#SororityToo

Tanya Asim Cooper

2020 Mich. St. L. Rev. 355

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.

TABLE OF CONTENTS

INTRODUCTION ............................................................................................................. 356
I. THE PROBLEM OF SEXUAL VIOLENCE IN GREEK LIFE ............ 359
   A. Estimates of College Survivors ................................................................. 359
   B. Sorority Women Are Most at Risk for Sexual Violence .............................. 362
      1. Sorority Women Associate with Fraternity Men .......... 362
      2. Social Norms Around Alcohol, Partying, and Sex .................................. 364
      3. Gender Roles and Rules ................................................................. 365
      4. The Culture of Silence ................................................. 366

* Tanya Asim Cooper is a clinical law professor. She has represented sorority victims of sexual violence. Many thanks to Professors Jill Engle, Leigh Goodmark, Laurie Morin, and especially Stephen A. Cooper; as well as Taryn Hull, Rebecca Wicks, Shannon Popovich, Sydney Weiss, Shelby Kail, Anna Goodman, Lauren Jacobs, and Hanna Jolkovsky for technical and research assistance.
II. LAWS AND CAMPUS POLICIES, WHEN ACCESSED, ARE OFTEN INEFFECTIVE OR INADEQUATE FOR SORORITY SURVIVORS .................................................. 367
   A. Campus Sexual Violence Laws Must Do Better to Protect Sorority Victims ........................................... 368
   B. Campus Procedures Often Exacerbate Trauma .......... 371

III. USING SYSTEMS CHANGE THEORY TO REFORM

   HIGH-RISK GREEK LIFE ............................................. 374
   A. Systems Change Theory Explained ........................................ 374
   B. Mapping the Actors and Critical Junctures of Greek Life .......................................................... 374
     1. Individual Sorority Members ........................................ 377
     2. Sorority Chapters, National Headquarters, and the National Panhellenic Conference, Inc. ....... 378
     3. Greek Standards Board and Campus Officials ........ 382
     4. Department of Education ........................................ 383
   C. Greek Life’s True Purpose Is Perpetuating Itself ........ 386
     1. History of Greek Life ........................................ 386
     2. Traditions of Greek Life ........................................ 388
     3. Determining a Chapter’s True Purpose ........ 390

IV. USING SYSTEMS CHANGE STRATEGIES TO REFORM

   GREEK LIFE ............................................................. 395
   A. Addressing Sexual Violence in the Greek System .... 397
      1. Education .................................................. 398
      2. Training .................................................. 400
      3. Reporting .................................................. 402
      4. Litigation .................................................. 406
   B. Redefining the Greek System’s True Purpose .......... 409

CONCLUSION .............................................................. 409

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. 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.

---

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. 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. 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.

Not all sororities and fraternities are equally high risk for sexual violence. Clear differences exist in Greek organizations by race, interest affinity (e.g., religious or academic versus purely social), and its true purpose. This Article centers on those members most at risk. High-risk Greek practices often put men and women in great risk of harm or even death. The collegiate power that shrouds the Greek community sometimes insulates these problems of sexual violence and discourages disclosure. 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.
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. College officials fear their campuses might appear unsafe and that inherent bias sometimes perverts their responses to victims of sexual violence. Poor responses from campus administrators too often silence reporting victims. 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. 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. Sexual violence

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. 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. 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.

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. 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.

---

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] [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. Estimates range from one-in-five to one-in-three women are sexually assaulted in college. 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.” Victims are typically assaulted by someone they know.

Greek membership is associated with an increased risk of harm for sexual violence, and millions of students nationwide participate in Greek organizations. 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).


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. 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. The National Pan-Hellenic Council (nine historically black fraternities and sororities) reports 1.5 million members.

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. 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.” Several factors make sorority women particularly vulnerable: fraternities, alcohol, sex, and silence—Greek life’s paramount features.

1. Sorority Women Associate with Fraternity Men

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

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, and many of those expectations persist today. Studies show that sorority women tend to date fraternity men, but even more general contact with fraternity men increases their risk of harm. 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.”

Compared with other college men, research has found “fraternity men are more likely to commit rape.” Indeed, fraternity men themselves sometimes tout a rape culture. 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.


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

2. Social Norms Around Alcohol, Partying, and Sex

Drinking is glorified in Greek life, and “fraternity and sorority members report more peer pressure to drink.” Greek life members in fact drink significantly more alcohol than nonaffiliated college students. Even though official, national rules prohibit sororities from serving alcohol or hosting parties for safety reasons, its members still drink more than non-sorority college women. In Greek life, alcohol serves an important social function: “a social lubricant, a convenient topic for conversation, and an excuse for” acting out sexually.
life espouses an “anything goes” and “party now before real life begins” culture.\textsuperscript{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.\textsuperscript{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.”\textsuperscript{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.\textsuperscript{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.”\textsuperscript{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.\textsuperscript{53} This is particularly true during recruitment (Rush Week) when sororities want to project a unified, uniform image.\textsuperscript{54} Sororities dictate “grooming standards” to their members, down to details like clothing outfits, hairstyles, makeup, and nail polish.\textsuperscript{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

\textsuperscript{48} Id. at 131.
\textsuperscript{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).
\textsuperscript{50} Anderson & Danis, supra note 19, at 88 (collecting research).
\textsuperscript{51} See Franklin, supra note 23, at 901 (collecting empirical studies).
\textsuperscript{52} Norris et al., supra note 34, at 131.
\textsuperscript{53} See Kalof, supra note 36, at 773–74.
\textsuperscript{54} See PLEDGED, supra note 8, at 25 (“[I]n many mainstream sororities, the women all look and act the same.”).
\textsuperscript{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. Despite “[p]rogressive shifts in social ideology” where stringent gender roles are less socially acceptable on campus, high-risk Greek life maintains its “institutionalized gender imbalance” where women cater to men to attract, arouse, and appease them. Sorority women are still perceived as sexual objects (“fresh meat”), and sexist party themes reinforce these roles: “office bros and secretary hoes, professors and schoolgirls, and golf pros and tennis hoes.” Some surmise that these tendencies for sorority women to oversubscribe to hyper-sexualized roles make them more vulnerable to sexual assault.

4. The Culture of Silence

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


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.atlantaflultoncountyda.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.”

Sororities are reluctant to participate in studies of sexual victimization for fear of violating the “code of silence.”

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.

Stigma around sexual violence persists because it is never discussed.

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. 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.

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.

<table>
<thead>
<tr>
<th>reference</th>
<th>text</th>
</tr>
</thead>
<tbody>
<tr>
<td>64.</td>
<td>SCHWARTZ &amp; DEKESEREDY, supra note 62, at 121.</td>
</tr>
<tr>
<td>65.</td>
<td>See EHRHART &amp; SANDLER, supra note 42, at 5–8; Martin &amp; 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).</td>
</tr>
<tr>
<td>66.</td>
<td>See Copenhaver &amp; 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”).</td>
</tr>
<tr>
<td>67.</td>
<td>Anderson &amp; Danis, supra note 19, at 92 (noting embarrassment sorority women feel in bringing up sexual violence).</td>
</tr>
<tr>
<td>68.</td>
<td>See id. at 89 (telling friends, not family or school officials).</td>
</tr>
<tr>
<td>69.</td>
<td>See supra Section I.A.</td>
</tr>
<tr>
<td>70.</td>
<td>See supra Subsection I.B.4.</td>
</tr>
</tbody>
</table>
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.\textsuperscript{71} Notably, Title IX excludes membership practices of collegiate, social fraternities or sororities,\textsuperscript{72} specifically to “give[] legitimacy to the single-sex status of fraternities and sororities.”\textsuperscript{73}

Title IX is nevertheless the most relevant federal statute on campus sexual violence,\textsuperscript{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.\textsuperscript{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.\textsuperscript{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

\begin{footnotesize}
\begin{enumerate}
\item 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).
\item See § 1681(a)(6)(A).
\item 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”).
\item See GRIGORIAKIS, supra note 22, at 289.
\item 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).
\end{enumerate}
\end{footnotesize}
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


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


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.”).


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. Public sentiment likewise varies over whether and how the federal government regulates sexual violence on campus.

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. But if the federal government’s oversight under OCR waxes and wanes depending on politics, will the scales of justice tip away from victims? Despite their duty, will universities shift their responsibility to protect students to criminal and


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”).


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? 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. It was not until 2013 that Congress enacted the Campus Sexual Violence Elimination Act (Campus SaVE Act), requiring all federally funded institutions of higher education to document their incidence of sexual violence crimes. This campus crime incidence is published as annual campus security reports, which the Department of Education’s Clery Act Compliance Division monitors. But tracking crime on campus requires victims to make the initial report and campus law enforcement to correctly identify, classify, and record the crime. 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.”).


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.\textsuperscript{94} Sexual violence that happens off campus, moreover, might also never come to campus authorities’ attention.\textsuperscript{95} For these reasons, campus security reports are perhaps not the solution Congress envisioned.\textsuperscript{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.\textsuperscript{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.”\textsuperscript{98}

Victims are routinely pressured to remain silent about their abuse because of “institutional barriers to reporting,” including denial and hostile responses to victims.\textsuperscript{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.\textsuperscript{100}

\begin{itemize}
\item \textsuperscript{94} See \textit{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.”).

\item \textsuperscript{95} See \textit{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.”).

\item \textsuperscript{96} See \textit{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.”).

\item \textsuperscript{97} See Tyler Kingkade, \textit{When a College Reports Zero Sexual Assaults, That’s a Terrible Sign}, \textsc{HUFFPOST} (Aug. 17, 2015, 7:53 AM), http://www.huffingtonpost.com/entry/college-sexual-assault-ranking_us_55ca42c5e4b0f1cbf1e67a6a [hereinafter \textit{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 \textit{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.”).

\item \textsuperscript{98} \textit{Official Campus Statistics for Sexual Violence Mislead}, supra note 13; see also \textit{Burying Our Heads in the Sand}, supra note 74, at 224; \textsc{ABA Webinar Series}, supra note 21.

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

\item \textsuperscript{100} \textit{GALLUP}, supra note 88, at 18.
\end{itemize}
“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.”

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.”

Institutional betrayal compounds the trauma many survivors experience, retraumatizing and preventing them from reporting future assaults. People are demanding more school accountability, especially considering how university actions often multiply the harm and trauma in an already horrific situation. 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.


103. See GREGORIADIS, 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 careers simply to avoid [their] attacker[s].’ ”).

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

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

---

¹⁰⁷ MARILYN BEST & DEBBIE NELSON, ORGANIZING COLLEGE CAMPUS 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.
“A system is an interconnected set of elements that is coherently organized in a way that achieves something.” 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. Under this framework, a system’s true purpose is not what it says it is but how it behaves over time. 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.

Consistent behavior over time suggests that some feedback loop exists. Intervention is sometimes necessary to reduce a positive feedback loop’s power, and systems not only resist change but also “develop, adapt, and evolve.” 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.


117. See CTR. FOR ECOLITERACY, supra note 111.
behaviors that belie its true purpose, changing whole systems is possible.\textsuperscript{118}

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

Changing a system depends on how its parts are affected.\textsuperscript{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.\textsuperscript{123} Systems, however, often resist change in order to perpetuate themselves.\textsuperscript{124} Social movements that are successful focus not only on individual dynamics but on redefining systems and changing their rules.\textsuperscript{125}

\textsuperscript{118} See MEADOWS, supra note 110, at 6–7.

\textsuperscript{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).

\textsuperscript{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”).

\textsuperscript{121} See MEADOWS, supra note 110, at 145; Places to Intervene in a System, supra note 116, at 78.

\textsuperscript{122} See MEADOWS, supra note 110, at 17.

\textsuperscript{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).

\textsuperscript{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.

\textsuperscript{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.”’ 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.”131 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).
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. 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.” In fact, sororities associate any danger with fraternities, not themselves in facilitating it.

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. 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.

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.

This organizational hierarchy also contributes to “the sexual power structure within sororities.” 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. 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.

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. 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. Thus, a sorority’s loyalty to a fraternity could trump its loyalty to its own sister.

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.” Among “the inter/national [headquarters] staff are traveling leadership consultants.” Nationals, together with regional, local, and volunteer alumnae advisors, provide each campus chapter with education and support. Nationals appear to address sexual violence in policy. 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.
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-T5S5] (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.\textsuperscript{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.”\textsuperscript{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.”\textsuperscript{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.\textsuperscript{160} Titled \textit{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.\textsuperscript{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.”\textsuperscript{162} Thus, NPC allows its staff, advisors, and consultants to use their discretion to refer victims to resources, advocates, and law enforcement.\textsuperscript{163} As the umbrella organization for twenty-six sororities, NPC has the power to shape policy and practice.\textsuperscript{164} While a victim-centered approach to handling sexual violence is generally ideal, as explored infra, whether NPC uses

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

\textsuperscript{157} \textit{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., \textit{supra} note 34, at 126 (noting that one sorority chapter’s nationals declined permission for its members to participate in research on sexual assault).

\textsuperscript{158} \textit{See} PLEDGED, \textit{supra} note 8, at 341.

\textsuperscript{159} \textit{NATIONAL PANHELLENIC CONFERENCE, MANUAL OF INFORMATION} 60 (2019).

\textsuperscript{160} \textit{See id.} at 61–62.

\textsuperscript{161} \textit{See id.} (allowing for the exception when a volunteer sorority alumna is also employed by the college).

\textsuperscript{162} \textit{See id.} at 62 (adopting the University of Oregon’s policy).

\textsuperscript{163} \textit{See id.}

\textsuperscript{164} \textit{But see} Wechsler et al., \textit{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.\textsuperscript{165}

\section*{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.\textsuperscript{166} They may exist formally or underground.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{170} Campus officials have the power to regulate Greek life, and sometimes do.\textsuperscript{171} But it appears that campus administrators are generally reluctant to intervene in this sector of student life.\textsuperscript{172} Greek organizations have strong alumni support who

\begin{flushright}
\textsuperscript{165} Compare \textit{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), \textit{with Wechsler et al., supra} note 44, at 409 (asserting that national leaders typically fail to prevent hazardous behaviors in chapters).
\textsuperscript{166} See \textit{pledged}, supra note 8, at 35.
\textsuperscript{167} See \textit{id.}; see also infra notes 203–205 (explaining the “Machine” at the University of Alabama).
\textsuperscript{168} See \textit{pledged}, supra note 8, at 35 (recounting how Greek officers tend to look the other way for alcohol violations).
\textsuperscript{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.
\textsuperscript{170} See discussion supra Section II.B.
\textsuperscript{171} See Benjamin Mueller, \textit{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.” \textit{Id.}
\textsuperscript{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.


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).


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:\(^{180}\)

![Diagram of spheres of influence](image)

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”).


181. *See id.*

182. *See id.*

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

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

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. Nevertheless, with greater awareness and intention, all Greek organizations can make their members safer.

1. History of Greek Life

History illuminates that a system’s behavior over time, not its rhetoric, indicates its true purpose. Historically white fraternities were social clubs or gatherings for men of similar interests, usually literary and social. Dating back to the 1750s, these exclusive clubs often formed secrecy pacts. 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.”

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.”


192. See id.


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 & DEKESESREDY, 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.”

Because these historically secret gatherings mostly involved men and women with means, these groups gained power, influence, and mystique that shrouded them in secrecy and exclusivity. “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.”

But their rise to power has also been described as “deep” and “dark.” 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).
campus to local, state, and federal.\textsuperscript{203} Dubbed the “Machine,”\textsuperscript{204} their notoriety stems from cross-burnings in the 1960s to rigging elections in 2014.\textsuperscript{205} This combination of secrecy, power, and influence have enabled these centuries-old institutions to persist over time.

2. \textit{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.\textsuperscript{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.”\textsuperscript{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.\textsuperscript{208}

\begin{flushleft}
\textsuperscript{203} See Stephen N. Dethrage, \textit{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, \textit{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”); \textit{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).

\textsuperscript{204} Dethrage, \textit{supra} note 203 (“The Machine is a select coalition of traditionally white fraternities and sororities designed to influence campus politics.”); Reeves, \textit{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, \textit{supra} note 201 (“Machine members don’t acknowledge its existence, and the university doesn’t recognize it as an official group.”).

\textsuperscript{205} See Reeves, \textit{supra} note 201 (bribing Greek voters with free limo rides and booze).

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

\textsuperscript{207} Flanagan, \textit{supra} note 191.

\textsuperscript{208} Norris et al., \textit{supra} note 34, at 125 (collecting social science).
\end{flushleft}
Law and society have generally allowed the Greek system to maintain its traditions for hundreds of years, even when those traditions were challenged.\textsuperscript{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.\textsuperscript{210} Thus, from a systems thinking framework, this historically stable social system is likely reinforced by a feedback loop like this:\textsuperscript{211}

![Diagram of the Cycle of Sexual Violence]

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

\begin{quote}
[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.\textsuperscript{213}
\end{quote}

\begin{itemize}
\item \textsuperscript{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).
\item \textsuperscript{210} See supra notes 172–174 and accompanying text.
\item \textsuperscript{212} This figure was adapted from the Cycle of Violence diagram. See id.
\item \textsuperscript{213} Burying Our Heads in the Sand, supra note 74, at 219.
\end{itemize}
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. 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.”

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. This could potentially change if an actor refused to maintain the status quo, or if their true purpose changed.

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).” 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.” Greek members contribute millions of hours and dollars in community service and philanthropic causes.

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.
A fraternity’s behaviors expose its true purpose. 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.” Such high-risk fraternities represent a small percentage of predominantly white chapters, but “[t]hose are the chapters we see in the news.”

Low-risk fraternities, on the other hand, are those that “consciously acted in ways to disrupt sexism, racism and homophobia.” 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].” Low-risk fraternities aim to prevent sexual assault through awareness, bystander intervention, and other strategies discussed infra.

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

[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.”

Despite what they claim, low-risk sororities behave in conscious ways to minimize sexual violence through education, peer support, and other concrete, proven strategies. High-risk chapters, on the other hand, engage in behaviors that make their members more susceptible to violence. These behaviors include sexually exploiting them, placing them in risky situations, stigmatizing sexual violence, and discouraging victims from reporting. 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.”

Black Greek organizations (BGOs) are different, but less research on them exists. Research nevertheless reveals that BGOs pose less risk of harm for sexual violence. 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. “[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.”

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

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


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#s gor7TLc3 [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 Stombler & 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 & Clarenda 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. Also, by redefining their system’s true purpose away from one focused on partying, sex, drinking, and silence, they minimize their risk of violence. When low-risk organizations change their true purpose, they achieve more lasting, sustainable results.

IV. USING SYSTEMS CHANGE STRATEGIES TO REFORM GREEK LIFE

Is Greek life declining? Despite its persistent popularity, some believe Greek social clubs must “evolve or perish.” Some universities have concluded that the risks associated with Greek life outweigh the benefits. 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.
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.”).
behavior.” However, in “tradition-thick schools” where Greek life predominates campus social life, joining a sorority is viewed as a “necessary stepping-stone for women to achieve anything of merit.”

Rather than banning fraternities and sororities altogether to prevent sexual violence in Greek life, some believe they should coeducate. Regardless of their current stance, Greek organizations must evolve to keep up with changing times.

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

---

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 GRIGORIADES, 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]rataternity 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 develop and enhance the student learning experience.
violence in Greek life seems daunting, yet experience shows it is possible. Some fraternities have shed their hypermasculine identities and instead adopted a “mission to prevent sexual assaults and treat women right.”

Effecting lasting change, however, requires a comprehensive strategy to address “multiple levels of influence for sexual violence victimization and perpetration . . . .” 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.

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.

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. 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. 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.\textsuperscript{275} A broader or “\textit{[c]ollective impact starts with a group of people who are driven . . . by an urgency for change.}”\textsuperscript{276} In addition, “\textit{[c]ollective impact requires systems thinking}” that “\textit{takes . . . the entire community[] to map the whole system and act on . . . its parts in a continuous way, with continuous feedback conversations.}”\textsuperscript{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.\textsuperscript{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.\textsuperscript{279}

Sexual violence must be formally defined in sorority policies with guidelines for members to address it.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.”\textsuperscript{283} This education is also best when coupled with facilitated discussion groups.\textsuperscript{284} Brief, one-time sessions on sexual assault are

\textsuperscript{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.


\textsuperscript{277.} Id. at 293–94.

\textsuperscript{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.”).

\textsuperscript{279.} See id. at 93–95.

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

\textsuperscript{281.} See id. at 97.

\textsuperscript{282.} See Franklin, supra note 23, at 900–01.

\textsuperscript{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).

\textsuperscript{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.”\textsuperscript{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.”\textsuperscript{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.\textsuperscript{298} “Sororities need assistance from community and campus organizations to normalize discussion and conversation about this topic.”\textsuperscript{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.\textsuperscript{300}

Bystander training is successful with fraternities and sororities to prevent sexual violence.\textsuperscript{301} Four components of one program,
Bringing in the Bystander,\(^\text{302}\) 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.”\(^\text{303}\) 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.\(^\text{304}\)

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.\(^\text{305}\) But angel boards should not exercise their influence to silence victims.\(^\text{306}\) And while sororities should advise their members of the risks of separating from the group at parties, they should expect it.\(^\text{307}\)

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[,]”\(^\text{308}\) but do not work. These convenient but ineffective programs are not sufficient to change behavioral patterns or attitudes.\(^\text{309}\) 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

\(^{302}\) 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. Effective interventions engage men to become allies and impart both its personal relevance and loyalty to their brothers through the act of intervening.

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. And even when they do report, like Jenna, 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. 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.

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.

Bystander programs at the chapter and campus levels will help change attitudes and procedures, if implemented. 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.
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.\textsuperscript{318} But many, if not most, instances of sexual violence happen in private, so victims need to report to disrupt the cycle.\textsuperscript{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.\textsuperscript{320} The #MeToo Movement provides one systems change example for sororities.\textsuperscript{321}

The #MeToo Movement changed the system for many survivors.\textsuperscript{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.”\textsuperscript{323} The movement also increased abuse reporting, requests for assistance, and helpful responses to men and women survivors alike.\textsuperscript{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.\textsuperscript{325} Female “[U] legislators in both parties [are] more likely to discuss sexual misconduct in their Facebook posts than men in 2017.”\textsuperscript{326}

\begin{itemize}
  \item \textsuperscript{318} See id.
  \item \textsuperscript{319} See id.
  \item \textsuperscript{320} See id.
  \item \textsuperscript{322} See id.
  \item \textsuperscript{323} Id.
  \item \textsuperscript{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.
  \item \textsuperscript{326} Anderson & Toor, supra note 325; see also Brown, supra note 321.
\end{itemize}
Although the movement has faced some backlash, public opinion leveraged its power to pressure many different industries to hold the perpetrators in their organizations accountable. 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.

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

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...

---


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.”).


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.  

Greek life is paying attention. In response to #MeToo, some fraternities are requesting training on consent and sexual assault. 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[.]”

Finally, there is power in reporting, especially on social media. “Social media acted as a powerful accelerant . . . .” Although some are concerned about false reporting, the percentage of truly false reports is extremely low; the real problem is not reporting the violence. 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. 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.

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

---


335. Id. (internal quotation marks omitted).


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. 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.

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.

4. Litigation

When perpetrators are not caught and universities do not respond, survivors have found some success through litigation. 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.” 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."

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. 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. Harvard recognized these same reasons to justify its decision to withdraw endorsements, support, and resources from its off-campus fraternities and sororities. The Yale plaintiffs asked for a court order to force the fraternities to coeducate. And Harvard, while not prohibiting its students, clearly cautions them in joining single-sex social organizations “that retain discriminatory membership policies.” This “symbiotic relationship” in which universities provide the structures where Greek organizations commit crimes to which universities then act powerless to regulate is suspect.

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. Regardless of the outcome, this kind of litigation can affect

---


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:

![Diagram of a Comprehensive Prevention Strategy for Greek Life-Based Sexual Violence Perpetration](image)

- Each sorority woman can learn about risk factors that increase sexual violence and how to build bystander intervention skills. Trainings should also focus on creating positive relationships between sorority sisters, healthy norms on gender and sexuality, and how to address sexual violence when it happens.
- Each chapter should address all of the factors that place their members at higher risk for sexual violence and then reluctant to report incidents.
- National organizations must educate their members about sexual violence, how to care for victims and report incidents.
- NPCs must invest in policies and practices against sexual violence.
- Greek Life/standards boards must train their peers on sexual violence and hold offenders accountable.
- Campus officials need established, reliable processes for victims to report that protect and respect victims’ rights and privacy.
- Campus officials must exercise greater authority over high-risk Greek life, and its practices that encourage a culture of sexual violence.
- Department of Education must implement and enforce policies that hold universities accountable for protecting their students.
- Department of Education must inform the public about Greek-related campus sexual violence. Public opinion and risk of public condemnation should hold schools and Greek organizations accountable to protect their members.

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.”

---

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.”).