



# A Hidden Crisis

## Including the LGBT Community When Addressing Sexual Violence on College Campuses

By Zenen Jaimes Pérez and Hannah Hussey

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Over the past several months, sexual assault on college campuses has received increased national attention. In its first report, the White House Task Force to Protect Students from Sexual Assault highlighted steps colleges and universities can take to curb the number of sexual assaults on campuses.<sup>1</sup> For the first time, the U.S. Department of Education has released the names of the schools currently under investigation for Title IX violations—sex-based discrimination, including sexual assault, that is so severe, pervasive, and objectively offensive that it effectively denies a victim an educational opportunity or benefit.<sup>2</sup> A recent report from the Office of Sen. Claire McCaskill (D-MO) shed light on how too many higher-education institutions fail to protect students from sexual assault.<sup>3</sup> Already, these milestones have spurred new bipartisan legislation in the Senate to address the issue.<sup>4</sup>

As these conversations continue, the needs of lesbian, gay, bisexual, and transgender, or LGBT, survivors of sexual assault must be addressed in order to effectively end sexual assault on college campuses. Despite significant strides in creating safer environments for LGBT students, many still experience harassment and violence based on their sexual orientation or gender identity.<sup>5</sup> As a result of their experiences, LGBT students are more likely to support policies at their colleges and universities that prevent sexual harassment and support survivors.<sup>6</sup>

Colleges and universities have a moral and legal obligation to support survivors and prevent sexual assault against students. Sexual assault significantly harms LGBT students and their education, and no response to the sexual violence prevalent on so many campuses across the nation can be complete unless it takes the needs of the LGBT community seriously.

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## Sexual violence experienced by LGBT communities

Generally, information on sexual assault among LGBT students remains relatively scarce. However, a 2006 American Association of University Women survey found high rates of sexual harassment against LGBT students.<sup>7</sup> In the survey, sexual harassment included both noncontact forms of harassment—such as comments and jokes—and contact forms of harassment, such as forcing students to engage in sexual acts. Overall, 73 percent of LGBT students reported experiencing sexual harassment, compared with 61 percent of non-LGBT students. Additionally, 44 percent of LGBT students reported contact sexual harassment, compared with 31 percent of non-LGBT students.

Although little information currently exists on LGBT students' experience of sexual assault at institutions of higher education, evidence does suggest that the LGBT community faces a disturbingly high risk of sexual assault.<sup>9</sup> Nearly half of all bisexual men and 4 in 10 gay men have experienced a type of sexual violence besides rape in their lifetimes. Additionally, nearly half of all bisexual women and one in eight lesbian women have experienced rape in their lifetimes, and these rates only increase when broader definitions of sexual assault are used.<sup>10</sup> In a survey of transgender individuals, 64 percent said they had experienced sexual assault in their lifetimes.<sup>11</sup> Data on perpetrators—who can be partners, friends, acquaintances, or strangers—are also limited. However, 98.3 percent of bisexual women who experienced rape reported having only male perpetrators.<sup>12</sup> Of those who experienced sexual violence more broadly, 85.2 percent of lesbians, 87.5 percent of bisexual women, 78.6 percent of gay men, and 65.8 percent of bisexual men reported the same.<sup>13</sup> Knowing that men are the most common—but by no means the only—perpetrators of sexual violence against LGBT individuals can assist schools in appropriately developing and targeting prevention and outreach campaigns. Data specific to transgender individuals would further enhance these efforts.

Many LGBT survivors report that they experienced their first instance of sexual violence before age 25. For instance, more than 90 percent of bisexual women who survived rape said it occurred before age 25.<sup>14</sup> Nearly half of bisexual women rape survivors reported that their first or only rape occurred between the ages of 11 and 17, and approximately one-third reported that it occurred between the ages of 18 and 24.<sup>15</sup> Similar data on gay and bisexual men, lesbian women, and transgender individuals are lacking, but if these trends hold true throughout the LGBT community, it means that many LGBT students may either arrive on campus as survivors or experience rape or other sexual violence while on campus. These statistics highlight the importance of a multilayered response to sexual assault, including preventative outreach and immediate responses to campus-based sexual violence and trauma-informed services designed to meet the long-term needs of students who experienced sexual violence as children or adolescents.

### Definitions

**Sexual violence:** Physical sexual acts perpetrated against a person's will or when a person is incapable of giving consent are acts of sexual violence. Students' age or use of drugs or alcohol, as well as an intellectual or other disability, may prevent them from having the capacity to give consent. A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. School employees, fellow students, students from other schools, or third parties can carry out sexual violence. It is a form of sexual harassment.

**Sexual harassment:** Unwelcome conduct of a sexual nature, including sexual violence, is classified as sexual harassment. It includes unwelcome sexual advances; requests for sexual favors; and other verbal, nonverbal, or physical conduct of a sexual nature. A school is in violation of Title IX when sexual harassment within the institution is serious enough to create a hostile environment—and when its employees encourage, tolerate, ignore, or do not adequately address such harassment.<sup>8</sup>

LGBT students must also contend with bias-related sexual violence, defined as being the target of sexual violence based on one's sexual orientation and/or gender identity.<sup>16</sup> Homophobia, transphobia, and biphobia can manifest themselves as sexual assault.<sup>17</sup> A 2002 study estimated that between 3 percent and 7 percent of LGBT individuals experienced sexual assault due to bias.<sup>18</sup> These incidences are much less likely to be reported to authorities compared with other hate crimes, and they can leave survivors with wide-ranging psychological distress.<sup>19</sup>

The disparate laws defining and addressing sexual assault exacerbate its impact on the LGBT community. Although the Federal Bureau of Investigation changed the federal definition of rape for reporting purposes in 2012—removing references to gender and expanding its scope—individual state laws still determine how cases are treated at the local level.<sup>20</sup> States with narrow definitions of rape, sexual assault, and other forms of sexual violence leave male survivors and survivors of female-perpetrated violence with inadequate recourse simply because of where they live.<sup>21</sup> However, under current federal law—including Title IX—colleges and universities must consider all reports of sexual assault for adjudication and respond to the survivor's needs regardless of the sexual orientation or gender identity of the survivor and perpetrator.<sup>22</sup>

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### The profound effects that sexual assault has on LGBT students

Sexual assault can have deeply negative effects on LGBT students. LGBT survivors of sexual assault must contend with the aftermath of their experience, as well as the systemic discrimination they face because of their sexual orientation or gender identity.<sup>23</sup> Like other survivors of sexual violence, LGBT survivors in one survey reported that they may avoid the perpetrator or do “nothing” about their experience as a result of trauma, victim blaming, fear of backlash or stigma, or the feeling that no one will believe them.<sup>24</sup> Research on incidents of sexual assault indicates that not wanting anyone to know about the incident, not believing it was serious enough to report, not realizing that it was a crime, and feeling partially or fully responsible discourage survivors from reporting assault.<sup>25</sup> Similar reasons may contribute to hesitation among LGBT survivors.<sup>26</sup> Given the lack of attention to sexual assaults perpetrated against LGBT individuals, as well as pervasive discrimination based on their sexual orientation or gender identity, survivors may not report their assault and cannot be confident that help will be available to them.

Even when they do seek services, LGBT survivors may not receive the support they need. Colleges and universities may fail to provide competent services to LGBT survivors, may ask inappropriate questions, or may display a lack of knowledge about the dynamics of sexual violence where the perpetrator is of the same gender as the survivor.<sup>27</sup> For example, they may not include certain sexual acts in their definitions of rape.<sup>28</sup> Additionally, some LGBT survivors worry that disclosing their sexual assault or coming out to campus personnel will reflect negatively on the broader LGBT community.<sup>29</sup> Having to remain closeted while seeking services prevents LGBT survivors from sharing their full stories and silences LGBT experiences of sexual assault.<sup>30</sup>

Compared with non-LGBT survivors, LGBT students report feeling less confident if they encounter sexual harassment, as well as more self-conscious, more afraid, and more disappointed with their higher-education experience.<sup>31</sup> While sexual assault deeply affects all students, according to the American Association of University Women, LGBT students are more than twice as likely than non-LGBT students to feel “conflicted about who they are” or “worried about whether they could have a successful career or work life” as a result of sexual harassment and sexual assault.<sup>32</sup>

According to one study, LGBT students are especially likely to have their educational experience severely disrupted by sexual harassment.<sup>33</sup> LGBT survivors of sexual harassment report greater difficulty in continuing their education compared to other survivors, with one-quarter finding it difficult to study or to pay attention in class and 14 percent skipping or dropping a course altogether. Indeed, 17 percent of LGBT survivors considered changing schools due to their sexual assault, and 9 percent did transfer to a different school.<sup>34</sup>

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## Title IX and LGBT students

The federal Title IX law, enacted in 1972 as an amendment to the Higher Education Act of 1965, holds that no person shall be excluded from participation in, or denied the benefits of, any education program or activity that receives federal financial assistance on the basis of sex.<sup>35</sup> The Department of Education has continually affirmed that “sexual harassment of students, including sexual assault, interferes with students’ right to receive an education free from discrimination” and that colleges and universities have an obligation to foster a nondiscriminatory environment.<sup>36</sup>

Earlier this year, the Department of Education’s Office for Civil Rights, or OCR, made it clear that Title IX prohibits discrimination based on gender identity.<sup>37</sup> The guidance says that:

*Title IX’s sex discrimination prohibition extends to claims of discrimination based on gender identity or failure to conform to stereotypical notions of masculinity or femininity and OCR accepts such complaints for investigation.*

As illustrated, while Title IX does not explicitly cover discrimination on the basis of sexual orientation, it does cover the gender-based bullying and harassment of LGBT or gender-nonconforming students.<sup>38</sup> The OCR announcement ensures that LGBT students can seek protection from the Department of Education and the courts if schools fail to provide an environment free from discrimination.

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## The need for culturally competent services

Like all survivors of campus sexual assault, LGBT survivors need access to survivor-centered and trauma-informed support services at their institutions of higher education. At the same time, however, LGBT survivors also encounter unique obstacles related to their sexual assault experiences and need culturally competent services that effectively address ways in which prejudice, stigma, and discrimination may affect them.<sup>39</sup> For example, reporting a sexual assault perpetrated by someone of the same gender may out a survivor, potentially endangering the individual's employment, housing, education, financial security, and personal safety.

In order to address this problem, colleges and universities must examine the assumptions and beliefs of students and administrators regarding sexual assault in the LGBT community and LGBT individuals more broadly.<sup>40</sup> Support services at colleges and universities must also encourage affirmative practices that not only assess survivors in trauma-informed and culturally competent ways but also provide space to discuss other forms of discrimination and prejudices.

In addition to evaluating the current social, educational, and safety climate for LGBT students, colleges and universities must adopt educational materials that use inclusive language and images, acknowledging the existence and pervasiveness of sexual assault against LGBT students.<sup>41</sup> Schools also need strong sexual assault policies that comply with federal laws and that define sexual violence in LGBT-inclusive terms. Furthermore, these policies need to be created with input from students or with resources from national advocacy groups such as Students Active for Ending Rape, or SAFER,<sup>42</sup> Know Your IX,<sup>43</sup> and the National Women's Law Center.<sup>44</sup> For these policies to be effective, schools should provide clear know-your-rights information so that LGBT survivors know what to expect from campus personnel and what options are available to them. Finally, in order to effectively curb sexual assault, colleges and universities must address hate crimes and hostile environments for LGBT students, both of which often include or facilitate sexual assault and harassment.<sup>45</sup>

Responding to sexual assault, however competently, will never be enough on its own to create safe learning environments for LGBT students. Schools must also emphasize sexual violence prevention. Administrative personnel, campus safety officers, residential housing staff, health centers, LGBT student organizations, student-life representatives, and off-campus community resources and organizations need to coordinate with each other to provide education and information that promote conversations about consent and to celebrate student diversity.

The Campus Accountability and Safety Act, or S. 2692—which is currently under consideration in the Senate—requires that training for college and university staff includes information on sexual assault against LGBT students, as well as training regarding how sexual assault may affect students differently depending on their cultural background.<sup>46</sup>

These changes would help campus staff respond more effectively to LGBT survivors and build trust with LGBT students, making it easier for them to report sexual assaults or seek support services.

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## The need for more data and research

In addition to reforming federal policies on sexual assault, more research needs to be done—and more data need to be collected—on sexual assault among LGBT students. Specifically, further research needs to disaggregate the disparate effects of sexual assault on the different subgroups of the LGBT population, including examining in more detail the particularly high rates of sexual violence against bisexual and transgender individuals. As more LGBT young people come out or begin their transition earlier in life, more information on their higher-education experiences will be needed to effectively curb violence and take measures to address potentially harmful campus climates.<sup>47</sup> Data and information will also help guide new policies and culturally competent services that address the specific needs of LGBT students who experience sexual assault.

Individual institutions should also do more to understand the realities of sexual assaults on LGBT students on their own campuses. For instance, they should annually conduct confidential student surveys about campus climate and sexual assault that include questions on sexual orientation and gender identity. The recent report from Sen. McCaskill's office found that only 16 percent of the institutions surveyed conduct studies on sexual assault at all, and the number that include questions on sexual orientation and gender identity may be even lower.<sup>48</sup>

All students deserve to complete their education free from sexual violence and discrimination. While we currently lack data on the experiences of LGBT students, higher-education institutions can do better starting now—but only if sexual assault and prevention services fully address the needs of the LGBT community.

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## Endnotes

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