

SEXUAL ASSAULTS ON COLLEGE CAMPUSES

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ABSTRACT

Recent sexual assault scandals have brought public attention to the fact that there is a need for colleges to aggressively address the issues surrounding sexual assaults on their campuses. Studies indicate that one in four women are being sexually assaulted each year, but few women report this. Women suffer major psychological issues when assaulted. Federal laws and college prevention programs seem to have little effect on the occurrence of sexual assaults. Features common to most sexual assaults can be identified. This paper provides information from pertinent statistical studies, the laws addressing sexual assaults, the commonalities within occurrences, and the lack of transparency in reporting crime data. Prevention programs exist but show limited success, and this paper proposes a comprehensive prevention program for college campuses.

Recent accounts of inappropriate, undesired, and criminal sexual activities ranging from groping to rape have highlighted an ongoing problem on college campuses. This is not a new issue. Research studies from as early as 1957 have shown the frequency and commonality of sexual assaults on college campuses (Kirkpatrick & Kanin, 1957; Koss, Gidycz & Wisniewski, 1987; "One in Four," n.d.; Krebs, Lindquist, Warner, Fisher, & Martin, 2007; Krebs & Lindquist, 2014). It is generally accepted that one in four women (25%) on college campuses report being sexually assaulted at some point in their lives, while nationally 17% of American women have been victims of sexual assault (Caruso, n.d.). It is significant that the percentage of women being sexually assaulted on college campuses has not decreased significantly over the years.

SEXUAL ASSAULT LAWS

According to the U.S. Department of Justice (n.d.), sexual assault is defined as "any type of sexual contact or behavior that occurs without the explicit consent of the recipient." This includes rape, attempted rape, fondling, and

other forcible sexual actions. Most of the 50 states have criminal laws that address sexual assaults. (Laws in Mississippi and Idaho do not include unwanted sexual touching such as groping and fondling in their definitions.) In most states these acts are classified as misdemeanors or felonies (Yeung, 2015). However, college campuses appear to be independently governed and isolated from the state laws which deal with sexual assault, although some colleges include references to state and federal laws in their policies for handling sexual assaults.

Several federal laws specifically applicable to colleges deal with handling sexual harassment and sexual assault cases and the reporting of criminal statistics. Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex in any educational program or activity that receives federal funding. Title IX addresses sexual harassment, sexual violence, or any gender-based discrimination that may deny a person access to educational benefits and opportunities.

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1990 aims to guar-

antee transparency regarding campus crime, policies and statistics. All colleges receiving financial aid are required to keep and disclose to the U.S. Department of Education information about crime on or near the campus. The Department of Education can impose penalties up to \$35,000 per violation and can suspend financial aid to the institutions found to be in violation (Department of Education, 2016).

Part of the continuing problem with sexual assault on college campuses is that neither Title IX nor the Clery Act provide criminal penalties for failure to adhere to the law. Recent sexual assault scandals have highlighted numerous issues regarding the handling of sexual assaults by colleges and the fact that there is no significant legal penalty for infractions. Sexual assaults involving athletes are of particular concern. Accusations against players can take years to investigate and often action is taken only after external media reports have pressured the colleges to respond.

WOMEN REPORTING SEXUAL ASSAULTS

According to the Department of Justice National Crime Victimization survey 1995 – 2013, “only 20% of sexual assault victims go to police” (Hefling, 2014, para. 1). Low as this number is, it may be overly generous. A study by Fisher, Cullen, and Turner (2013) found a reporting rate of less than five percent. Either way a majority of incidences go un-reported. There are many possible reasons for this failure to report sexual assaults. According to Kilpatrick et al., “Major barriers to reporting rape to law enforcement included: 1) not wanting others to know about the rape, 2) fear of retaliation, 3) perception of insufficient evidence, 4) uncertainty about how to report, and 5) uncertainty about whether a crime was committed or whether harm was intended” (Kilpatrick, Resnick, Ruggiero, Conoscenti, & McCauley, 2007, pp. 2-3).

Additionally, women may see little action taken against the perpetrator in the internal disciplinary process. In 2014, Kingkade reported that “less than one-third of students found responsible for sexual assault are expelled from their colleges” (para. 11). Also, simple expulsion still allows a student to go to school elsewhere, since disciplinary actions against students are not usually noted on transcripts. The Association for Student Conduct Administration (ASCA), an association founded in 1986 to support campus judicial officers, does not endorse “punitive” action when handling campus rapes (Kingkade). In most states, sexual assault, rape and statutory rape are punishable with prison time. The disciplinary actions taken by colleges against perpetrators of sexual assaults on campus do not reflect the punitive actions meted out by the law in such cases.

COMMONALITIES OF SEXUAL ASSAULTS

In reviewing the literature with the intent to identify the circumstances most common to sexual assaults, the authors identified the following significant factors.

1. **Alcohol Use-** is most common risk factor associated with sexual assault on campus, according to a number of studies, including the campus sexual assault study by the National Institute of Justice. “In 72-81% of cases in which a male rapes a female student, the female is intoxicated” (Lisak, Gardinier, Nicksa, & Cote, 2010, p. 13). Another study noted that “the highest rape risk situation for both adult women and college women is not being rendered intoxicated and incapacitated by others; it is being taken advantage by a sexual predator after she has become intoxicated voluntarily” (Kilpatrick, Resnick, Ruggiero, Conoscenti & McCauley, 2007, p. 58).
2. **Living in Residential Housing-** a 10-year study conducted on Massachusetts’s college and university campuses by the Massachusetts Executive Office of Public Safety and Security reported that “81% of all reported rapes and assaults occurred in dormitories” (Peters, 2016, p.7). Additionally, Tomer notes that “90% of all colleges have at least one co-ed dorm and more than 150 colleges ... now allow some or all students to share a room with anyone they choose” (n.d., para. 3).
3. **Sorority Membership-** Research shows that women who belong to a sorority are more likely than non-sorority members to be sexually assaulted. According to the National Institute of Justice, “Almost a quarter of sexual assault victims were sorority members, whereas only 14 percent of non-victims were sorority members” (2008, para. 2).
4. **Knowledge of predator-** 60% of rapes on college campuses are committed by a person with whom the survivor is acquainted. Additionally, 32% are romantic partners (Zinzow & Thompson, 2011, p. 715).
5. **Numerous sex partners-** “Women who reported having more sexual partners since entering college were more likely to have reported forced sexual assault” (National Institute of Justice, 2008, para. 3).

6. **Freshman and sophomore status-** “The first two years of college are the highest risk years” according to the National Institute of Justice (2008, para. 4).
7. **Time of year-** The highest risk period occurs during the first few months of the academic year according to the National Institute of Justice (2008, para. 4). According to the Rape, Abuse and Incest National Network (RAINN) (n.d.), more than 50% of college sexual assaults occur during the months of August, September, October and November.
8. **Day and time of week-** More than half of sexual assaults take place on weekends, and more than half occur between midnight and 6 a.m., according to the National Institute of Justice. Campus activities also impact assaults. “Division 1 college football games significantly increase reports of rape involving college-age victims. The estimates are largest for rapes in which offenders are also college-age and are unknown to the victim” (Lindo, Siminski, & Swensen, 2016, p. 21).

MENTAL HEALTH CONSEQUENCES OF SEXUAL ASSAULT

Sexual assaults are traumatic and impact the victim’s physical and mental health long after the actual occurrence. “Study findings provided substantial support for the fact that rape increases risk for PTSD, major depression, and substance abuse” (Kilpatrick, 2007, p. 5).

Post-Traumatic Stress Disorder (PTSD)- “Within the past 20 years, we have learned that the mental health effects of this crime are devastating as rape survivors are the largest group of persons with post-traumatic stress disorder” (Campbell & Wasco, 2005).

Major depression can lead to thoughts of suicide. According Caruso, 33% of rape victims have suicidal thoughts and 13% attempt suicide. (Caruso).

Substance Abuse- Women who have experienced sexual assaults have a higher risk of problem drinking and drug use (Ullman, Relyea, Hagene, & Vasquez, 2013).

RECENT PUBLICITY FOCUSING ATTENTION ON HANDLING OF SEXUAL ASSAULTS ON CAMPUSES

The Hunting Ground, a controversial documentary released in February, 2015, showcased the stories of women

who alleged sexual assaults at their universities and of university administrators who ignored them or made it difficult for them to navigate the system to report their assault. The colleges mentioned included Harvard, the University of North Carolina at Chapel Hill, Amherst College, and Notre Dame. It also examined the Sigma Alpha Epsilon fraternity (Ziering & Dick).

In December of 2014 Harvard University Law School settled a sex assault case involving two student complaints. The U.S. Department of Education had found that “the Law School had failed to respond properly to two students’ complaints of sexual assault and had violated federal rules governing how sexual harassment and assault complaints are handled” (Johnson & Ellement, para. 1). Following this settlement Harvard made changes in its policies for handling reports or sexual assaults and harassment.

Baylor University faced a major scandal starting in 2012 with the arrest and indictment of one former Baylor football player for two counts of sexual assault. After another player was indicted for sexual assault in 2015, Baylor hired an outside law firm to investigate. Their May 2016 report found multiple “institutional failures at every level of Baylor’s administration” (Baylor University, 2016, p.5). In October 2016 the federal government announced that it was formally investigating whether Baylor had violated Title IX in its handling of sexual assault on campus. In 2017 a court case was filed alleging that 31 football players committed at least 52 rapes (Mervosh, 2017). Baylor’s sexual assault scandal resulted in the firing of the head football coach, Art Biles, along with the athletic director and the President, Ken Starr.

LIMITATIONS OF PRESENT PREVENTION PROGRAMS

While most universities have adopted sexual assault prevention programs designed to provide training and increase awareness among students and staff, the problem persists. At some universities, the number of sexual assault cases is even increasing. The standard approach taken in current preventative programs has several problems:

1. Overall attendance is poor with low male attendance noted
2. Programming may lack a consistent focus on sexual assault
3. Programs may be time-limited, typically offered only during sexual assault awareness week/month, generally in April

4. Programming may not occur in the Fall when it is most relevant to frequency of sexual assaults
5. Impact measurements were not always performed (O'Donohue, Lloyd, & Newlends, 2016)

Given the seriousness of sexual assault on our nation's universities and the fact that the numbers are higher than within the general population, it appears that more can and should be done to address the issues.

For this paper, the authors reviewed information available from nine universities in three southeastern states. All of the universities address sexual assault/sexual misconduct in their materials and on their websites and employ some type of awareness program. All of them:

- have relevant campus policies including references to Title IX
- provide training or employ programs for all interested students specific to safe conduct in order to avoid being a victim
- have staff/resources designated to support sexual assault victims
- include crime statistics (including sexual assault) for on-campus and off-site facilities

Of the nine universities studied, most emphasize how to avoid being a victim or what to do once a student becomes a victim of sexual assault. Little emphasis is placed on the responsibilities of the male student who (in most cases) is the perpetrator of sexual crimes. Additionally, there is a recent trend in training the "bystander" who witnesses violence against individuals. Bystanders are trained to take some sort of action that interrupts the perpetrator's intentions, real or perceived. Again, while these programs and types of training have merit, more emphasis needs to be placed on the likely perpetrators of sexual assaults. The argument that prevention is key to reducing sexual assaults should be obvious. It is logical to assume that changing the campus culture and mindsets of students should be key to reducing the number of sexual assault victims. Further, "Findings suggest that students are concerned with safety, students want more education regarding sexual violence, and they value services that offer protection from incidents of sexual violence on campus" (Garcia, Lechner, Frerich, Lust, & Eisenberg, 2012, p. 1).

End Rape on Campus (EROC), a survivor advocacy organization founded in 2013 by students, survivors and professors, believes that campus sexual violence must be addressed through a combination of survivor support, direct education, and policy reform (EROC.org, n.d.).

PROPOSED PREVENTION PROGRAM: STRAIGHT TALK ABOUT SEXUAL ASSAULTS

The authors propose a prevention program entitled Straight Talk about Sexual Assault. The prevention program is designed to overcome the limitations of other prevention programs. The program includes: 1) two mandatory courses, one for women and one for men, 2) a clearly defined and communicated process for reporting assaults to hospital, police, and college, 3) a robust crisis/sexual assault counseling center with highly trained personnel, 4) a student advocate service, 5) changes in residential housing, and 6) an impact assessment program to determine the success of the prevention program. The following defines the program.

Mandatory Course: Straight Talk to Women about Sexual Assaults

The mandatory course for women will be taught in the fall semester each year and will contain the following content:

1. Self-esteem, self-worth, and self-value/self-respect education
2. Legal definitions of sexual assault as determined by state laws
3. High risk situations that lead to an increased risk of sexual assault
4. Importance of bystander intervention
5. Self-defense and martial arts training
6. Guest speakers—women who have experienced sexual assaults, hospital personnel who handle sexual assaults, police who handle sexual assaults.
7. Explanation of emotional stages women go through immediately following a sexual assault and the need to move through stages quickly in order to take immediate action
8. Procedures for reporting: calling 911, going to hospital, notifying police and college
9. Support services available: introduction of personnel in counseling center and student advocate services
10. Responsibility and accountability statement for choices and behaviors, with a signed statement of acknowledgement

Mandatory Course: Straight Talk to Men about Sexual Assaults

The mandatory course for men will be taught in the fall semester each year and will contain the following content:

1. Self-esteem, self-worth, and self-value education and respect for self and women
2. Legal definitions of sexual assault as determined by state laws, and legal, social, personal, and career consequences of committing a sexual assault
3. High-risk situations that lead to the increased risk of sexual assault
4. Importance of bystander intervention
5. Guest speakers—women and men who have experienced sexual assaults as victims or perpetrators; police, lawyers and physicians handling sexual assault cases
6. Explanation of emotional stages women and men go through following a sexual assault and the need to move through stages quickly to report immediately.
7. Procedure for calling 911, going to hospital, and reporting to police and college
8. Support services available: counseling center and student advocate services
9. Responsibility/Accountability Statements outlining the responsibilities students have for their own choices and behaviors and the consequences of ignoring these. The statement should be signed by all students taking the course.

Written Policy and Procedures for Reporting and Handling Assaults to Hospital, Police, College and Family

These policies and procedures will be part of yearly training for all college personnel and will be discussed in the course.

Crisis/Sexual Assault Counseling Center

This center is staffed by counselors highly trained in crisis and sexual assault management.

Student Advocate Service

This would be a service manned by volunteers, such as retired lawyers, police, teachers, victims, and counselors trained to be advocates for students who have experienced sexual assault.

Residential Housing Changes

Reexamine security in residence halls and rethink the use of co-ed dorms given the number of sexual assaults occurring there.

Impact Assessment Program

A formal assessment plan including procedures for data collection, analysis of data, and recommendations for changes or improvements in the prevention program.

CONCLUSION

Media coverage of recent sexual assault scandals on college campuses has brought the continuing occurrence of assaults to public awareness and illustrates the failure of current efforts to combat this problem. The fact that one in four women (25%) experience sexual assault on campuses is not acceptable. Clearly there is a need to review what is being done to prevent sexual assaults on college campuses and improve the situation. Two federal laws aimed at reducing the prevalence of these cases, Title IX and the Clery Act, have not had a significant impact.

A review of prevention programs at nine southeastern universities showed an emphasis on safety training and post-incident support for potential victims. None of the colleges had programs especially aimed at prevention or tailored for the potential perpetrator. Further research identified some common risk factors which could be used to develop a more robust and effective prevention program and improve campus culture to reduce sexual assaults. Using the information garnered from the research, a robust, comprehensive, no-nonsense prevention program has been developed. The proposed program is described in this paper. The authors intend to test the program in the near future. The program assessment component will be used to evaluate overall effectiveness and identify changes needed to improve the program's content and results.

It is believed that implementation of the proposed prevention program can have a meaningful impact on college campuses by reducing the incidence of sexual assault and by expanding and strengthening the services available to victims.

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