

Campus Sexual Assault Study

LWVNJ 2016-2017

Scope of the study

- Determine the types of activities we want to see included.
- Determine our preferred approach to consent.
- Determine the proper role of law enforcement and campus authorities.
- Determine appropriate methods of prevention.

Some statistics

- 20-25% of college women and 6% of college men will be sexually assaulted during their college careers.
- 80% of these campus assaults/rapes are committed by acquaintances.
- More than 50% of college students' sexual assaults were associated with alcohol &/or drugs.

Some statistics

- Less than 5% of attempted or completed rapes are reported to authorities.
- Almost half of college women who were victims of attacks that met the definition of rape did not consider what happened to them to be rape.
- Between 2% and 8% of reported assaults are false accusations, consistent with false reports for other crimes

Some statistics

- Nearly 27% of college-aged men reported (in surveys) obtaining some type of sexual contact through coercion (Mainly drugs and alcohol).
- 74% of rapists repeat the offense.



Understanding check

- True or False: Rape by a stranger is the most common form of sexual assault on campus.

Understanding check

- **False:** ~~Rape by a stranger is the most common form of sexual assault on campus.~~

The majority of victims on campus knew their assailant. This has major implications for prevention, including working with men to educate them about appropriate behavior.

Understanding check

- True/False: Only a small percentage of sexual assaults are reported to authorities, let alone prosecuted.

Understanding check

- **True:** Only a small percentage of sexual assaults are reported to authorities, let alone prosecuted.

Rape Culture

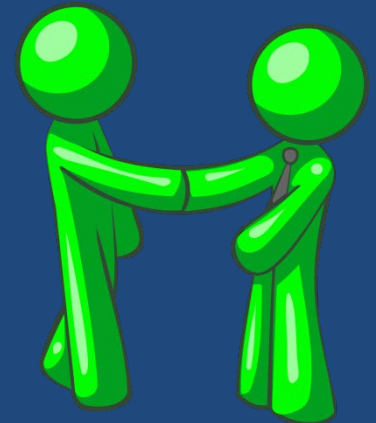
- Existence of social and cultural features that make sexual violence more likely.
- Sexual objectification (porn, or the way men talk).
- Male bonding over sexual exploits.
- Victim blaming (“She shouldn’t have worn a short skirt”, “Didn’t you encourage him?”).
- Trivializing rape (“He didn’t hurt her, he just had sex with her”, “She didn’t struggle much”).
- Jokes about sexual violence. Etc.

Rape Culture

- Sexual assault perpetrators commonly:
 - have higher levels of hostility toward women;
 - and lower levels of empathy;
 - are more likely to hold traditional gender role stereotypes,
 - are more likely to endorse statements used to justify rape, and
 - to hold adversarial beliefs about relationships between men and women

Fighting Rape Culture

- Change stereotypes: Men can be gentle, express emotions. Don't have to be sex driven. Women can be strong and sexual.
- Encourage healthy male attitudes towards women, starting well BEFORE college age.
- Bystander training – don't just watch harassment or assault!



Discussion Question

- A news media account of a rape includes the fact that the female victim had been drinking before the incident. Is this victim blaming?



Discussion Question

- A news media account of a rape includes the fact that the female victim had been drinking before the incident. Is this victim blaming?
- **Personal opinion!** Yes, because of context. In a rape prevention class, it may be sound advice to warn women to watch with whom they drink. In the news, it has little educational value – and sounds like, “See, it’s her own fault she got raped.”

Some barriers to reporting

- Belief there is not enough proof.
- Fear of retaliation.
- Fear of poor treatment by authorities.
- Not knowing how to report.

More barriers to reporting

- Want to keep incident from family.
- Feeling of self blame.
- Fear of victim shaming.
- Concern school may try to protect itself at expense of victim.

Definitions

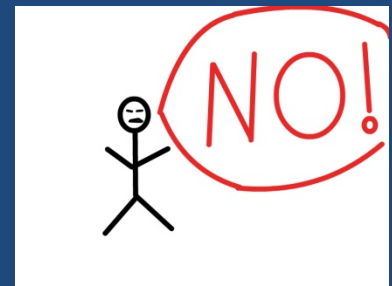
- We don't need to dwell here on the many forms of (unwanted) sexual behavior.
- The broad category called **sexual misconduct** is what institutions such as colleges, universities and law enforcement often use in their policies and working documents.

Consent Definitions

- **Consent** is required for any sexual activity.
- The **older (and still used) standard** is, “**no means no**”. A perpetrator cannot assume the partner who is saying “no” *really* wants to continue.
- Some women feel uncomfortable saying “no”, so sex could happen that they didn’t really want.



NO



Consent Definitions

- The **newer standard** is, “**yes means yes**”. Affirmative consent by words or actions, rather than just lack of “no” is required.

YES!

=

YES

Consent limitations

- Too young
- Too drunk or drugged
- Unconscious
- Mentally incapable of consent
- Sleeping (some people sleep soundly enough as to be raped without waking)

Understanding check

- A woman smiles at her date, takes off her clothes and climbs into his lap. They make love.
- True/False: He could be accused of rape under the new standard because she never said “Yes” to having sex.

Understanding check

- A woman smiles at her date, takes off her clothes and climbs into his lap. They make love.
- **False:** ~~He could be accused of rape under the new standard because she never said "Yes" to having sex.~~
- The standard is to affirm interest by words **or actions**. Hers actions were very clear!

Understanding check

- True/False: Under the older, “no means no” standard, a man can have sex with an unconscious or sleeping woman, because she didn’t say “no”.

Understanding check

- **False:** ~~Under the older, “no means no” standard, a man can have sex with an unconscious or sleeping woman, because she didn’t say “no”.~~
- No standard will allow that. The victim must have basic capacity to consent. There may be cases that are more ambiguous under the old than the newer standard, but these examples are not!

Federal Law

- **Title IX (1972)** prohibits discrimination based on sex in education programs and activities that receive federal financial assistance; and requires schools to address sexual harassment and sexual violence:
- Schools have a responsibility to respond promptly and effectively to claims of assault, usually within 60 days.

Federal Law

- Every school must have and distribute a policy against sex discrimination. Schools must also have a Title IX coordinator and known procedures for students to file complaints of sex discrimination including sexual assault.
- A criminal investigation by law enforcement into allegations does **not** relieve the school of its duty under Title IX to resolve complaints promptly and equitably.

Federal Law

- Most schools use the 51% probable (“preponderance of evidence”) standard.
- Two main reasons:
 - Sanctions are limited, can’t jail anyone.
 - They don’t have subpoena power or other law enforcement techniques, so full proof is hard.
- Law enforcement has the “beyond reasonable doubt” standard. This difference can lead to different outcomes.

Federal Law

- Schools have been encouraged by the US Department of Education to adopt consent conditions using the affirmative “Yes means yes” model.
- Some schools have adopted media campaigns like "Consent Is So Sexy" or "Consent Is So Frat".



<http://www.consentissexy.net/>

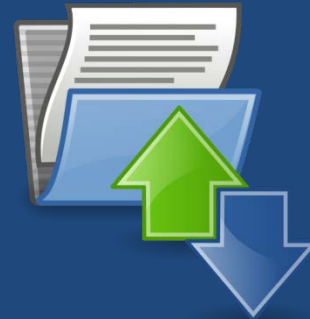
Federal Law

- Schools are also encouraged to conduct annual "climate" surveys that measure student's experiences with sexual misconduct, their knowledge about how to report it and suggestions on how to prevent it.



Federal Law

- **Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistic Act**
- The intent of the Act is to have a data depository where the public and prospective community members of Colleges or Universities can find information about the safety of the campus.



Understanding check

- T/F: Under federal law, schools must respond to allegations of assault promptly, typically within 60 days.
- T/F: Once the police take over the investigation, the school's role is ended.



Understanding check

- **T:** Under federal law, schools must respond to allegations of assault promptly, typically within 60 days.
- **F:** ~~Once the police take over the investigation, the school's role is ended.~~
The school still has an obligation to deal with it. They may need to act on a case the authorities decline to prosecute.

Issues for Schools

- Campuses have been severally criticized when it was discovered that they have perpetrators who have been accused several times and they have not acted promptly or at all.
- Some of these perpetrators may have been noted athletes or children of big donors or political figures.



Issues for Schools

Campus Administrations are currently responsible under Title IX for the development and dissemination of clear policies regarding Campus Sexual Assault. These include:

- Information
- Prevention strategies
- Training
- Reporting and investigating procedures
- Services to victims

Changing practices

- Some schools use independent outside investigators.
- Websites with info about policies.
- Bystander intervention training.
- And many others.
- Still needed: More transparency about handling. Better climate surveys.

Role of Law Enforcement

- Traditional procedures were hard on the victim.
 - Long interviews
 - Personal questions of friends and family
 - Doubts, challenges
 - Long time passing, perpetrator free
 - Perpetrator may be around victim

Role of Law Enforcement

- Now there are guides for how to do it better.
- Various coalitions try to work with police.
- Still a long ways to go.

Prevention techniques

- Prevention programs work, but must be ongoing not single-dose.
- Prevention strategies need to be provided early in college.
- Even better, assault prevention, with alcohol and drug prevention, in high school

Understanding check

- T/F: Most experts believe a good, comprehensive educational session sometime during the first 6 months of college is the ideal prevention method.

Understanding check

- **F:** ~~Most experts believe a good, comprehensive educational session sometime during the first 6 months of college is the ideal prevention method.~~
- Ongoing prevention education, starting in high school and continuing through college, is recommended.

Understanding check

- T/F: Traditional law enforcement investigative techniques are respectful of victims and sensitive to their feelings.

Understanding check

- **F:** ~~Traditional law enforcement investigative techniques are respectful of victims and sensitive to their feelings.~~
- Quite the contrary, they can be invasive in questioning of victims and their friends/family, doubtful about the victim's story, and not provide any protection from the assailant.

Summary

- Sex crimes on campus are common, underreported, and create challenges for schools.
- Schools need their own mechanisms for dealing with assaults.
- Campuses and surrounding areas should be safe places for students. We have a long way to go to ensure that.