatizing sexual violence, and discouraging victims from reporting.²³¹ High-risk sororities do not

221. See *A Frat Boy and a Gentleman*, *supra* note 7.

222. *Id.* (citing research on measures of sexual aggression, hostility toward women, and drinking frequency and intensity to distinguish between high-risk and low-risk fraternities).

223. *Id.*

224. *Id.* (quoting findings from a 2014 study of 614 fraternity men).

225. *Id.* (citing a two-year ethnographic study of one chapter).

226. See *infra* Part IV.

227. See PLEDGED, *supra* note 8, at 9.

228. *Id.*

229. See *infra* Part IV.

230. See *supra* Section I.B., Subsection III.B.2.

231. See *supra* Section I.B., Subsection III.B.2.

represent “sorority life as a whole There are enough bad seeds, however, that steps could be taken to improve the system—providing the system is willing to admit that there is need for improvement.”²³²

Black Greek organizations (BGOs) are different, but less research on them exists.²³³ Research nevertheless reveals that BGOs pose less risk of harm for sexual violence.²³⁴ Some structural differences between black and white fraternities might account for the distinctions, including black fraternities often do not have their own houses, which means that the public settings where they host their parties and other social gatherings are more visible to campus authorities, who then disproportionately monitor them and disparately enforce university rules on alcohol and drugs against them.²³⁵ “[B]lack fraternity men often perceive they cannot enact the behaviors that mostly coincide with hegemonic masculinity due to the level of accountability and visibility they experience as black fraternity men.”²³⁶

Black fraternities also seem to prefer traditional dating relationships over hooking up, while white fraternities embrace the hook-up culture.²³⁷

232. PLEDGED PAPERBACK EDITION, *supra* note 140, at ix.

233. See Tyra Black, Joanne Belknap & Jennifer Ginsburg, *Racism, Sexism, and Aggression: A Study of Black and White Fraternities*, in *AFRICAN AMERICAN FRATERNITIES AND SORORITIES: THE LEGACY AND THE VISION*, 363, 363 (Tamara L. Brown et al. eds., 2005) (identifying itself as the first study on fraternities and aggression “that included the black Greek system”); Rashawn Ray, *Sophisticated Practitioners: Black Fraternity Men’s Treatment of Women*, 16 J. AFR. AM. STUD. 638, 638 (2012) (filling a “gap in the literature” on Black Greek Letter Organizations). For a discussion on hazing in Black Greek organization, see generally Gregory S. Parks et al., *Victimology, Personality, and Hazing: A Study of Black Greek-Letter Organizations*, 36 N.C. CENT. L. REV. 16 (2013).

234. See Black, Belknap & Ginsburg, *supra* note 233, at 387 (“Sexually abusive behavior in black fraternities seemed to be less common[,] [but] . . . this finding does not allow us to assume that black and white fraternities behave differently due to cultural values or beliefs.”). “Sexual abuse of black women by black or white fraternity members was rare. However, white women reported that they experience significant levels of sexual abuse, including violent rape, by white fraternity members.” *Id.* at 383; see also Ray, *supra* note 233, at 655 (surmising that because of the accountability mechanism, black fraternity men at HBCUs would objectify women less than black men who are not in fraternities and white fraternity men).

235. See Black, Belknap & Ginsburg, *supra* note 233, at 370–76 (debating whether this is institutional or structural racism). Researchers also noticed differences between black and white fraternity party themes. *Id.* at 375. “Whereas the white fraternity party names often refer to alcohol or sex, the black party names tend to reflect campus events.” *Id.*

236. Ray, *supra* note 233, at 641.

237. See Black, Belknap & Ginsburg, *supra* note 233, at 377–78, 383.

In comparison to white fraternity men and black men who were not in fraternities, most black fraternity men were observed treating women respectfully, regardless of the relationship status or the status of the women in the social environment. They were also observed speaking up and speaking out against other men when they talked disrespectfully to women. While structural conditions increase accountability by reducing anonymity, black fraternity men were more likely to employ strategies to interact with women, engage in active reputation management, and make fewer relational mistakes.²³⁸

“This does not mean that sexual assaults do not occur in black fraternities.”²³⁹ But black fraternity men are taught and socialized on how to treat and interact with women and also are held accountable “to represent ‘the black Greek [well].’”²⁴⁰

Another important distinction in BGOs is their true purpose. BGOs historically served as safe havens on campus from institutional racism and “a means of uplifting African American men and women.”²⁴¹ BGOs were positioned to contribute to the cause of ameliorating racial inequality and did so. For example, many BGOs were at the forefront of The Civil Rights Movement in the mid-1900s.²⁴²

238. Ray, *supra* note 233, at 655.

239. Black, Belknap & Ginsburg, *supra* note 233, at 383; *see also* Julie Zeilinger, *These Challenges Are Why Sexual Assaults at HBCUs Isn’t Talked About Enough*, MIC (Dec. 11, 2015), <https://mic.com/articles/129658/these-challenges-are-why-sexual-assault-at-hbcus-isn-t-talked-about-enough#.sgor7TLc3> [<https://perma.cc/9HKT-KJE8>] (recounting black survivors’ unique challenges: experiencing higher rates of sexual violence generally; underreporting and a culture that encourages survivors’ silence; damaging racial stereotypes of survivors that perpetuate disbelief of their reports; and pressure not to “put another black man in prison”). On an institutional level, it appears historically black colleges and universities inflict the same secondary trauma when survivors report. *See id.* “But the attitudes toward assault on HBCUs are unique . . . based in no small part on the rhetoric of family common on such campuses, which teaches students to ‘protect each other’ and ‘have each other’s backs.’” *Id.* Survivors face compounded unique pressures to protect the HBCU and project a “squeaky clean” image. *Id.* (quoting one victim).

240. Ray, *supra* note 233, at 655.

241. *See* Black, Belknap & Ginsburg, *supra* note 233, at 368 (“Members talk a great deal about graduation, jobs, and community service.”); *see also* Ashley Y. Stone, *Building Brotherhood: An Examination of Race, Violence, Sexuality and Black Fraternity Membership*, 7 (June 2012) (unpublished M.A. thesis, DePaul University) (on file with The Institutional Repository at DePaul University) (“The origin of [BGOs] dates back to the early 1900s. . . . Created in response to racial segregation, BGOs have played a crucial role not only in higher education, but also in the black community.”).

242. *See* Ray, *supra* note 233, at 655.

Differences between the true purpose of black and white sororities have also emerged.²⁴³ “White sorority women . . . regarded sorority membership as a way to lead [to] a productive social life that they hoped would enable them to get a man. . . . In contrast, African American women’s sorority participation centered on community service and career advancement.”²⁴⁴ Because of the historical, intersectional oppression they endure on account of their race and gender,²⁴⁵ black sororities organized to create leaders and organizers in vulnerable communities and for “general racial uplift.”²⁴⁶ Black sororities participated in the women’s suffrage march in 1913, traveling libraries in the 1930s, and freedom rides and sit-ins in the 1960s.²⁴⁷ Other key differences between white and black sororities are “white sororities occupied residential houses, which did not exist for the black sororities;”²⁴⁸ less emphasis on dating in black than white sororities;²⁴⁹ and more emphasis on careers in black sororities than white sororities.²⁵⁰ These differences suggest that black sororities face a lower risk for sexual violence than white sororities.²⁵¹

Race aside, based on consistent behavior over time, low-risk fraternity and sorority chapters that center on healthy gender norms and intentionally combat sexual violence change the dynamic between system actors.²⁵² By treating each other as equals, low-risk Greek

243. See Berkowitz & Padavic, *supra* note 198, at 550–51.

244. *Id.*

245. See *id.* at 532.

246. *Id.* at 535 (tracing the history of the black sorority to the black women’s club movement in the late eighteenth and early nineteenth centuries).

247. See *id.* at 535.

248. *Id.* at 539.

249. See *id.* at 544–45 (explaining that black sororities’ “events [are] centered on sorority unity, including step-dance shows and seminars,” and “place less emphasis on coupling”).

250. See *id.* at 552 (“This is not to say that the [white] women themselves are not career oriented . . . their sororities are not structured to offer ways to help them achieve that goal. . . . [I]t seems that the black sorority structure is more in tune with the probable labor force and family prospects of modern college women.”); Mindy Stomblor & Irene Padavic, *Sister Acts: Resistance in Sweetheart and Little Sister Programs*, in *AFRICAN AMERICAN FRATERNITIES AND SORORITIES: THE LEGACY AND THE VISION* 233, 236 (Tamara L. Brown, Gregory S. Parks & Clarendia M. Phillips, eds. 2005) (“[B]lack sweetheart programs offered more liberating structural and cultural elements than did white little sister organizations; this predisposed black women toward a more activist stance than their white counterparts.”).

251. See BLACKGREEK.COM, *supra* note 30; see also Barber et al., *supra* note 108, at 243 (noting that historically black fraternities and sororities formed the National Pan-Hellenic Council together in 1930).

252. See PLEDGED, *supra* note 8, at 294–97.

organizations reject stark, conflicting roles towards one another in sexual contexts.²⁵³ Also, by redefining their system's true purpose away from one focused on partying, sex, drinking, and silence, they minimize their risk of violence.²⁵⁴ When low-risk organizations change their true purpose, they achieve more lasting, sustainable results.²⁵⁵

IV. USING SYSTEMS CHANGE STRATEGIES TO REFORM GREEK LIFE

Is Greek life declining?²⁵⁶ Despite its persistent popularity, some believe Greek social clubs must “evolve or perish.”²⁵⁷ Some universities have concluded that the risks associated with Greek life outweigh the benefits.²⁵⁸ In the 1980s and 1990s, college administrators and presidents “challenge[d] social fraternities and sororities to return to their values and promote more positive

253. See *id.*

254. See *id.*

255. See Barber et al., *supra* note 108, at 244 (“Although challenges remain, fraternity/sorority advisors can create significant opportunities for members and those seeking membership in fraternities and sororities to focus on the core values that served as the basis for the founding of these unique organizations.”). Individual members also need to be challenged on whether their personal and institutional values align with their behaviors. See *id.* at 245.

256. See Kiley Roache, *The Future of Frats*, N.Y. TIMES (Apr. 26, 2018), <https://www.nytimes.com/2018/04/26/opinion/frats-college-greek-life.html> [<https://perma.cc/SN9R-UYGV>].

257. See GRIGORIADIS, *supra* note 22, at 232 (quoting a fraternity historian); PLEDGED, *supra* note 8, at 322 (quoting experts on why it has been so difficult to force Greek organizations to evolve); see also Barber et al., *supra* note 108, at 242 (“For fraternities and sororities to remain relevant, meaningful, contributory, and trusted, those who work on college campuses must not only understand the issues[,] [practices, and behaviors that inhibit student engagement and learning,] but know how to manage and address the complexities found within these unique organizations and among members.”).

258. See, e.g., Christina Maxouris & Rob Frehse, *Swarthmore College Bans Fraternities and Sororities After Allegations of Racist, Homophobic and Misogynistic Behavior*, CNN (last updated May 11, 2019, 12:19 AM), <https://www.cnn.com/2019/05/11/us/swarthmore-college-bans-fraternities/index.html> [<https://perma.cc/LQ7S-7TDN>]; see Drew Gilpin Faust, *Letter on Single-Gender Social Organizations*, HARVARD UNIV. (May 6, 2016), <https://www.harvard.edu/president/news/2016/letter-on-single-gender-social-organizations> [<https://perma.cc/ZT2G-GWGW>] (failing to fund or endorse single-sex fraternities and sororities); see also GRIGORIADIS, *supra* note 22, at 239–43 (considering liability and reputational issues versus history, tradition, and the alumni influence); PLEDGED, *supra* note 8, at 322–23.

behavior.”²⁵⁹ However, in “tradition-thick schools” where Greek life predominates campus social life,²⁶⁰ joining a sorority is viewed as a “necessary stepping-stone for women to achieve anything of merit.”²⁶¹ Rather than banning fraternities and sororities altogether to prevent sexual violence in Greek life, some believe they should coeducate.²⁶² Regardless of their current stance, Greek organizations must evolve to keep up with changing times.²⁶³

“We conclude that fraternities will continue to violate women socially and sexually unless they change in fundamental ways.”²⁶⁴ Thirty years have passed since researchers came to that conclusion, and sexual violence in Greek life remains a stark fact.²⁶⁵ Until there is significant attention and reform aimed at the root causes, we are complicit in endangering millions of students.²⁶⁶ Reducing sexual

259. Barber et al., *supra* note 108, at 245 (responding to risk management and hazing).

260. Doherty, *supra* note 199 (citing examples at University of Alabama and University of Missouri).

261. PLEDGED, *supra* note 8, at 282. *See also id.* at 324 (offering examples in Texas and Mississippi).

262. *See* Roache, *supra* note 256; *see also* GRIGORIADIS, *supra* note 22, at 229–48, 292 (recounting the historical battles to coeducate Greek life at Wesleyan University and Harvard University); PLEDGED, *supra* note 8, at 294–97 (describing the history and evolution of Zeta Delta Xi, the coed, local and independent fraternity at Brown University “founded on principles of equality”).

263. *See* Caitlin O’Kane, *City to Ban Gendered Language Like “Manhole,” “Manpower” and “Firemen”*, CBS NEWS (July 18, 2019, 2:48 PM), <https://www.cbsnews.com/news/berkeley-california-to-ban-gendered-language-like-manhole-manpower-and-firemen/> [<https://perma.cc/KZA4-STFB>] (internal citation omitted) (“Sororities and fraternities will now go by ‘Collegiate Greek system residence.’”).

264. Martin & Hummer, *supra* note 40, at 457.

265. *See* R. Sean Bannon et al., *Sorority Women’s and Fraternity Men’s Rape Myth Acceptance and Bystander Intervention Attitudes*, 50 J. STUDENT AFF. RES. & PRAC. 72, 84 (2013) (“[F]raternity men account for a disproportionate number of sexual assaults, and sorority women report higher rates of victimization, thus the alteration of fraternity and sorority culture will greatly aid in creating safer campus environments.”); *see also* CTRS. FOR DISEASE CONTROL & PREVENTION, PREVENTING SEXUAL VIOLENCE ON COLLEGE CAMPUSES: LESSONS FROM RESEARCH AND PRACTICE 2 (2014) [hereinafter PREVENTING SEXUAL VIOLENCE ON COLLEGE CAMPUSES] (“Sexual violence is a serious public health problem affecting the health and well-being of millions of individuals each year in the United States, and throughout the world, with notably high rates among college students.”); *A Frat Boy and a Gentleman*, *supra* note 7.

266. *See A Frat Boy and a Gentleman*, *supra* note 7; *see also* Barber et al., *supra* note 108, at 254 (“Fraternity/sorority membership should be complementary to their lived experiences and development and enhance the student learning experience.

violence in Greek life seems daunting, yet experience shows it is possible.²⁶⁷ Some fraternities have shed their hypermasculine identities and instead adopted a “mission to prevent sexual assaults and treat women right.”²⁶⁸ Treating women right is one strategy to reducing sexual violence in Greek life.²⁶⁹

Effecting lasting change, however, requires a comprehensive strategy to address “multiple levels of influence for sexual violence victimization and perpetration”²⁷⁰ As seen below, addressing multiple levels of influence in Greek life falls broadly into two different categories: (1) acknowledging and addressing sexual violence at critical junctures in the Greek system through education, training, reporting, and litigation; and (2) changing high-risk Greek practices by collectively rethinking and prioritizing their true purpose. These systems change strategies dovetail with the comprehensive prevention strategies the Centers for Disease Control (CDC) recommends for reducing rates of sexual violence.²⁷¹

Changing a system affects both the systems within it and the systems in which it is nested. The challenge for change agents is choosing the right level, or levels, of scale for the changes they seek. The answer is often working at multiple levels: top down, bottom up, outside in, and inside out.²⁷²

A. Addressing Sexual Violence in the Greek System

According to the CDC’s social-ecological model, sexual violence is best addressed on four levels: individual, relationships, community, and societal contexts.²⁷³ In Greek life, these four levels correspond with the four system actors explored earlier: individual sorority victims, sorority/fraternity chapters and their nationals, campus officials, and the Department of Education.²⁷⁴ Like systems change theorists, the CDC cautions that approaches targeted at the

We all have a responsibility across contexts and systems to help these students succeed.”).

267. See *A Frat Boy and a Gentleman*, *supra* note 7.

268. *Id.* (recounting how freshman fraternity members thwarted a potential sexual assault).

269. See PREVENTING SEXUAL VIOLENCE ON COLLEGE CAMPUSES, *supra* note 265, at 1–2.

270. *Id.*

271. See *id.*

272. CTR. FOR ECOLITERACY, *supra* note 111.

273. See PREVENTING SEXUAL VIOLENCE ON COLLEGE CAMPUSES, *supra* note 265, at 3–4.

274. See *supra* Section III.B.

individual level only are not likely to have a broad impact.²⁷⁵ A broader or “[c]ollective impact starts with a group of people who are driven . . . by an urgency for change.”²⁷⁶ In addition, “[c]ollective impact requires systems thinking” that “takes . . . the entire community[] to map the whole system and act on . . . its parts in a continuous way, with continuous feedback conversations.”²⁷⁷

1. Education

Sorority members generally lack awareness of the ways sexual violence affects their sisters, which researchers attribute to the barrier of silence on the topic.²⁷⁸ Once sorority women discuss sexual violence, they acknowledge that it happens to their sisters and that they must address it for their sorority to be a truly safe place.²⁷⁹

Sexual violence must be formally defined in sorority policies with guidelines for members to address it.²⁸⁰ Black sororities, however, have voiced concerns that formal policies might sanction rather than empower them, so researchers recommend non-victim blaming, flexible, victim-centered policies.²⁸¹ Effective programs include training on how to recognize danger cues, situational factors that increase those danger cues, and the contexts in which this violence occurs and why.²⁸² “This is especially relevant in Greek settings where members often underestimate personal risk and may misperceive sexually predatory intentions due to the trust assumed among members.”²⁸³ This education is also best when coupled with facilitated discussion groups.²⁸⁴ Brief, one-time sessions on sexual assault are

275. Compare MEADOWS, *supra* note 110, at 6–7 (changing the system actors has the least influence on a system), with PREVENTING SEXUAL VIOLENCE ON COLLEGE CAMPUSES, *supra* note 265, at 3–4.

276. DAVID BROOKS, *THE SECOND MOUNTAIN: THE QUEST FOR A MORAL LIFE* 292 (2019).

277. *Id.* at 293–94.

278. See Anderson & Danis, *supra* note 19, at 92–93 (“It’s not talked about, so there is an assumption that it is not as prevalent as it may be.”).

279. See *id.* at 93–95.

280. See *id.* at 91 (“At no focus group could members recall if their sorority had . . . [such] policies or guidelines.”).

281. See *id.* at 97.

282. See Franklin, *supra* note 23, at 900–01.

283. See *id.* at 914 (explaining how effective trainings like how to recognize danger cues may be especially important in Greek settings where members often underestimate the risk of sexual assault offenses).

284. See Anderson & Danis, *supra* note 19, at 95 (suggesting educational seminars with outside speakers).

generally not taken seriously and do not change attitudes and behaviors.²⁸⁵

Training sorority members on sexual violence is important because they are the first and perhaps only people to whom a victim will report.²⁸⁶ “Although participants expressed comfort that the issue of relationship violence would be addressed if it happened, the participants, who are leaders within their sororities, did not express having the comfort, knowledge, and skill levels to do so.”²⁸⁷ Comprehensive training should include campus and community resources, as well as where and who to turn to for help.²⁸⁸ Fraternities likewise need separate education,²⁸⁹ and research has shown that “men who joined fraternities and participated in The Men’s Program committed fewer acts of sexually coercive behavior, and the acts they committed were less severe than [fraternity men that did not].”²⁹⁰ In The Men’s Program, participants watch a video that describes male-on-male rape and discuss how it might feel to be raped.²⁹¹ The researchers’ purpose is two-fold: address homophobic assumptions about rape and illustrate how rape is fundamentally about power and control.²⁹² “Long-term attitude [and behavior] change was also associated with program participation.”²⁹³

Studies show that sorority women want fraternities to treat them with respect,²⁹⁴ and coeducational events in which fraternities and sororities talk about women’s experiences and how men can prevent sexual assault are good examples.²⁹⁵ Researchers also suggest “conducting joint education programs on relationship violence with

285. See PREVENTING SEXUAL VIOLENCE ON COLLEGE CAMPUSES, *supra* note 265, at 2.

286. See Anderson & Danis, *supra* note 19, at 89 (describing victims reporting to friends instead of campus and community authorities).

287. See *id.* at 93.

288. See *id.* at 94 (including campus and local law enforcement, campus women’s health centers, local shelters, and attorneys and community advocates among campus and community resources).

289. Foubert et al., *supra* note 38, at 732 (“[P]rograms presented to all-male audiences are much more likely to change men’s attitudes and behavioral intent to rape than those presented to coeducational audiences.”).

290. *Id.* at 745.

291. See *id.* at 734.

292. See *id.*

293. *Id.* at 728.

294. See Anderson & Danis, *supra* note 19, at 95.

295. See *A Frat Boy and a Gentleman*, *supra* note 7.

fraternities and sororities, in particular training the NPC and [IFC] presidents together.”²⁹⁶

Finally, “[c]ommunity and campus-based programs that provide dating violence education and services should place a higher priority on outreach to sorority groups. It is a rare opportunity to reach a high-risk group through their organizational structures.”²⁹⁷ Some sororities participate in campus peer education programs, in which two or three sorority members receive training on sexual violence and then train their sororities and communities.²⁹⁸ “Sororities need assistance from community and campus organizations to normalize discussion and conversation about this topic.”²⁹⁹

2. Training

The bystander intervention model is a community approach to prevention that teaches bystanders safe and appropriate ways to intervene prior to or during sexual assault situations, provides information regarding the many societal beliefs that promote sexual violence, and promotes a community responsibility to assume an active role as a primary prevention method.³⁰⁰

Bystander training is successful with fraternities and sororities to prevent sexual violence.³⁰¹ Four components of one program,

296. Anderson & Danis, *supra* note 19, at 95–96.

297. *Id.* at 97.

298. See, e.g., Panhellenic Peer Educator Program, *Fraternity & Sorority Life*, UNIV. OF MICH. (last visited Mar. 30, 2020), <https://fsl.umich.edu/article/panhellenic-peer-educator-program> [<https://perma.cc/DQ8W-V3JE>] (“The Panhellenic Peer Educator Program began in the fall of 2015 with a goal to increase awareness and educate their community on issues of sexual violence.”); see also Gamma Peer Educators, *Fraternity and Sorority Life*, UNIV. OF ALA., <https://ofsl.sa.ua.edu/leadership/gamma/> [<https://perma.cc/K4MM-92YR>] (last visited Mar. 30, 2020) (including teams of peer health educators on “Healthy Relationships & Sexual Health”).

299. Anderson & Danis, *supra* note 19, at 98.

300. Bannon et al., *supra* note 265, at 73–74.

301. See *id.* at 73; see also *A Frat Boy and a Gentleman*, *supra* note 7 (describing one fraternity’s bystander intervention when a drunken couple went into a fraternity house bedroom during a party). One fraternity man

is working with a sorority sister . . . to create a sexual-consent education program for Greeks nationwide. . . . [He] has ‘spoken with brothers numerous times on how to be active bystanders, how drinking culture plays a critical part in fostering an environment that encourages assault and how to be empathetic to victims of assault.’

Id.; see also Mary M. Moynihan et al., *Sisterhood May Be Powerful for Reducing Sexual and Intimate Partner Violence: An Evaluation of the Bringing in the Bystander In-Person Program with Sorority Members*, 17 VIOLENCE AGAINST WOMEN 703, 715

Bringing in the Bystander,³⁰² are: (1) training and education; (2) enlisting and involving community members; (3) developing and practicing skills of an engaged bystander; and (4) “formulat[ing] options for intervening that take into account the individual’s physical and emotional safety so that the benefits of safely intervening outweigh the barriers.”³⁰³ Rather than build on gender assumptions of male-perpetrator and female-victims, these programs engage everyone in the community with a role to play in ending sexual violence.³⁰⁴

Other bystander approaches include “angel boards” or “watch lists” that engage sorority members to “keep an eye” on individuals whom they suspect may be in trouble.³⁰⁵ But angel boards should not exercise their influence to silence victims.³⁰⁶ And while sororities should advise their members of the risks of separating from the group at parties, they should expect it.³⁰⁷

Just like one-time educational programs, training “[p]rograms that fit within one class period or that can be delivered at low cost via video or in large group settings are appealing in educational . . . settings[,]”³⁰⁸ but do not work. These convenient but ineffective programs are not sufficient to change behavioral patterns or attitudes.³⁰⁹ Research also shows that while both fraternity men and sorority women believe they could intervene, only sorority women are likely to because fraternity culture more often accepts rape myths, adopts hypermasculine views towards women, and focuses on loyalty

(2011) (“[S]orority women who experienced the Bringing in the Bystander . . . program . . . had greater confidence . . . to perform bystander behaviors (bystander efficacy), increased intent or expressed likelihood to intervene, and a greater sense of responsibility for doing something about the problems of sexual and intimate partner violence on campus.”).

302. See PREVENTING SEXUAL VIOLENCE ON COLLEGE CAMPUSES, *supra* note 265, at 7 (reporting the program’s positive effects on dating violence perpetration, and other bystander programs like Green Dot Campaign).

303. Moynihan et al., *supra* note 301, at 705–06 (recognizing research that “sorority members looking out for one another at parties” is an example of “protective factors” against sexual victimization).

304. See *id.* at 706.

305. See Anderson & Danis, *supra* note 19, at 91.

306. See *id.* (noting these “angel boards” are more likely to identify their sisters who report, but not others who keep their victimization secret).

307. See Norris et al., *supra* note 34, at 135.

308. PREVENTING SEXUAL VIOLENCE ON COLLEGE CAMPUSES, *supra* note 265, at 8.

309. See *id.* at 8–9. One sorority woman told me her school required all Greek life to watch a one-time video, and not only did everyone present treat it as a joke, they agreed in advance to show up drunk.

and secrecy.³¹⁰ Effective interventions engage men to become allies and impart both its personal relevance and loyalty to their brothers through the act of intervening.³¹¹

3. Reporting

Reporting is not a panacea. In the face of pressure not to “Greek bash” from their house and pressure not to report from their college, it is no wonder why many sorority survivors choose not to report.³¹² And even when they do report, like Jenna,³¹³ it is no surprise that many have neither the energy nor capacity to engage the campus or legal systems. But reporting can bring recourse, relief, and change.³¹⁴ Therefore, reforming this critical juncture by removing the barriers to reporting is essential to give sorority survivors more control and options after experiencing the primary trauma of sexual violence. As seen in Figure 2, there are many levels of reporting for system actors to target their efforts, and each actor can play a role in improving the system.³¹⁵

Because survivors largely do not report due to the documented disbelief and/or hostile reactions of others, particularly those in authority, the first step of campus communities and society as a whole should be to change these attitudes and the procedures in order to encourage victims to come forward. If the cycle is to be broken and the violence is to be ended, survivors need to report.³¹⁶

Bystander programs at the chapter and campus levels will help change attitudes and procedures, if implemented.³¹⁷ Because bystander

310. See Bannon et al., *supra* note 265, at 81–82. “Fraternity men, thus, may fear being ostracized by their brothers if they intervene to prevent sexual assault.” *Id.* at 81.

311. See *id.* at 82 (“[F]or example, taking the attitude that ‘I’m not going to let you make such a bad decision for yourself as to harm someone else by doing something sexual with another person under the influence of alcohol.’”).

312. See *supra* notes 99–104, 133 and accompanying text.

313. See *supra* note 1 and accompanying text.

314. See PLEDGED, *supra* note 8, at 53–58, 312 (recounting one sorority woman’s experience fighting her rapist, reporting him, seeing him disciplined and then transfer, and later giving a presentation on rape for her sorority); cf. Merle H. Weiner, *A Principled and Legal Approach to Title IX Reporting*, 85 TENN. L. REV. 71, 101–02 (2017) (“If only a small number of victims ultimately report gender-based violence, a would-be perpetrator knows that he has excellent odds that he will never be held accountable. This situation inadequately deters first-time offenders and leaves perpetrators on campus to reoffend.”).

315. See *supra* Subsection III.B.4.

316. *Burying Our Heads in the Sand*, *supra* note 74, at 219.

317. See *id.*

programs and other effective training and education efforts start with the premise that sexual violence is already happening on every campus, participants can move to the next step—how to address it.³¹⁸ But many, if not most, instances of sexual violence happen in private, so victims need to report to disrupt the cycle.³¹⁹ Because sorority nonreporting is such a complex issue, sororities, and specifically the survivors among them, need more control in how, when, and where to report.³²⁰ The #MeToo Movement provides one systems change example for sororities.³²¹

The #MeToo Movement changed the system for many survivors.³²² By sharing their stories on social media, survivors disrupted the system, and the “social media phenomenon” they created is credited with “dislodging scores of men from their high-power positions and sparking national conversation about workplace sexual harassment.”³²³ The movement also increased abuse reporting, requests for assistance, and helpful responses to men and women survivors alike.³²⁴ Originally started more than ten years ago, it has been used more than 19 million times on Twitter, featured in personal stories of harassment and abuse, used in multiple languages across the globe, and raised awareness worldwide about sexual assault and harassment.³²⁵ Female “[US] legislators in both parties [are] more likely to discuss sexual misconduct in their Facebook posts than men in 2017.”³²⁶

318. *See id.*

319. *See id.*

320. *See id.*

321. *See* Dalvin Brown, *19 Million Tweets Later: A Look at #MeToo a Year After the Hashtag Went Viral*, USA TODAY (Oct. 13, 2018, 10:12 PM), <https://www.usatoday.com/story/news/2018/10/13/metoo-impact-hashtag-made-online/1633570002/> [<https://perma.cc/FMH2-SAST>].

322. *See id.*

323. *Id.*

324. *See* Rebecca Seales, *What Has #MeToo Actually Changed?*, BBC NEWS (May 12, 2018), <https://www.bbc.com/news/world-44045291> [<https://perma.cc/A4LS-J79P>].

325. *See* Monica Anderson & Skye Toor, *How Social Media Users Have Discussed Sexual Harassment Since #MeToo Went Viral*, PEW RES. CTR. (Oct. 11, 2018), <https://www.pewresearch.org/fact-tank/2018/10/11/how-social-media-users-have-discussed-sexual-harassment-since-metoo-went-viral/> [<https://perma.cc/9XP5-7G54>]; *see also* Brown, *supra* note 321.

326. Anderson & Toor, *supra* note 325; *see also* Brown, *supra* note 321.

Although the movement has faced some backlash,³²⁷ public opinion leveraged its power to pressure many different industries to hold the perpetrators in their organizations accountable.³²⁸ Survivors report different motivations for sharing their story through this platform and movement, including: getting help for themselves, helping others, relating to other survivors, and allowing survivors to speak out.³²⁹

For sorority victims in a seemingly intractable Greek system, #SororityToo could help.³³⁰ When the chain of reporting presents a barrier to getting help, sorority women can create their own safe spaces.³³¹ “Networks that can effect systems change will sometimes self-organize if you set up the right conditions.”³³²

Sororities are notoriously resistant to change. It’s hard to create change as a new member because you’re outnumbered by sisters who are higher in the pecking order. The hierarchical system in these organizations can be a problem – arbitrary and intimidating. But if enough sisters are willing to

327. See, e.g., Anna North, *Why Women Are Worried About #MeToo*, VOX (Apr. 5, 2018, 9:30 AM), <https://www.vox.com/2018/4/5/17157240/me-too-movement-sexual-harassment-aziz-ansari-accusation> [https://perma.cc/Y23N-KG6B] (citing concerns of false accusations, backlash for women in reporting, and uptick in unjust punishment of perpetrators); see also Katty Kay, *Why Women Fear a Backlash over #MeToo*, BBC NEWS (Dec. 1, 2017), <https://www.bbc.com/news/world-us-canada-42200092> [https://perma.cc/B2ZD-EUYE]; Heather MacDonald, *The Negative Impact of the #MeToo Movement*, IMPRIMIS (Apr. 2018), <https://imprimis.hillisdale.edu/the-negative-impact-of-the-metoo-movement/> [https://perma.cc/4LXM-V95K].

328. See Brown, *supra* note 321; see generally Edward Felsenthal, *The Choice*, TIME, Dec. 18, 2017, at 32, 33 (“Indeed, the biggest test of this movement will be the extent to which it changes the realities of people for whom telling the truth simply threatens too much.”).

329. See generally Brown, *supra* note 321; Felsenthal, *supra* note 328; Magdalena Nowicka Mook, *The #MeToo Movement: Positively Effecting Systemic Change in Nonprofits*, FORBES (Nov. 29, 2018, 8:00 AM), <https://www.forbes.com/sites/forbesnonprofitcouncil/2018/11/29/the-metoo-movement-positively-effecting-systemic-change-in-nonprofits/#4f890b5e603d> [https://perma.cc/BET8-D9Q5].

330. See, e.g., Barber et al., *supra* note 108, at 253 (noting how social media has highlighted “the challenges that remain in holding students accountable for actions related to race and racism, misogyny, and hazing” and calling for future research to “examine whether social media are serving as a deterrent or as a means for pushing these issues further underground”).

331. Cf. Mook, *supra* note 329 (suggesting other tools to help an organization’s members feel protected, like coaching, collaborating, and communicating about violence and harassment).

332. CTR. FOR ECOLITERACY, *supra* note 111.

stand up for themselves, there's a chance they can begin to alter the system, chapter by chapter.³³³

Greek life is paying attention. In response to #MeToo, some fraternities are requesting training on consent and sexual assault.³³⁴ Sororities and fraternities who received training responded well, and they want “to get to conversations about what we do when we find out that someone we care about, someone we live with, or someone we party with, has sexually assaulted someone[.]”³³⁵

Finally, there is power in reporting, especially on social media.³³⁶ “Social media acted as a powerful accelerant”³³⁷ Although some are concerned about false reporting, the percentage of truly false reports is extremely low; the real problem is not reporting the violence.³³⁸ In one study, male participants reported feeling afraid of being accused of rape and sexual violence, and in the vast majority of true accusations, this knowledge should shift some power back to victims.³³⁹ As seen in Figure 3, #SororityToo could disrupt the cycle of Greek sexual violence and its feedback loop; if sorority women report, perpetrators might actually get caught, and universities might actually respond.³⁴⁰

After addressing sexual violence in Greek life through mandatory programs, survivors could create an environment where

333. The No More Team, *Do Sororities Combat or Contribute to Rape Culture?*, NO MORE BLOG (Aug. 11, 2015), <https://nomore.org/sororities-combat-contribute-rape-culture/> [<https://perma.cc/8JTH-WGQG>] (featuring a Q&A with investigator and reporter, Alexandra Robbins, author of *Pledged: The Secret Life of Sororities*).

334. See The Canadian Press, *Fraternities Take Steps to Address Consent, Sexual Violence*, CBC (Sept. 4, 2018, 8:32 AM), <https://www.cbc.ca/news/canada/ottawa/fraternities-universities-sexual-consent-violence-1.4804480> [<https://perma.cc/KW7X-RJ6D>] (recognizing training will help all Greek stay safe).

335. *Id.* (internal quotation marks omitted).

336. See ME TOO RISING, <https://metoorising.withgoogle.com/> [<https://perma.cc/JS8Z-4JD9>] (last visited Mar. 30, 2020).

337. Felsenthal, *supra* note 328, at 32.

338. See GRIGORIADIS, *supra* note 22, at 287 (“[T]he odds of a boy getting reported (unfairly or not) to his college for assault is about one in a thousand.”). For an in-depth account and analysis of false reporting with the *Rolling Stone*/UVA fraternity example, see *id.* at 256–60.

339. See Duncan, *supra* note 22, at 52; see also GRIGORIADIS, *supra* note 22, at 263–65 (recounting the consequences that one fraternity man experienced after he was accused of campus sexual violence).

340. See CTR. FOR ECOLITERACY, *supra* note 111 (describing how change comes by disrupting systems: “introducing information that contradicts old assumptions” and “rearranging structures so that people relate in ways they’re not used to”).

they can speak up, get help, and connect with other sorority victims.³⁴¹ In sum, sorority women can rebel against the secretive nature of these organizations, tell their parents, friends, and other students about their trauma, refuse to accept sexual violence as predictable, and create their own social media campaigns.³⁴²

From time to time . . . a system encounters a point of instability where it is confronted by new circumstances or information that it can't absorb without giving up some of its old structures, behaviors, or beliefs. That instability can precipitate either a breakdown or — due to systems' capacities for self-organization — a breakthrough to new possibilities.³⁴³

4. *Litigation*

When perpetrators are not caught and universities do not respond, survivors have found some success through litigation.³⁴⁴ Litigation is a powerful systems change tool because the pressure it puts on critical junctures and systems actors is costly, in terms of time, money, reputation, and more.

Suing colleges and universities under Title IX and theories of school liability will change depending on the political climate of our country, but institutions of higher education are on notice. The one-in-five statistic and national epidemic of sexual violence cannot be ignored, and schools must respond. Dartmouth College has said, “[w]e want the number of reports from sexual assault survivors to go up, but the prevalence to go down.”³⁴⁵ In the meantime, “students and experts

341. See Sarah McCammon, *In the Wake of #MeToo, More Victims Seek Help for Repressed Trauma*, NPR (Dec. 27, 2017, 12:10 PM), <https://www.npr.org/2017/12/27/573146877/in-the-wake-of-metoo-more-victims-seek-help-for-repressed-trauma> [<https://perma.cc/JG6Z-KMVS>] (“People feel, ‘[o]kay now I won’t be ignored; people won’t judge me; they won’t say they won’t believe me,’ because others in the community are coming out and people are standing by them.”).

342. See ABA WEBINAR SERIES, *supra* note 21. In recent years, our level of awareness has fundamentally changed through social media campaigns and widespread personal narratives, student-led campus movements, and the government response, which has served to break down stigmas and bring more victims forward willing to share their stories. *Id.*

343. CTR. FOR ECOLITERACY, *supra* note 111.

344. See *Colleges Often Reluctant to Expel for Sexual Violence*, *supra* note 106; BAKER ET AL., *supra* note 80, at 11; *Burying Our Heads in the Sand*, *supra* note 74, at 218–19.

345. *When a College Reports Zero Sexual Assaults, That’s a Terrible Sign*, *supra* note 97.

on sexual violence are pushing universities to conduct comprehensive student surveys.”³⁴⁶

In 2019, three Yale students who experienced sexual violence at fraternity parties off-campus sued the university and its fraternities in a class action lawsuit in part under Title IX.³⁴⁷ The survivors argue Yale “turn[ed] a blind eye to the sexual harassment and assault occurring in connection with the [f]raternities” who benefit from resources and auspices of the university: party spaces, university name, email address, bulletin boards, and campus facilities for recruitment.³⁴⁸ Harvard recognized these same reasons to justify its decision to withdraw endorsements, support, and resources from its off-campus fraternities and sororities.³⁴⁹ The Yale plaintiffs asked for a court order to force the fraternities to coeducate.³⁵⁰ And Harvard, while not prohibiting its students, clearly cautions them in joining single-sex social organizations “that retain discriminatory membership policies.”³⁵¹ This “symbiotic relationship” in which universities provide the structures where Greek organizations commit crimes to which universities then act powerless to regulate is suspect.³⁵²

One challenge that Yale plaintiffs and advocates for coed frats may face is Title IX itself, which specifically exempts fraternities and sororities from gender discrimination to preserve their single-gender status.³⁵³ Regardless of the outcome, this kind of litigation can affect

346. Tyler Kingkade, *College Sexual Assaults Often Go Unreported, This Idea Could Change That*, HUFFPOST (Apr. 28, 2014, 6:28 PM), https://www.huffingtonpost.com/2013/09/23/campus-sexual-assault-surveys_n_3968725.html.

347. See Anemona Hartocollis, *Women Sue Yale over a Fraternity Culture They Say Enables Harassment*, N.Y. TIMES (Feb. 12, 2019), <https://www.nytimes.com/2019/02/12/us/yale-fraternities.html> [<https://perma.cc/LG8S-PRBB>] (linking to federal complaint).

348. Complaint at 3, *McNeil v. Yale Univ.*, 2020 WL 495061 (D. Conn. Feb. 12, 2019) (No. 3:19-cv-00209).

349. See Faust, *supra* note 258.

350. See Hartocollis, *supra* note 347.

351. Faust, *supra* note 258; see also Barber et al., *supra* note 108, at 244 (noting discriminatory “campus realities and practices” might exist despite any (inter)national anti-discrimination policies on race, religion, and sexual orientation).

352. See PLEDGED, *supra* note 8, at 322–23; see also GRIGORIADIS, *supra* note 22, at 231–32.

353. See *supra* note 73 and accompanying text; see also Barber et al., *supra* note 108, at 244 (“[S]ingle-sex membership remains a defining characteristic of college fraternal organizations. Some coeducational groups exist and thrive, but the majority of organizations remain all male or all female. Single-sex as well as

systems change. By suing the system actors, survivors shift the dynamics and transform the system from the bottom up.

One way to visualize a comprehensive, systemic strategy for the Greek system is this figure below, adapted from the CDC's four-level social-ecological model:³⁵⁴

Example of a Comprehensive Prevention Strategy for Greek Life-Based Sexual Violence Perpetration
Figure 4

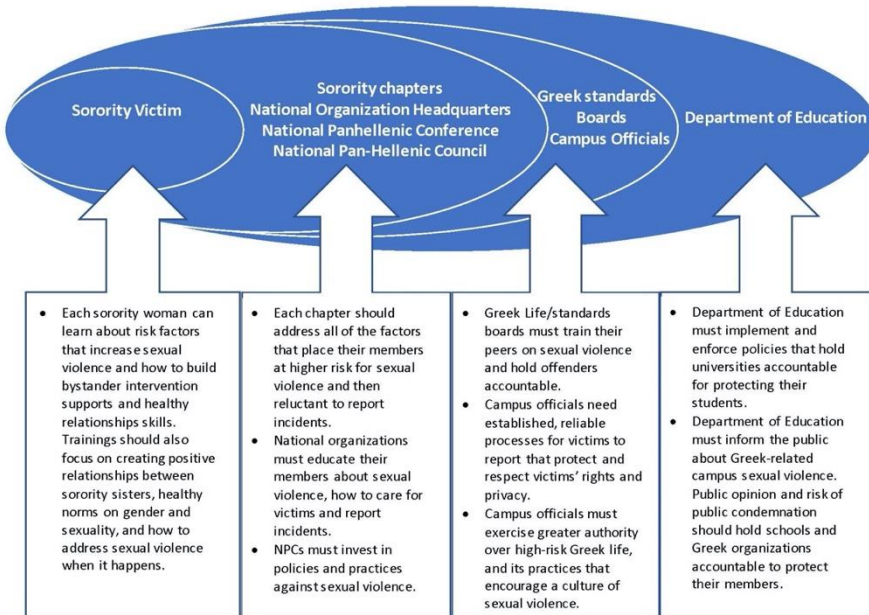


Figure 4 shows “how to build a coordinated strategy that addresses multiple influencers [or actors], multiple [places] of risk [for sexual violence] within the social and organizational environment, and uses consistent messaging to reinforce positive behavioral norms.”³⁵⁵

culturally based organizations can provide important contexts for college student identity development and exploration.”).

354. See PREVENTING SEXUAL VIOLENCE ON COLLEGE CAMPUSES, *supra* note 265, at 4.

355. *Id.* at 3.

B. Redefining the Greek System's True Purpose

Systems change takes time.³⁵⁶ “Anticipate that you’ll need time for the education and training required for people to change attitudes, adopt new practices, or use new tools.”³⁵⁷ Helping sororities and fraternities, Greek life generally, and all institutions of higher education reduce sexual violence will take time. Helping chapters reimagine their true purpose and whether their actions are truly consistent with the goal of reducing sexual violence can start meaningful change. Getting high-risk sororities and fraternities back to their true purpose might require an overhaul of their system—service, scholarship, leadership, friendship—not alcohol, partying, sex and silence.³⁵⁸

CONCLUSION

Greek life may do more harm than good to many of its members, especially by creating victims *and* perpetrators of sexual violence. Its members face greater risk of sexual violence, and the Greek culture itself, as well as the college institutions that harbor them, often compound the trauma. However unintentional, the culture of silence plays a big role in victims’ and perpetrators’ behaviors and experiences in college. When individuals and institutions ignore sexual violence, the entire society suffers. Fortunately, there are alternative ways of perceiving this epidemic of sexual violence within Greek life and responding effectively to reduce its occurrence and impact.

356. See CTR. FOR ECOLITERACY, *supra* note 111 (estimating meaningful change is a three to five-year process).

357. *Id.*

358. See The No More Team, *supra* note 333 (“[T]hen there wouldn’t be as strong a reason to pressure them to couple with fraternity brothers.”).