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**Document Title:           Campus Sexual Assault: How America's  
  Institutions of Higher Education Respond**

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**Document No.:             196676**

**Date Received:            October 2002**

**Award Number:            99-WA-VX-0008**

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# **CAMPUS SEXUAL ASSAULT: HOW AMERICA'S INSTITUTIONS OF HIGHER EDUCATION RESPOND**

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Citation: Karjane, H.K., Fisher, B.S., & Cullen, F.T. (2002). *Campus Sexual Assault: How America's Institutions of Higher Education Respond*. Final Report, NIJ Grant # 1999-WA-VX-0008. Newton, MA: Education Development Center, Inc.

This project was supported by Grant No. 1999-WA-VX-0008 awarded by the National Institute of Justice, Office of Justice Programs, U.S. Department of Justice. Points of view in this document are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Justice.

## ACKNOWLEDGMENTS

This report is the culmination of an enormous undertaking involving many individuals whose contributions deserve recognition.

At the University of Cincinnati, Professors Bonnie Fisher and Francis Cullen directed the large-scale effort to collect written policy materials and to analyze the policy and survey data. In addition to the general support of the Division of Criminal Justice, they were ably assisted by Kristie Blevins, Leah Daigle, Sharon Levrant, Shannon Santana, and Travis Pratt.

At the HHD Center for Violence & Injury Prevention at Education Development Center, Inc., Heather Karjane directed collection of the survey data, and collection and analysis of field research, focus group, and legal data. Much thanks goes to Julie Ross, Sara Diorio, Jennifer Koenig, Stephanie Malloy, Heather Preslar, Clif Watts, and intern Sandhya Krishnan for their voluminous research assistance. Special thanks goes to Christine Tessier for her legal expertise, to Edward De Vos for his technical assistance, and to Debra Whitcomb, the project's original director.

We are grateful to our partners Drew Diamond, Clifford Karchmer, and Corina Sole Brito at the Police Executive Research Forum, for applying their expertise toward the development of the survey of campus administrators, the recruitment and facilitation of the campus security focus group, and conducting field research site visits.

We would also like to acknowledge the ongoing support and encouragement of Anna Jordan, program officer with the National Institute of Justice.

Finally, all authors played significant roles in the project and the Final Report. In particular, Heather Karjane and Bonnie Fisher made equal contributions overall, shaping in unique ways the project's design, various data collection efforts, analysis of the data, and presentation and interpretation of findings.

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RESPOND**

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## EXECUTIVE SUMMARY

### BACKGROUND FOR THE STUDY

Contrary to the traditional image of college campuses as safe havens for young adults, students, and women in particular, are exposed to high risks of sexual victimization on campus (Fisher, Cullen, & Turner, 2000; Fisher et al., 1998; Koss, Gidycz, & Wisniewski, 1987). Obtaining a postsecondary education should be a time for healthy risk-taking and for social, intellectual and vocational maturation. Victims of campus sexual assault, however, face potential traumatization—intense fear and emotional numbing, loss of control, and the shattering of their trust and their belief in their ability to make sound judgements about the people and the world around them. The cost of this potential loss is inestimable.

During the last fifteen years, the issue of sexual victimization of students has attracted much needed attention partially through highly publicized campus sexual assault trials and allegations of reports being mishandled by school officials (Bohmer & Parrot, 1993; Sanday, 1990, 1996; Warshaw, 1988). In response to public pressure, Federal legislation has mandated that institutions of higher education grapple with—and respond to—the massive problem of young men’s sexual violence toward their coeducational peers. (In this summary, we will refer to institutions of high education with the acronym, “IHE”).

Congress passed the *Student Right-to-Know and Campus Security Act* (20 U.S.C. §1092) in 1990 to require all Title IV eligible IHEs to publicly disclose crime statistics and crime prevention and security policies and procedures on campus. The law was amended in 1992 to require that schools afford victims specific basic rights and again in 1998 to emphasize reporting obligations regarding sexual assault on campus<sup>1</sup>. This most recent amendment is commonly known as the *Clery Act*.

Despite the emergence of concern about sexual victimization among postsecondary students, little systematic information has been published about the content of sexual assault policies, protocols, and programs that currently exist in IHEs. In Public Law 105-244, the United States Congress mandated a study designed to address nine issues relating to prevention efforts, victim support services, reporting policies, protocols, barriers, and facilitators, adjudication procedures, and sanctions for sexual assault. On 1 November 1999, the National Institute of Justice awarded a grant to Education Development Center, Inc., and its partners—University of Cincinnati and Police Executive Research Forum—to carry out this study.

### RESEARCH DESIGN AND METHODS

To comprehensively investigate the wide array of issues and institutional contexts mandated in this research, multiple forms of data were used to address each issue. These data included a content analysis of published sexual assault policy materials from a nationally representative sample of IHEs, mail surveys of campus administrators from a nationally representative sample of IHEs, field research at eight colleges and universities, electronic focus groups conducted with campus administrators, and legal research of state-level legislation.

Our national sample comprises 2,438 institutions in the United States and Puerto Rico, including all HBCUs (N=98) and all Native American tribal schools (N=28). All nine types of schools eligible for Title IV funding were represented in the sample: four-year public, four-year private nonprofit, two- to four-year private for profit, two-year public, two-year private nonprofit, less-than-two-year public and private nonprofit, less-than-two-year private for profit, Native American tribal schools, and Historically Black Colleges and Universities (hereinafter referred to as HBCU). Field research schools exhibiting promising practices were chosen from

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<sup>1</sup> More recently, the *Campus Sex Crimes Prevention Act* was enacted 28 October 2000. As changes pertaining to this act are not in effect until 28 October 2002, they are not reflected in this report.

the sample on the basis of nineteen primary criteria (i.e., utilize a coordinated response to reports, offer an anonymous reporting option) and ten secondary criteria.

All schools in the sample were contacted, by mail, twice, with requests for the survey of campus administrators and published policy materials. Telephone calls were placed to a portion of nonrespondent IHEs and the Internet was used to augment materials for schools that submitted incomplete sets of policy material. Field research schools were notified by mail that they were found to be exhibiting promising practices and invited by telephone to participate in the field research component of the study.

Response rates varied greatly by type of data collected and by type of school, with an overall response rate of 41 percent (41.6 percent for the policy materials, and 41.1 percent for the surveys). For four-year public and four-year private nonprofit IHEs—the school types which educate the majority of post-secondary students (Barbett, 1999)—the policy materials and survey components generated a 65.9 percent and a 49.1 percent response rate respectively. Response rate for field research schools was similar: six of the original ten promising practice schools declined, for a variety of reasons, to participate in the field research component of the study.

## **DEFINITION OF THE PROBLEM**

Challenging popular belief in stranger-rape myths, the vast majority of sexual assaults against students—84 to 97.8 percent—are perpetrated by young men known to the victim (Fisher, Cullen, & Turner, 2000; Kahn & Andreoli Mathie, 2000; Kahn, Andreoli Mathie, & Torgler, 1994; Koss, Gidycz, & Wisniewski, 1987). A substantial majority of these victims, however, do not define their experiences using legal terms. That is, even though the incident is legally a criminal offense, they do not call their victimization a “rape” (Bondurant, 2001; Fisher, Cullen & Turner 2000; Kahn & Andreoli Mathie, 2000; Kahn, et al., 1994; Koss et al., 1988; Schwartz & Leggett, 1999). This is particularly true when weapons are absent, alcohol is present, and/or physical injury (e.g., choke marks, bruises) is not apparent—the characteristics that are most often found in acquaintance rapes (Bondurant, 2001; Warshaw, 1988). Victims not identifying and naming events that meet legal definitions of rape and sexual assault has serious implications for reporting campus sexual assault since one must conceptualize an event a crime before she, or he, attempts to seek justice, or heal.

Underreporting by victims of acquaintance sexual assault is one of the most, if not the most, significant factors in low reporting rates on IHE campuses (Fisher et al., forthcoming).

## **FINDINGS**

This Final Report looks at how the nation’s IHEs are responding to reports of sexual assault and offers a comprehensive descriptive baseline. Nine major issues were investigated. Many of the topic areas addressed have not been previously examined, which underscores the importance of findings that are contained in this Final Report. Below, the findings—presented by the nine issues—are summarized.

## **Issue I: The Existence and Publication of IHE’s and State’s Definitions of Sexual Assault**

The main findings for this issue are that most campuses that reported back did articulate some definition of rape and other forms of sexual assault that helped inform their response and reporting policies. Nonetheless, there are no standard definitions of rape and sexual assault. In other words, the ways in which rape and sexual assault are defined varies across institutions and states. For the most part, campuses draw on federal and/or state language, although most do not include the offenses of statutory rape and incest. It is important to reiterate that no matter which definition of sexual assault is being used, the IHEs or the state’s, the majority of students do not define their experience of rape as a crime.

Currently, only 18 states have laws pertaining to campus security and campus crime statistics reporting.

Only 36.5 percent of schools reported crime statistics in a manner that was fully consistent with the *Clery Act*. Of the schools that responded to our request for materials, 77.9 percent sent—as requested—their annual security reports (ASR). This suggests that a large proportion of IHEs are complying with this aspect of the *Clery Act*. While over 8 in 10 schools which provided ASRs included three years of crime statistics in the ASR, there was less apparent compliance with the *Clery Act*’s stipulation that sexual offenses should be divided into “forcible” offenses and “nonforcible” offenses, however. Nearly half (48.5 percent) of the four-year public schools and 43 percent of the four-year private nonprofit schools included forcible and nonforcible sexual offenses in their crime statistics.

Ninety-seven percent of schools that had a sexual assault policy did not mention stalking in their sexual assault policies whereas two-thirds of these same schools either had a separate sexual harassment policy (45.9 percent) or mentioned harassment in their policy statement (19.6 percent).

Only 13.7 percent of schools collect statistical information on the use of drugs in the commission of rapes, although this figure raises to more than 1 in 3 in HBCUs and four-year public schools.

## **Issue II: The Existence and Publication of IHEs’ Policies for Campus Sexual Assault**

The main finding here is that four-year public and private nonprofit institutions, those IHEs which educate a majority of postsecondary students (Barbett, 1999), have made substantial strides in the direction of developing explicit sexual assault policies. Other types of schools—smaller, for profit, non-residential IHEs—are lagging behind in developing and/or making accessible these policies.

Approximately 60 percent of schools sent a written sexual assault policy as requested. The likelihood of sending a written policy varied considerably by school type. Four-year public (82.2 percent), four-year private nonprofit (70.4 percent) and two-year public (59.4 percent) were most likely to have a sexual assault policy whereas the percentage of all other types of schools having a policy fell below significantly below 50 percent.

Sexual assault policies were included in either the ASR (38.6 percent)—a document that all Title IV eligible institutions must compile per the *Clery Act*—or their student handbook (19.3 percent).

Almost three-quarters of schools mentioned in their sexual assault policies contact procedures in the event a victimization occurred. Almost all the schools included a telephone number to contact, although less than half of the schools states that that person could be reached 24 hours a day—a problem given that most campus sexual assaults take place during the evening and early morning hours (Fisher, Cullen, & Turner, 2000). Campus police or local police were the most frequently named contact persons.

**Issue III: The Individuals to Whom Reports of Sexual Assault are Given Most Often and the Extent to Which These Individuals are Trained to Respond to the Reports**

On the whole, few campuses provide sexual assault response and/or sensitivity training to those most likely to first hear of sexual assaults on their campus: friends and fellow students, campus law enforcement/security officers, and faculty members.

Very few female victims of rape (3.2 percent) or attempted rape (2.3 percent) report their victimization to the police or to campus authorities. However, two-thirds of rape victims disclosed their experience to a friend or someone else (e.g., family member) (Fisher, Cullen, & Turner 2000; Fisher et al., forthcoming). Active support of friends was found to be the primary factor that distinguishes those victims who report the crime to campus and/or local authorities and those that remain silent.

On the whole, 60 percent of schools provide no training to students. Four-year residential IHEs are, however, more likely to provide students sexual assault response training: 77 percent of four-year public schools, 65 percent of four-year private nonprofit schools and 61 percent of HBCUs. When training occurs, it is most often directed at residence hall assistants and student security officers rather than the general student population.

Only 37.6 percent of all schools require sexual assault training for campus law enforcement/ security officers. While sexual assault training for campus law enforcement/security officers is fairly standard at four-year public (80.3 percent) and HBCUs (72.7 percent), which rely primarily on sworn officers employed by the school, at many other institutions training is not provided to the people to whom formal complaints are likely to be submitted.

About half of all schools—including 3 in 10 four-year public schools—provide no training to faculty and staff about “how to respond to disclosures of sexual assault.” Training is mandatory in about 1 in 3 schools (33.7 percent) and voluntary in less than 1 in 5 (17.3 percent) of schools.

**Issue IV: The On- and Off-Campus Reporting Options and Procedures (including Confidentiality) that are Articulated to Victims of Sexual Assault**

The main finding regarding reporting options is that more than three quarters of the nation’s IHEs offer campus sexual assault victims confidential reporting options (84.3 percent). Anonymous (45.8 percent), anonymous internet (3.7 percent), and third party (34.6 percent) are also recognized reporting options, although at significantly less schools.

An anonymous reporting option was found at significantly less than half of small, non-residential, non-traditional school types and only slightly above half of four-year public, four-year private nonprofit and HBCUs. While a third of schools reported the use of a third party reporting option, only 6.5 percent of schools specifically mentioned a third-party reporting option in their sexual assault materials.

Although the figures are higher for four-year public and private nonprofit institutions, less than half of the schools (44.7 percent) have policies that include statements on the legal and disciplinary system options available to students. When such statements are available, the options most often listed are filing criminal charges (91 percent), filing a complaint with the campus judicial system (88.8 percent), and deciding not to file charges (58.1 percent).

Only half of schools’ sexual assault policies list procedures for reporting a sexual assault to on-campus and/or off-campus police (46.1 and 49.1 percent respectively). The majority of four-year public (78.8 percent), four-year private nonprofit schools (54.1 percent), and HBCUs (53.3 percent) have procedures for reporting a sexual assault to on-campus police. The majority of four-year private nonprofit (59.2 percent),

two- and four-year private for-profit (74.6 percent), and Native American tribal schools (71.4 percent) have procedures for reporting to *off*-campus police.

The sexual assault policies for about 1 in 3 IHEs contain a statement concerning the importance of victims obtaining a (forensic) medical examination, and about 4 in 10 schools had a statement concerning the importance of preserving evidence that a sexual assault had transpired. Again, four-year public schools were higher than other institutions, with 6 in 10 providing such information. Of schools that did provide steps on how to preserve evidence, a majority of the schools' policies (61.3 percent) detailed specific steps for victims to take, such as not cleaning up the area in which the victimization took place, not bathing, and not changing clothes.

**Issue V: The Resources Available on Campus and Within the Community for Victims' Safety, Support, and Medical Treatment and Counseling, Including How Well the Resources are Articulated to Sexual Assault Victims and the Campus at Large**

Less than half of IHEs report providing new students with sexual assault awareness education.

Less than half of any type of school provides an acquaintance rape prevention program.

57.8 percent of schools notify victims of the availability of on- and off-campus counseling, medical treatment, or other student services in their published documentation. Schools listed student counseling (70.2 percent), campus law enforcement (62.8 percent), the dean's office (48.7 percent), student health services (47.7 percent), and campus housing services (28.1 percent) as on-campus resources provided to student victims of sexual assault. Of those that mentioned off-campus resources (33.4 percent), the most commonly noted resources were rape crisis centers (70.2 percent), police agencies (65.8 percent), medical services (56.4 percent), women's centers (26.3 percent), mental health services (26.1 percent), and victim advocacy offices (26.1 percent).

Roughly one quarter—though about 6 in 10 four-year public schools and 4 in 10 HBCUs—provide victim-related support services to special populations of students (e.g., living off campus, non-native English speaking, sexual minority, physically challenged, etc.).

Only 3.2 percent of schools report providing victims with legal support, such as access to legal services, or even a student law clinic. In four-year public institutions, the percentage is three times higher, but the proportion furnishing legal assistance is still less than 1 in 10 schools.

**Issue VI: Policies and Practices that May Prevent or Discourage Reporting of Campus Sexual Assaults**

Underreporting by campus sexual assault victims stems from a combination of individual, institutional and socio-cultural factors.

While stranger-rape myths have been largely eradicated throughout society, acquaintance rape myths have only recently begun to be challenged. Student victims of rape by someone they know fear that people will hold them responsible for their own criminal victimization--and are far less likely to report their victimization to campus or criminal authorities than victims raped by a strangers on their campus.

When acquaintance rape victims name their experience "rape," they are often naming a classmate or friend a "criminal"—a "rapist." Such labeling requires a radical redefinition of their previous relationship in a way that politicizes that relationship. Avoiding this process is one reason student sexual assault victims neither name nor report the crime they suffered.

IHEs unintentionally condone victim-blaming when they circulate materials that focus primarily on the individual victim's responsibility to avoid sexual assault without balancing this risk management information with prevention education targeted toward men that stresses the perpetrator's responsibility for committing the crime.

Any policy or procedure that compromises, or worse, eliminates the student victim's ability to make her or his own informed choices about proceeding through the reporting and adjudication process—such as mandatory reporting requirements that do not include an anonymous reporting option or require the victim to participate in the adjudication process if the report is filed—not only reduces reporting rates but may be counterproductive to the victim's healing process.

Confidentiality issues—that is how information regarding the student's victimization will circulate—function as significant barriers to reporting and following through with adjudication on campus. Policies or procedures which students, moreover student victims, perceive as a risk to their ability to control information about their victimization experience function as barriers to the reporting and adjudication of the crime. For example, the establishment of reporting Memorandums of Understanding between a school and its local prosecutor's office that preclude the victim's consent to release her or his name.

Seeking to avoid a lengthy adjudication process—whether in the campus or the criminal justice system—that threatens to dominate the victim's college experience is one way some victims begin to assert control over their lives to begin healing from their rape trauma.

The victim's lack of belief in the system that the perpetrator, especially acquaintance rapists, will be punished, functions as a barrier to reporting. Institutional-level aspects of this perception are complex. Increased attempts made by campus judicial systems—or the legal system—to investigate and adjudicate an allegation, and subsequently punish a perpetrator, exacts an unavoidable cost on victims. The more schools try to punish perpetrators of sexual assault, the more likely it is that they will be sued civilly and forced—as they have been—to give perpetrators more due process. Due process, however, is the very thing that exacts costs on victims of sexual assault, because it treats the perpetrator as an “equal” party in the complaint (with the IHE functioning as neutral arbiter). Forensic evidence collection may thereby be crucial in providing the victim evidence corroborating her or his account of the events.

### **Issue VII: Policies and Practices Found Successful in Aiding the Report and any Ensuing Investigation or Prosecution of a Campus Sexual Assault**

The most commonly mentioned policies and practices thought to facilitate reporting of sexual assault and participation in the investigation and adjudication process include

- provisions for confidential reporting,
- provisions for anonymous reporting,
- written law enforcement protocols for responding to reports,
- coordinated crisis response across campus and community,
- forensic medical evidence collection by trained and certified forensic nurses, such as sexual assault nurse examiners,
- on-campus victim assistance services office,
- sexual assault peer educators, and
- first year and new student orientation programs.

## **Issue VIII: On-Campus Procedures for Investigating, Adjudicating and Disciplining Perpetrators of Sexual Assault**

The main findings here are that although the majority of schools report the use of some form of formal grievance procedure, the majority of sexual assault cases reported to campus administrators and/or law enforcement officials are dealt with, at the victim's request, through binding administrative actions (such as establishing "no-contact" orders and changing residences and classes). In the small percentage of complaints that do receive formal review by campus adjudication boards, the hearing processes utilized vary widely.

Over 7 in 10 schools report that they have "disciplinary procedures," a "judicial system," "grievance procedures," or some similarly named adjudication process, although they are less likely to be found in nonresidential, for-profit and in less-than-two-year IHEs.

Almost 6 in 10 schools provide students with information as to the existence of a process that a student could use to file a written complain concerning an alleged sexual assault. Whereas four-year public (77.6 percent), HBCUs (74.3 percent) and four-year private nonprofit (72.9 percent) are more than likely to provide such an option, less-than-two-year public nonprofit (10.7 percent) and two and four year private for profit schools (14 percent) provide student victims this option.

Almost half of four-year public schools utilize an "investigation stage" to gather evidence in order to substantiate or dismiss the complaint; only about one quarter of all IHEs demarcate an investigation stage.

Only 1 in 4 schools report using written protocols to coordinate the investigation efforts of campus and local law enforcement, although this figure is twice as high for four-year public and HBCUs.

Student judicial committees use a variety of hearing processes. Hearing boards may contain as few as a single board member and as many as 24. The 'burden of proof' ranges from 'preponderance of the evidence' to 'beyond a reasonable doubt.'

Only 52.6 percent of schools' policy materials mention that the complainant will be notified of the procedures that will be used in, and the outcome of, the complaint. The majority of IHEs (61.9 percent) with a disciplinary process notify the accused of the existence and nature of a complaint filed against them.

Due process procedures for the accused are utilized at only 37.3 percent of IHEs.

In 2000-2001, the bulk of cases of acquaintance rape involving college students were largely resolved out of court and never formally reported to criminal justice personnel.

## **Issue IX: The Types of and Procedures for Punishment for Offenders**

For students found responsible for violating the school's code of conduct and/or found guilty of rape or sexual assault, sanctions range from loss of privileges to expulsion.

Of the schools with a disciplinary process, the most common sanctions employed by a school are expulsion (84.3 percent), suspension (77.3 percent), probation (63.1 percent), censure (56.3 percent), restitution (47.8 percent), and loss of privileges (35.7 percent).

The most common penalties employed by four-year institutions include expulsion, suspension, counseling, and administrative no-contact orders. Only a minority of institutions impose sanctions on fraternities and athletic teams.

## MAIN CONCLUSIONS FROM THIS STUDY

The main conclusions from this investigation include:

- There are no standard institutional or state definitions of “sexual assault” and “rape.” No matter which definitions are used, the majority of student victims do not define their experience of rape as a crime.
- Only 36.5 percent of schools reported crime statistics in a manner fully consistent with the *Clery Act* which requires the reporting of forcible and non-forcible rape and sexual assault in Annual Security Reports (ASRs).
- Whereas about 3 in 4 traditional four-year public schools, four-year private nonprofit schools, and HBCUs provide information on the process to file a written complaint alleging sexual assault, only slightly more than 1 in 10 small, non-residential, for profit schools provide students with such information.
- IHEs utilize a variety of options to report sexual assaults and rapes on campus: confidential (84.3 percent), anonymous (45.8 percent), anonymous internet (3.7 percent), and third party (34.6 percent).
- Active support from friends is the primary factor that distinguishes victims who report the crime to campus and/or local authorities from those who remain silent. Yet, less than half of all IHEs provide new students with sexual assault awareness education; less than half of all IHEs provide students with acquaintance rape prevention programming.
- Only 37.6 percent of IHEs require sexual assault sensitivity training for campus law enforcement/security officers, although this training is fairly standard at four-year public schools and HBCUs.
- Only 40 percent of schools provide students with sexual assault response training (e.g., resident hall assistants and student security officers).
- Any policy or procedure that compromises, or worse, eliminates the victim’s ability to make her or his own choices about proceeding through the reporting and adjudication process--such as mandatory reporting requirements without an anonymous reporting option--not only reduces reporting rates but may be counter-productive to the victim’s healing process.
- Recognition of anonymous reporting, use of written law enforcement protocols for responding to sexual assault reports, coordination of crisis response procedures, access to forensic medical evidence collection, and sexual assault peer education are widely perceived by administrators, victim advocates, law enforcement officers and students activists to be strategies that facilitate the reporting of sexual assaults on campus.
- Roughly one quarter--though about 6 in 10 four-year public schools and 4 in 10 HBCUs--provide victim-related support services to special populations of students (e.g., non-native English speaking, living off-campus, sexual minority, physically challenged).
- Due process procedures for the accused are utilized at only 37.3 percent of IHEs.
- The most common penalties employed by four-year (residential) institutions include expulsion, suspension, and administrative actions such as no-contact orders. Only a minority of IHEs impose sanctions of fraternities and athletic teams.

## RECOMMENDATIONS

Based on these study findings, we offer two types of recommendations: those aimed at providing support to IHEs and in creating comprehensive sexual assault policies that are specific to their school type, and those that suggest areas in need of further examination.

- Develop Guidelines for Meeting *Clery Act* Reporting Mandates.
- Develop a Model Sexual Assault Policy Manual.
- Develop a Model Sexual Assault Education Pamphlet for Students.
- Develop a Set of Model Services for Victims of Campus Sexual Assault.
- Design Policies and Protocols That Prioritize Victims' Needs.
- Investigate Barriers and Facilitators to Victim's Ability to Identify Rape as Crime.
- Investigate Ethnic and Other Cultural Factors in Campus Sexual Assault.
- Evaluate Policies Perceived to Be Barriers or Facilitators to Reporting.

These findings and recommendations should be useful not only to legislators and campus leaders, but also to a wide range of criminal justice professionals, health and mental health service providers, women's and victims' advocates. As the study findings are applied by IHEs to improve sexual assault prevention, response and reporting efforts, and recommendations are adapted by national educational funding agencies, students—in fact, all citizens—will benefit from safer learning environments at the nation's institutions of higher education.

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**Introduction**

**A NATIONAL BASELINE INVESTIGATION OF CAMPUS  
SEXUAL ASSAULT POLICIES**

On November 1, 1999, the National Institute of Justice awarded a grant to Education Development Center, Inc., and its partners (University of Cincinnati and Police Executive Research Forum) to carry out a Congressionally mandated study of the responses of institutions of higher education (IHEs) to reports of campus sexual assaults.

Under Public Law 105-244, Congress specifically mandated that nine issues be addressed in this ground-breaking research. These issues cover a range of efforts, spanning from prevention programs to victim support services; reporting and adjudication policies, procedures, and practices; and perceived facilitators of and barriers to reporting and adjudication follow-through in campus judicial and criminal courts. The IHEs included in this research represent an enormous array of institutional types: universities, baccalaureate colleges, two-year and community colleges, graduate and professional schools, trade and technical schools, nursing and allied health schools, Bible colleges and seminaries, and other postsecondary schools, such as cosmetology and business schools. Implementation of these prevention, reporting, support, and adjudication activities involves both campus administration efforts and significant community involvement.

The sheer breadth and complexity of these mandates has demanded a rigorous, ambitious, and multifaceted research design. To comprehensively investigate this wide array of issues and institutional contexts, we triangulated our method. Quantitative analysis of written policy materials (e.g., annual security report, student code of conduct) and a survey of campus administrators of a national sample (n = 2438) of Title IX-funded IHEs, qualitative analysis of field research at eight colleges and three electronic focus groups, and legal analysis of state statutes and relevant case law were conducted for this investigation.

This Report to Congress offers a baseline look at how the nation's postsecondary IHEs are responding to reports of sexual assault when made by students on their campuses. Our investigation identified strengths, weaknesses, and basic and promising practices employed by schools. Finally, we make recommendations regarding prevention efforts, reporting policies and practices, investigation protocols, and adjudication of allegations of rape and sexual assault on campus.

Given the wide scope of the Congressional mandate for this research, we focused our investigation on reporting and response policies aimed toward students (rather than students, staff, and faculty) who have experienced rape and other forms of sexual assault. As previous national-level research on college populations has repeatedly demonstrated, students—females, in particular—face a high risk for victimization with the greatest risk posed by other students, that is, friends, classmates, and dating partners, both past and current, as opposed to strangers (Fisher, Cullen, & Turner, 2000; Fisher, Sloan, Cullen, & Lu, 1998; Koss, Gidycz, & Wisniewski, 1987). This finding is especially important as prevention and response strategies are founded on an accurate definition of the problem.

In defining and responding to the problem of campus sexual assault, IHE administrators must balance a number of perspectives: Federal and state mandates, the demand for increased campus safety by students and their parents, and their own educational missions. Given the variety of IHEs and missions and the breadth of student safety legislation during the 1990s (i.e., the 1990 *Student Right to Know Act*, the 1992 *Student Bill of Rights Act*, and the 1998 *Clery Act*), IHEs require guidance in negotiating and fulfilling these needs. This investigation provides much-needed baseline information as to the compliance of the nation’s IHEs with these regulations and offers recommendations on coordinating efforts to assist schools in increasing their responsiveness to student victims of sexual assault.

Finally, a note on terminology used throughout the report. We use the phrase “rape and other forms of sexual assault” and through the report. “Rape” is defined federally and by state statute as a set of crimes that constitute non-consensual forcible or non-forcible sexual penetration (e.g., unwillful forcible vaginal intercourse). In recent years, rape reform law has moved toward expanding the definition of rape to include various forms of sexual abuse and degrees of severity (e.g., forcible non-consensual oral intercourse, non-forcible non-consensual fondling). This expansion has taken place through the codification of multiple forms of sexual abuse in Federal and state law. The term “sexual assault” refers to a range of sexually oriented criminal acts defined federally by the Federal Bureau of Investigation (FBI) as well as by state statute (see Section 3.1.1). Rape is a form of sexual assault.

“Stranger rape,” “acquaintance rape,” and “non-stranger rape” are also used in the report. Until relatively recently, and sustained scientific scrutiny focused on the issue of rape, this crime was thought to be committed primarily by those unknown to the victim. As research began to document the frequency of rape by those known to the victim, the term “acquaintance rape” was coined to recognize the relationship between the victim and assailant. “Date rape” is one form of acquaintance rape. “Non-stranger rape” includes acquaintance rape, as well as rape by someone the victim knew intimately (such as a boyfriend).

Finally, while recognizing the controversy surrounding the use of the terms “victim” and “survivor,” we use the term “victim” throughout the report to refer to people who have been sexually assaulted. Although the term “survivor” is often used by advocates and, during the later stages of their healing process, by those who have experienced the crime, we use the term “victim” to emphasize that students victimized during their postsecondary education years have not yet had time to heal, and to further emphasize the resources needed to heal from the crime and hold the rapist accountable. The victim is referred to in gender-neutral language throughout the report since both men and women suffer from being sexually assaulted, if at differing rates of victimization. The exception to this convention is when referring to a research sample that included females only. Although a very small proportion of women perpetuate sexual assaults, the perpetrator is referred to as male throughout to emphasize the much greater level of male responsibility for this crime (Tjaden & Thoennes, 1998).

## Chapter 1

# WHAT WE KNOW ABOUT CAMPUS SEXUAL ASSAULT

### 1.1 SCOPE AND MAGNITUDE OF THE PROBLEM

During the last 15 years, the issue of sexual victimization of female students has attracted much-needed attention as the traditional image of colleges as safe havens has been challenged by highly publicized campus sexual assault trials and allegations of reports being mishandled by school officials (Bohmer & Parrot, 1993; Sanday, 1990; 1996; Warshaw, 1988). In response to public pressure, Federal legislation has mandated that IHEs grapple with—and respond to—the massive problem of young men’s sexual violence toward their coeducational peers.

Researchers consistently report in national-level studies that college students, and women in particular, face a high risk of sexual victimization (Fisher & Cullen, 1998; Fisher, Cullen, & Turner, 2000; Fisher et al., 1998; Koss, Gidycz, & Wisniewski, 1987). For example, more than one in four college-aged women report experiences that meet the legal definitions of rape or attempted rape (Koss, Gidycz, & Wisniewski, 1987), and one in five college women are raped during their college years (Fisher, Cullen, & Turner, 2000)—in most cases, by a fellow student (Fisher, Cullen, & Turner, 2000; Fisher, et al., 1998; Koss, Gidycz, & Wisniewski, 1987). Slightly more than one in eight college women were stalked by a fellow student during an academic year (Fisher et al., 1998). Sexual harassment and physical violence from an intimate partner is also widespread on college campuses (DeKeseredy & Schwartz, 1998; Paludi, 1996; White & Koss, 1991).

Contrary to cultural myths regarding sexual violence, the vast majority—from 84 to 97.8 percent—of sexual assaults are perpetrated by men known to the victim (Fisher, Cullen, & Turner, 2000; Kahn & Andreoli Mathie, 2000; Kahn, Andreoli Mathie, & Torgler, 1994; Koss, Gidycz, & Wisniewski, 1987). The Sexual Victimization of College Women study (Fisher, Cullen, & Turner, 2000) recently released by the National Institute of Justice reported that victims of rape knew their attackers as fellow classmates (35.5 percent), friends (34.2 percent), boyfriends or ex-boyfriends (23.7 percent), or acquaintances (2.6 percent). One study found that sorority sisters have experienced a significantly higher incidence of attempted rape than the general population of college women, almost half of which took place at a fraternity house (Copenhaver & Grauerholz, 1991). The more intimate the relationship (e.g., friend or ex/boyfriend versus classmate or

acquaintance), the higher the proportion of rapes that were completed as opposed to attempted without completion (Fisher, Cullen, & Turner, 2000).

A few important differences between stranger rapists and acquaintance rapists have been documented in the literature (Belknap, 1989). The primary difference is that while the stranger rapist knows that his actions are criminal and thus usually goes to some effort to hide his identity, the acquaintance rapist commits the crime in full view of someone he knows, and may even like (Schwartz & DeKeseredy, 1997). Assumptions by the victim regarding the relationship she or he has with the perpetrator—for instance, that relational intimacy is founded on an ethic of care (see Gilligan, 1982)—may disenable the victim to define the behavior of the aggressor as criminal, both during and after the experience.

The majority of people who have experienced interpersonal events that meet legal definitions of “rape” or “sexual assault” do not use these legal terms to define their experiences (Bondurant, 2001; Fisher, Cullen, & Turner, 2000; Kahn & Andreoli Mathie, 2000; Kahn, Mathie, & Toryler, 1994; Koss et al., 1988; Schwartz & Leggett, 1999). In other words, most rape and sexual assault victims do not directly or explicitly acknowledge having experienced rape, attempted rape, or sexual assault, which has serious implications for reporting the crime to the authorities as well as seeking medical treatment and professional help (Barbee, 1999; Sorenson & Brown, 1990).

Whether fully acknowledged by the victim or not, sexual assault has traumatic consequences (Karjane, 2002; Schwartz & Leggett, 1999). Victims of campus sexual assault report fear, depression, loss of control, sleep and concentration disturbances, and general disruption in their personal and academic lives (Arata & Burkhart, 1996; Paludi, 1996). Nearly a third of all rape victims develop rape-related post-traumatic stress disorder at some point in their lives (National Victims Center, 1992). Disordered eating (e.g., bulimia) and alcohol and drug abuse are dramatically higher among rape victims as compared with women who have never been raped (Dansky et al., 1997; National Victims Center, 1992).

Victims of acquaintance rape face problems specific to their assault because their assailant may have been part of their everyday lives as someone with whom they socialize, work, attend classes, or live; they may also date, or even love, this person. Victims of sexual assault at IHEs may experience increased challenges unique to the campus environment. Because students who have been raped often attend the same classes or live in the same dormitories as their assailants, they may experience the constant threat of encountering the perpetrators, which can affect their ability to put the rape behind them, feel safe, and fully engage in their own healing process (U.S. Department of Justice, 1999). Victims of campus sexual assault may also suffer academically and

may be unable to continue their education at their current school (Bohmer & Parrot, 1993; Frintner & Rubinson, 1993). Obtaining a postsecondary education should be a time for healthy risk-taking and for personal, social, intellectual, and vocational maturation. Victims of campus sexual assault face potential traumatization—the shattering of their trust in their ability to make sound judgments about the people and the world around them—at an important stage in their development. The cost of this potential loss is inestimable.

Addressing legal, policy, and program issues involving campus sexual assault can be challenging for IHEs. Many factors may influence how an IHE responds to incidents of sexual victimization and the nature of the disciplinary actions and sanctions used against student aggressors. For example, characteristics of the school (e.g., less than two-year, two-year but less than four-year, and four-year; size of enrollment; private versus public; commuter versus residential), the existence and type of campus law enforcement agencies, legal duties coupled with the school’s alcohol and drug culture, the social prominence of the Greek system on campus, the students’ demographic characteristics (gender, age, and ethnicity/race composition), and lifestyle behaviors (e.g., opportunities for binge drinking) may separately and/or collectively affect what institutions do to address sexual victimization. External forces such as state-level mandates may also dictate what must be done to address campus sexual victimization (Griffaton, 1995).

Many traditional four-year public and private colleges and universities offer a variety of educational programs (e.g., rape awareness and prevention programs, self defense) and on- and off-campus services to victims (e.g., counseling, hotlines, peer support), and have implemented security measures (e.g., card access to buildings) and improved lighting to address the risk of sexual victimization (Fisher, 1995; Fisher, 1997; Fisher & Lu, 1996). Still others have developed or improved sexual assault reporting procedures and investigative training of their public safety/law enforcement officers (see Fisher & Sloan, 1995). Some postsecondary institutions, particularly larger public and private colleges and universities, have also maintained their *in loco parentis* role by offering on-campus disciplinary procedures for sexual misconduct cases.

Despite the emergence of concern about the sexual victimization of college students, little systematic information has been published about the content of sexual assault policies and programs that currently exist in IHEs to address sexual assault on campus: through prevention, support services, reporting, investigation, and adjudication.

## **1.2 STUDENT RIGHT-TO-KNOW AND CAMPUS SECURITY ACT (*CLERY ACT*)**

Congress passed the *Student Right-to-Know and Campus Security Act* (20 U.S.C. §1092) in 1990, requiring IHEs that receive Title IV funding from the Department of Education (DOE) to

publicly disclose crime statistics and crime prevention and security policies and procedures on campus (see Appendix A). The law was amended in 1992 to require that schools afford victims of sexual assault specific basic rights, and again in 1998 to include additional reporting obligations (see Appendix B). (Because these new reporting obligations did not become effective until July 1, 2000, they are not reflected in this study.) The 1998 amendments also renamed this section of the *Higher Education Act* the “Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act” (commonly known as the *Clery Act*)<sup>2</sup>.

The provisions of these laws that most directly affect sexual assault prevention and response include the following (Sokolow, 2000, 219–220):

- A requirement that IHEs collect, publish, and distribute in an annual campus security report (ASR) to students and anyone else who is interested a comprehensive set of campus crime statistics for the previous three years, including reported forcible and nonforcible sex offenses.
- A requirement that every IHE must state in its ASR its policy on sexual assault and its disciplinary hearing procedures for sex offenses.
- A requirement that IHEs must include in the ASR a description of educational programs provided by the college to promote awareness of (acquaintance) rape, and other sex offenses.
- An affirmative statement of student rights, including the following:
  - The right of both the complainant and the accused in a campus sexual assault hearing to have the same opportunity to have others present in support or advisory capacities.
  - The right of the complainant to know the outcome of a campus hearing in which sexual assault is alleged (an amendment to the *Family Education Rights and Privacy Act* [FERPA] of 1974).
  - The right of students to be informed of their options to notify proper law enforcement authorities, including on-campus and local police, and the option to be assisted by campus authorities in notifying such law enforcement authorities, if the victim so chooses.
  - The right of students to be notified of available counseling, mental health, or student services for victims of sexual assault, both on campus and in the community.
  - The right to notification of and options for, and available assistance in, changing academic and living situations after an alleged assault incident, if so requested by the victim and if such changes are reasonably available.
- A requirement that IHEs make timely notification to the campus community of situations that pose a potential threat to student safety, when reports of such events or situations are received by any campus security authority.

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<sup>2</sup> In 1986, Jeanne Ann Clery, a college student attending Lehigh University in Pennsylvania, was raped and murdered in her dormitory room by a fellow student. Outraged at the school’s contention that it held no responsibility in her death, Connie and Howard Clery, Jeanne’s parents, began advocating around the issue of security on campus. In 1998, the amendment was renamed the *Clery Act* in honor of this work to explicitly include sexual assault in campus annual crime statistics.

- A requirement that the ASR contain procedures that students should follow if a sex offense occurs, including whom should be contacted, the importance of preserving physical evidence as may be necessary to prove criminal sexual assault, and to whom the alleged offense should be reported.

Despite the statutory mandate, IHEs vary widely on their crime data collection and reporting procedures. The General Accounting Office (GAO) found that schools have difficulty in consistently interpreting and applying the *Clery Act*'s reporting requirements, including how they decide which incidents to include in their reports, how to classify crimes, how to include incidents reported to campus officials rather than to law enforcement officers, how to interpret Federal requirements for reporting sexual offenses, and how to report data on hate crimes (GAO, 1997).

Many IHEs lack computerized crime data collection systems and standardized reporting mechanisms or forms and find it difficult to verify reports of crimes given to campus law enforcement by other reporting officials. A national sample of two- and four-year institutions aimed at assessing compliance with the *Clery Act*'s reporting requirements found that while 87 percent of the schools sampled responded to requests for information, only 37 percent sent the information required by the Act. Even among those that responded, this study found a consistent pattern of noncompliance, especially with respect to the sexual assault mandates (Fisher & Lu, 1996). In 1997, the DOE created an apparatus for reporting violations. Although the DOE has recently imposed sanctions on a few IHEs for noncompliance, no systemic attempts to mandate or track compliance have been realized.

Definitional problems contribute to the inconsistency with which sexual assault crimes are statistically reported. Defining such terms as "campus," "student," and "sexual assault" often proves challenging. For example, would the sexual assault of a student by another student at an off-campus facility be included in campus crime statistics? Would the sexual assault of a student by another student that occurred on campus but during spring break be included? In addition, reporting categories may differ to conform to state-crime classifications or other classification schema, rather than conforming to categories mandated by Federal law. Many schools are required to complete multiple crime statistic reports for the Federal Bureau of Investigation (FBI), the state, and the DOE's *Campus Security Act* mandates, possibly with differing definitional criteria for classifying crimes of sexual violence.

Reporters of campus crime argue that Federal law provides only broad guidelines and that government agencies have failed to provide direction on how best to present the data (Chronicle of Higher Education, 1999). Definitional problems are compounded by institutional reluctance to

report crimes due to fears of compromised public image or declines in enrollment and alumni giving.

### 1.3 REPORTING OF OFFENSES AND INSTITUTIONAL RESPONSE

Further complicating effective application of the *Clery Act* is underreporting of sexual assault by victims to campus or local officials (Fisher, Cullen, & Turner 2000; Fisher et al., 1998; Koss, Gidycz, & Wisniewski, 1987). Rape is “the most underreported violent crime in America” (National Victims Center, 1992). Mirroring the underreporting rate of rape in the general population, rape and sexual assault are, unsurprisingly, estimated to be the least commonly reported crimes on campus: Less than 5 percent of completed and attempted rapes experienced by college students were reported to law enforcement officials (Fisher, Cullen, & Turner, 2000; Schwartz & Leggett, 1999). As previously noted, students are far more likely to report rape by a stranger than by a trusted friend or classmate (Koss et al., 1988; Schwartz & Leggett, 1999); stranger rape represents a small fraction of the on-campus sexual assault of students.

Several categories of barriers to reporting have been noted in the research literature, including personal, situational, institutional, and socio-cultural factors. Researchers generally agree that in order for a person to report a rape or sexual assault, the person must first perceive her- or himself as having been a victim of a crime. Endorsement of “stranger rape scripts” (e.g., an unknown person surprises the victim and uses a weapon to force his victim into sexual intercourse) (Bondurant, 2001; Kahn, Andreoli Mathie, & Torgler, 1994; Karjane, 2002; Kelly, 1988; Philips, 1995), holding oneself responsible for the assault (Frazier & Seales, 1997; Schwartz & Leggett, 1999), one’s relationship to the assailant (i.e., acquaintance, intimate, stranger) (Feldman-Summers & Norris, 1984), engagement in drinking or drug use before the assault occurred (Bondurant, 2001), the degree of force used (Bachman, 1993; Kahn, Andreoli Mathie, & Torgler, 1994; Schwartz & Leggett, 1999), and whether physical injuries that warranted medical attention were sustained (Bachman, 1993) are factors that may affect the likelihood that a victim will view her or his assault as rape.

Qualitative research has found that this lack of acknowledgment relates to the incongruity between women’s ideas about rape, the ways they understand themselves as women and sexual beings, and the complexities of their personal experiences of assault (Philips, 1995). The strategies women use to name—or avoid naming—their experience as “rape” is influenced by the range of social resources women have to help them sort through these incongruencies (Karjane 2002; see also Hong, 2000).

Although national studies have documented substantial ethnic/racial differences in the incidence and prevalence rates of rape (Koss, Gidycz, & Wisniewski, 1987; National Victims Center, 1992; Rennison, 2001; Tjaden & Thoennes, 1998), only a limited literature explores post-assault responses, consequences, and barriers to reporting and help-seeking behavior among different ethnic groups (National Research Council, 1996). National-level research examining other significant factors, such as the experiences of lesbian and bisexual women, is virtually non-existent. Sexual assault research investigating social and cultural factors among women is even more limited at the campus level.

Ethnic minority women are reported, in national-level studies, to have significantly higher, and lower, prevalence rates than white women. According to the National Violence Against Women Survey, a study jointly sponsored by the Centers for Disease Control and Prevention and the National Institute of Justice, the national prevalence rate of events that meet the legal definition of rape is significantly highest among American Indian/Alaska Native women, and significantly lowest among Asian/Pacific Islander women (Tjaden & Thoennes, 1998)<sup>3</sup>. Latina women are reported to have significantly lower rape prevalence rates than non-Latina women (Tjaden & Thoennes, 1998). An earlier national-level study found that African American women were sexually assaulted at rates almost three times higher than that of white women (National Victims Center, 1992). Smaller-scale research has documented that African American women suffer a higher proportion of attempted and completed rapes by strangers with higher rates of force than white women (Neville & Pugh, 1997; Wyatt, 1992).

Rates of reporting sexual assaults to crime authorities and public agencies also vary by ethnicity, although research is limited. African American report their sexual victimization less frequently than white women do (Neville & Pugh, 1997; Wyatt, 1992). Perceived insensitivity by police to African American women because of their race/ethnicity and reluctance to report an African American man<sup>4</sup>, even a rapist, to criminal authorities because of perceived racial bias within the criminal justice system are the primary cultural specific reasons for low reporting rates (Neville & Pugh, 1997). Barbee (1999) suggests that women of color have a strong desire to avoid compounding the stigmatization they may already feel in terms of their racial or cultural identity by avoiding to seek help from mental health—including rape crisis agencies—perceived to be for the treatment of “mental illness.”

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<sup>3</sup> The authors caution, however, given the relatively small numbers of American Indian/Alaska Native and Asian/Pacific Islander women included in the sample, more research is needed to determine how much of the difference in reporting can be explained by the respondent’s willingness to report information to the interviewer and how much may be attributed to social, cultural, demographic, and environmental factors.

<sup>4</sup> The vast majority of rape and other sexual assault offenses are perpetrated intraracially (National Victim Center, 1992).

While Latina women have been found to have a lower prevalence rate of rape in their lifetimes, compared with other women (Sorenson et al., 1987; Tjaden & Thoennes, 1998), they may be less likely to acknowledge rape due to strong cultural expectations of marital fidelity and premarital virginity (Reid & Bing, 2000). Ramos Lira and her colleagues (1999) found in a qualitative study of Mexican American women that keeping silent was a persistent theme. Talking about the assault experience to family, or outsiders, “was almost inconceivable because the event was to *defraudar* (to cheat, disappoint, and/or betray) the confidence of the parents” which is to say dishonor the family thus jeopardizing one’s place in it (Ramos et al, 1999, 259).

In addition to race and ethnicity, an array of institutional-level factors have been documented as particularly salient barriers to reporting sexual assault to authorities and seeking help. Victims of sexual assault may not report the violence because they consider it a private matter, are concerned with confidentiality issues, are embarrassed, fear reprisals, and/or feel peer pressure, especially when the assailant is a prominent member of the campus community (USDOJ, 1999). In cases where victims had been drinking prior to the sexual assault, institutional policies may deter them from reporting the crime for fear that they will be sanctioned for alcohol use (Bohmer & Parrot, 1993). Victims fear may also that the judicial processes surrounding sexual assault will lead to further trauma and compound their feelings of blame for the assault (Bohmer & Parrot, 1993).

Also contributing to low reporting rates among college students may be the traditional lack of responsiveness of colleges and universities in handling complaints of sexual assault. In many cases, those who first hear complaints, such as resident advisors (RAs), faculty, staff, or other students, are not adequately trained to respond to the complaint or to make appropriate referrals (Bohmer & Parrot, 1993). While the *Clery Act* requires that institutions notify victims of available professional sexual assault services, the extent to which victims are referred to and utilize these services is unclear. According to one study, 82 percent of postsecondary institutions indicated that students and staff had access to counseling through a rape crisis center or hotline run by the community, but only 10 percent of these schools offered these services themselves (Lewis, 1997)—a finding that suggests that on-campus services are lacking.

Reports of sexual assault are rarely filed with local or campus police or taken to the criminal justice system (Fisher et al, forthcoming). Policies and procedures for campus judicial boards often fail to include closed hearings, separation of the victim from the defendant before the case is heard, and strict definitions of the behavior under question. Even in cases where the alleged student perpetrator is found responsible for the assault, punishment is often light (such as community service) and, at worst, includes expulsion from the institution (Bohmer & Parrot, 1993; Penney, Tucker, & Lowery, 2000; Potter, Krider, & McMahon, 2000).

An institution's response to sexual assault allegations is important in terms of helping victims attain justice and recover from their assault, but it also sends an explicit message that reflects the institution's attitude about what constitutes unacceptable behavior on campus (Bohmer & Parrot, 1993). Mishandled cases not only cause further trauma for the individual victim seeking justice through campus adjudication proceedings, but also create a wide-ranging ripple effect. Word of mouth and publicity surrounding mishandled cases functions to discourage other victims from reporting similar incidents, thus fostering a cultural norm within the institution that rape, never mind less invasive forms of sexual misconduct, is not an issue for which the school has "zero tolerance." Such institutional environments invite institutional negligence and due process lawsuits against the school. However, by handling cases swiftly, thoroughly, and with equity, institutions may be instrumental in empowering victims and sending a clear message to the campus community that rape—and all forms of sexual misconduct—is not nor will it ever be tolerated.

Colleges and universities, in particular, are in the unique position of being able to develop and regulate codes of student conduct—including sexual conduct—based on choice, autonomy, and respect rather than coercion or force. This goal is wholly consistent with the ultimate *raison d'être* of IHEs: to teach students and provide them with an atmosphere that is conducive, rather than hostile, to learning.

#### **1.4 PURPOSE OF THE STUDY**

Given the extent and severity of sexual assault at the nation's postsecondary institutions, improving the institutional response to this problem is necessary and should be considered a priority. Collecting information about prevention, reporting procedures, response policies, and practices and protocols for dealing with incidents of sexual assault on campus is the next step necessary to determining both the scope of the institutional response and the solutions that might best address it.

Mandated under Public Law 105-244, this study was explicitly designed to address the following issues raised in the legislation:

- I. The existence and publication of the IHE's and state's definitions of sexual assault
- II. The existence and publication of the institution's policy for campus sexual assaults
- III. The individuals to whom reports of sexual assault are given most often, and how, and the extent to which these individuals are trained to respond to the reports
- IV. The reporting options that are articulated to the victim or victims of the sexual assault, including on- and off-campus reporting and response procedures

- V. The resources available on campus and within the community for victims' safety, support, medical health, and confidentiality, including how well the resources are articulated both specifically to victims of sexual assault and generally to the campus at large, and the security of the resources in terms of confidentiality or reputation
- VI. The policies and practices that may prevent or discourage the reporting of campus sexual assaults to local crime authorities, or that may otherwise obstruct justice or interfere with the prosecution of perpetrators of campus sexual assaults
- VII. The policies and practices that have been found successful in aiding the report and any ensuing investigation or prosecution of a campus sexual assault
- VIII. The on-campus procedures for investigating and disciplining the perpetrator of a sexual assault, including the format for collecting evidence, and the format of the investigation and disciplinary procedure, including the faculty responsible for running the disciplinary procedure and the persons allowed to attend
- IX. The types of punishment for offenders, including whether the case is directed outside the institution for further punishment, and how the institution punishes perpetrators

A multifaceted, multi-method research design was developed and implemented to ensure that each issue could be adequately addressed. This design is described in Chapter 2: Research Design and Methodology.

## Chapter 2

### RESEARCH DESIGN AND METHODOLOGY

#### 2.1 RESEARCH ISSUES AND DESIGN

In its nine-issue mandate, Congress outlined a large research scope that included investigation of all components of the sexual victimization responsiveness of IHEs: prevention, education, reporting, investigating, adjudication, and disciplinary activities. A triangulated methodological design was developed to comprehensively address each issue and the series of questions that comprise each issue.

To provide an overview of the design, we offer Issue V as an example: the resources available on campus and within the community for victims' safety, support, medical health, and confidentiality, including how well the resources are articulated both specifically to victims of sexual assault and generally to the campus at large, and the security of the resources in terms of confidentiality or reputation. This issue was broken down into the following questions: (1) What services are offered? What programs are offered? (2) What campus office(s) is (are) responsible for these services? (3) How do victims get information about services and programs? How does the general campus population get this information? (4) How do victims get access to these resources? When are they available? (5) How is victim confidentiality maintained? (6) What campus-specific awareness events (e.g., Sexual Assault Awareness Day, performance of *The Vagina Monologues*) are held? How often? (see Appendix C).

Multiple forms of quantitative and qualitative data were used to address each research issue, including a content analysis of published sexual assault policy materials from a nationally representative sample of IHEs, mail surveys of campus administrators from a nationally representative sample of IHEs, field research at colleges and universities in our sample that were determined to be demonstrating "promising practices," electronic focus groups conducted with campus administrators, and legal research of state-level legislation. The sources of, collection strategies for, and type of analysis performed on each data form are described below. Table 2.1 summarizes the research methods used to address each Congressional issue.

Table 2.1  
Research Method(s) Used to Address Mandated Issues

Issue #	Content Area per Issue	Research Method				
		Content Analysis	Mailed Survey	Field Research	Legal Research	Focus Group
I	Definitions (State and IHE)	✓			✓	
II	Policies	✓				
III	Reporters		✓	✓	✓	✓
IV	Reporting Options	✓	✓	✓		
V	Resources	✓	✓	✓		
VI	Reporting Barriers		✓	✓		✓
VII	Reporting Facilitators		✓	✓		✓
VIII	Investigation and Adjudication	✓	✓	✓	✓	
IX	Sanctions	✓	✓	✓	✓	

## 2.2 SAMPLE CONSTRUCTION

The goal of the sampling design was to draw a stratified nationally representative sample from all schools that participate in Federal Title IV financial aid programs, as these are the schools to which the *Clery Act* is mandated.

The most current (1997–98) National Center for Education Statistics (NCES) data on postsecondary institutions, located in the annual Integrated Postsecondary Education Data System (IPEDS) survey, was used as the sampling frame. IPEDS is the core postsecondary education data collection program for NCES, providing a variety of data on the nation’s 10,600 public and private postsecondary institutions. It includes information about participation in Title IV financial aid programs, the level of the institution (e.g., less than two-year, two-year, and four-year, including graduate level), its Historically Black College or University (HBCU) or Native American tribal school status, its enrollment size, its locale, and its mailing address.

To ensure a representative sample from this diverse group of institutions, a two-stage sampling design was implemented (shown in Table 2.2). Stage 1 entailed selecting all Title IV-eligible schools that are tribal institutions (N = 28) and HBCUs (N = 98). This method was chosen to ensure inclusion of both tribal institutions and HBCUs in our sample, as these types of

institutions represented only a small percentage of the total number of institutions in the sample universe.

Stage 2 entailed stratifying the remainder of institutions (n = 6,607) by level of institution (four or more years, at least two years but less than four years, and less than two years) and control (public, private nonprofit, and private for-profit). Our sampling method was designed to ensure that we appropriately sampled “traditional” institutions, or those institutions that are four- or two-year institutions and either public or private nonprofit. According to a recent NCES report (Barbett, 1999), approximately 97 percent of students covered under the *Clery Act* attend these kinds of “traditional” postsecondary institutions. The remaining postsecondary institutions were grouped into three strata: (1) four-year and two-year private for-profit schools, (2) less than two-year public and private nonprofit schools, and (3) less than two-year private for-profit institutions. Within each of the resulting seven strata (see Table 2.2, below), we selected a random sample with a margin of error of approximately  $\pm 5$  percentage points.

Cell numbers were assigned to each type of institution in our sample.

Table 2.2  
Final Sampling Frame

Cell #	Institution Type	Universal Population (N)	Sample (n)
	<i>Stage 1</i>		
8	Historically Black Colleges & Universities (HBCU)	98	98
9	Native-American Tribal Schools (Tribal)	28	28
	<i>Stage 2</i>		
1	Four year (or more) public institutions	599	300
2	Four year (or more) private nonprofit institutions	1,544	398
3	Four year and two year private for-profit institutions	1,006	359
4	Two year public institutions	1,226	378
5	Two year private nonprofit institutions	340	230
6	Less than two year public and private nonprofit institutions	408	253
7	Less than two year private for-profit institutions	1,484	394
		<b>N = 6,733</b>	<b>n = 2,438</b>

The final sample was comprised of 2,438 Title IV-eligible postsecondary IHEs in the United States (including Washington, D.C., and Puerto Rico). Table 2.3 compares characteristics

of the institutions in the study sample to those from the IPEDS universe from which the sample was drawn. The proportion of institution types of the universal population and of the study sample is evidence that our sampling method was adequate to obtain a representative sample.

Table 2.3  
Comparison of Population Characteristics to Sample Characteristics

<b>Institution Type</b>	<b>Universal Population % (N)</b>	<b>Study Sample % (n)</b>
Historically Black Colleges and Universities (HBCU)	100.00% (98)	100.00% (98)
Tribal Colleges and Universities	100.00% (28)	100.00% (28)
<i>Public</i>	<b>27.62% (1,825)</b>	<b>29.33% (678)</b>
Four year or more	9.07% (599)	12.98% (300)
Two year but not more than four year	18.56% (1,226)	16.35% (378)
<i>Private Nonprofit</i>	<b>28.25% (1,884)</b>	<b>27.16% (628)</b>
Four year or more	23.37% (1,544)	17.21% (398)
Two year but not more than four year	5.15% (340)	9.95% (230)
<i>Private for Profit</i>	<b>37.69% (2,490)</b>	<b>32.57% (753)</b>
Four year or more and two year but not more than four year	15.23% (1,006)	15.53% (359)
Less than two year	22.46% (1,484)	17.04% (394)
<i>Public and Private Nonprofit</i>	<b>6.18% (408)</b>	<b>10.94% (253)</b>
Less than two year	6.18% (408)	10.94% (253)
<b>TOTALS</b>	<b>100.02% (6,607)</b>	<b>100.00% (2,312)</b>

### 2.3 DATA COLLECTION

To comprehensively investigate the wide array of issues and institutional contexts mandated by Congress in the research scope, we triangulated our data collection strategies. As such, multiple forms of data were collected and analyzed in this descriptive study. Data collection methods were contingent on the form of information to be gathered. Written policy materials (e.g., ASR, Student Code of Conduct) and a survey of campus administrators were collected for quantitative analysis. Focus group and field research data were collected for qualitative analysis.

Table 2.4 below summarizes the institutional response to the separate request for policy materials (for the content analysis) and the survey of campus administrators compared with the sample universe.

Table 2.4  
Comparison of Schools Represented in Report to Sample Universe

Type of School	Sample Total % (n)	Schools Represented in Policy Material Content Analysis % (n)	Schools Represented in Survey of Campus Administrators % (n)
Four-Year Public	100.0 (300)	88.0 (264)	54.0 (162)
Four-Year Private Nonprofit	100.0 (398)	49.2 (196)	45.5 (181)
Two-Year Public	100.0 (378)	49.5 (187)	48.9 (185)
Two-Year Private Nonprofit	100.0 (230)	33.5 (77)	42.6 (98)
Two- and Four-Year Private For-Profit	100.0 (359)	19.8 (71)	29.2 (105)
Less Than Two-Year Public and Nonprofit	100.0 (253)	32.4 (82)	37.2 (94)
Less Than Two-Year Private For-Profit	100.0 (394)	21.8 (86)	31.2 (123)
Historically Black Colleges and Universities <sup>1</sup>	100.0 (98)	45.9 (45)	44.9 (44)
Native American Colleges and Universities <sup>1</sup>	100.0 (28)	25.0 (7)	32.1 (9)
<b>Total Schools</b>	100.0 (2438)	41.6 (1015)	41.1 (1001)

<sup>1</sup> These categories contain the total population of eligible schools. Institutions were determined to be ineligible for inclusion in the study for reasons that included: (a) not being a postsecondary institution; (b) being Title IV-eligible but not participating in Title IV funding; or (c) having an invalid address.

Response rates for the survey and policy materials varied by type of institution. Policy materials from four-year public IHEs were collected for almost 90 percent of the sample; substantially less written policy information for four-year private nonprofit institutions was made available for this research. Response rates for other types of schools submitting a completed survey and policy material data remained relatively similar.

### **2.3.1 Content Analysis of Published Materials**

Two main sources of data regarding sexual assault and reporting policies were content-analyzed: the Institution of Higher Education’s Annual Security Report (ASR) and the Faculty and Student Codes of Conduct/handbooks/university rules.

The *Clery Act* mandates numerous reporting conditions on IHEs that receive Title IV funding. These institutions are required to publish a wide range of statistical information in the ASR filed annually with the Department of Education.

Faculty and Student Codes of Conduct are documents published annually by postsecondary institutions, which usually contain student and faculty life policies. These data were necessary as a supplement because the institution’s ASR might only contain information mandated by the *Clery Act* and state-level campus mandates (see discussion of statutory analysis, below). The Codes of Conduct/handbooks/university rules provide a more complete picture of institutions’ published policies and procedures in responding to campus sexual assaults.

Data from these two sources were used to collect information on components of the following issues:

- Issue I: Statistics on forcible (rape, sodomy, and sexual assault with a foreign object) and nonforcible (incest and statutory rape) sexual offenses as per the FBI’s Uniform Crime Report definition
- Issue II: A policy statement that addresses the institution’s approach to campus sexual assault, including prevention programs; procedures for reporting, investigating, and adjudicating offenses; and services for victims
- Issue IV: Procedures to be followed should a sexual offense occur and for informing the campus community of their options to notify on-campus and local police, and a policy for monitoring and recording through local police agencies any criminal activity at university-recognized student organizations that are located off campus
- Issue V: Educational programs to promote the awareness of sexual offenses; procedures to notify students of counseling, mental health, or student services to assist victims; and assistance in changing academic and living situations, as needed

Issue VIII: On-campus disciplinary procedures for alleged sexual assaults that include the rights of the accuser and accused and notification of the outcome

Issue IX: Sanctions that can be imposed should there be a finding that an on-campus sexual assault occurred

***Collection Method for Policy Material***

Four waves of data collection were employed. A letter was drafted ASRs, Student Codes of Conduct/handbooks/university rules, and all other written policy statements or procedural guides that IHEs have published to document the institutional response to campus sexual assault. After pilot-testing the letter with 160 institutions in our study sample, this letter was sent to the dean of students or president/owner of all remaining institutions in our sample. Follow-up letters were sent to the IHEs in our sample that failed to respond to our initial request (Wave 2). Wave 3 data collection efforts consisted of Internet Web site searches of non-respondent institutions. Wave 4 efforts to increase the overall response rate consisted of a telephone call to the dean of students or president/owner to request that the written material be sent.

Table 2.5 Policy Materials Response Rates per Wave of Collection<sup>1,2</sup>

Type of School	Wave 1 % (n)	Wave 2 % (n)	Wave 3 % (n)	Other <sup>3</sup> % (n)	Response Rate % (n)
Four-Year Public	61.3 (184)	17.7 (53)	8.3 (25)	0.7 (2)	88.0 (264)
Four-Year Private Nonprofit	28.4 (113)	13.6 (54)	4.8 (19)	2.5 (10)	49.2 (196)
Two-Year Public	25.4 (96)	14.3 (54)	6.6 (25)	3.1 (12)	49.5 (187)
Two-Year Private Nonprofit	20.9 (48)	7.4 (17)	3.5 (8)	1.7 (4)	33.5 (77)
Two- and Four-Year Private For-Profit	11.4 (41)	6.4 (23)	0.6 (2)	1.4 (5)	19.8 (71)
Less Than Two-Year Public and Nonprofit	18.6 (47)	7.5 (19)	1.6 (4)	4.8 (12)	32.4 (82)
Less Than Two-Year Private For-Profit	13.5 (53)	4.6 (18)	2.5 (10)	1.3 (5)	21.8 (86)
Historically Black Colleges and Universities	23.5 (23)	11.2 (11)	8.2 (8)	3.1 (3)	45.9 (45)
Native American Tribal Colleges and Universities	10.7 (3)	7.1 (2)	7.1 (2)	0.0 (0)	25.0 (7)
Total	24.9 (608)	10.3 (251)	4.2 (103)	2.2 (53)	41.6 (1015)

<sup>1</sup> One hundred forty-two (5.83%) schools sent us information indicating that they were not eligible to participate in the study.

<sup>2</sup> For 121 schools, additional information came from the school’s Web site.

<sup>3</sup> As per the cover letter to campus administrators, this information was sent to EDC with a completed survey.

### ***Instrument Development and Coding Procedures for Policy Materials***

Fifty randomly selected institutions were used in the development of the coding instrument. Four-year public and private nonprofit institutions were over-sampled because they enroll the majority of college students. Guided by the research questions and the content from these materials, a coding instrument was developed and pilot-tested by two coders with materials from an additional five schools, using an iterative process, until there was an inter-rater reliability of 1.00. The average inter-rater reliability over the five iterative stages was 0.96. Three coders were then trained over five two-hour sessions. The coding instrument is attached as Appendix D.

#### **2.3.2 Survey of Campus Administrators**

A mailed written survey of campus administrators was designed to address the following subcomponents of the mandated issues:

- Issue II: How are the school's sexual assault and reporting policies disseminated to students?
- Issue III: Who do college student victims tell if they have been sexually assaulted? What types of training do these individuals receive? Are they mandated to formally report all disclosures of sexual assault to campus law enforcement officials?
- Issue IV: What forms of reporting are available to students to report sexual assault? Are the reporting options the same for students living in university-operated housing as for students living off-campus? What provisions are there for students with physical disabilities and language difficulties, with respect to reporting and response procedure options?
- Issue V: How is information concerning resources articulated to student victims (e.g., verbally, written in some format other than the ASR, mailed) and the general campus community (e.g., posters in halls, bathrooms, Internet, school newspaper)?
- Issue VI: What current policies and procedures do administrators believe may discourage reporting or interfere with adjudication in campus and criminal justice venues?
- Issue VII: What current policies and procedures do administrators believe may encourage reporting and following through with campus adjudication and criminal justice prosecution?
- Issue VIII: What are the characteristics of campus judicial proceedings (e.g., stages of the proceedings, including any appeal process; composition of the disciplinary board/committee and training of its members about sexual assault; use of witnesses, evidence, lawyers; if the hearing is open to all or only to the parties involved; the process of communicating the outcome of the disciplinary proceeding)?

Issue IX: What sanctions are available for perpetrators of campus sexual assault?

### ***Survey Instrument Development***

A 75-item self-administered survey instrument was developed, using data from focus groups among residence life administrators, campus safety and law enforcement officials, and mental health/health care providers (see Appendix E). The instrument was divided into seven sections: Background, Campus Law Enforcement, Outreach and Access to Information and Resources, Reporting Procedures, Facilitators to Reporting, Barriers to Reporting, and Adjudication Process.

### ***Survey Collection Method***

The survey was mailed, with a self-addressed stamped envelope, to campus administrators. Our proposed electronic mailing was altered after our pilot test of this method, as we discovered that e-mail addresses were not available for more than two-thirds of the institutions in our sample, particularly smaller, non-residential schools (represented in cells 3, 6, and 7).

Two waves requesting the completion of the surveys were employed. Each wave was followed with a reminder postcard. Wave 2 data collection efforts were targeted to specific institutions: non-respondent institutions from Wave 1 and institutions with missing contact information from the initial mailing. All Native American tribal schools and a random sample of HBCUs were additionally contacted by telephone to request completed surveys. Surveys were addressed uniformly to “Dean of Students”; we addressed the dean of students or owner/president personally in those cases in which names were available.

Completed surveys were logged, coded, and entered into an ACCESS database, which was later converted to SPSS files for purposes of analysis.

### ***Survey Response Rates***

Table 2.6 below documents the response rate for each data collection wave. The overall response rate for the two waves was 41.1 percent. Rates were comparable to the rates generated for the policy materials component before the Internet search. For smaller, nontraditional schools, response rates for the survey were slightly higher than the request for written policy material.

Table 2.6  
Survey of Campus Administrators Response Rates per Wave of Collection

Type of School	Wave 1 % (n)	Wave 2 % (n)	Total % (n)
Four-Year Public	41.3% (124)	12.7% (38)	54.0% (162)
Four-Year Private Nonprofit	31.4% (125)	14.1% (56)	45.5% (181)
Two-Year Public	29.1% (110)	19.8% (75)	48.9% (185)
Two-Year Private Nonprofit	30.4% (70)	12.2% (28)	42.6% (98)
Two- and Four-Year Private For-Profit	19.2% (69)	10.0% (36)	29.2% (105)
Less than Two-Year Public and Nonprofit	19.8% (50)	17.4% (44)	37.2% (94)
Less than Two-Year Private For-Profit	18.5% (73)	12.7% (50)	31.2% (123)
Historically Black Colleges and Universities	35.7% (35)	9.2% (09)	44.9% (44)
Native American/ Tribal Colleges and Universities	17.9% (05)	17.9% (04)	32.1% (09)
Total	27.1% (661)	14.0% (340)	41.1% (1001)

### 2.3.3 Electronic Focus Groups

On-line electronic focus groups were conducted to gather qualitative data to inform the development of the survey tool (see Appendix F)<sup>5</sup>. One focus group was held for each of three groups: campus safety and law enforcement (n = 9), resident life administrators (n = 5), and student mental health/health care professionals (n ≥ 50). Focus group participants were initially asked to discuss to whom students disclose and report experiences of sexual assault. They were then asked to identify institutional policies and procedures that they believe either impede or encourage reporting, investigation, and adjudication of campus sexual assaults (see Appendices H1–3).

<sup>5</sup> Electronic focus groups functioned as a moderated discussion in an on-line chat room. Logging into the chat room and posting a message constituted consent to participate in the research. To provide participants with a confidential forum in which to express their views, participants were instructed to provide a “username,” or pseudonym, which appeared on the computer screen to other participants in place of an authentic name or e-mail address. Although research staff maintained access to participants e-mail addresses and other demographic information, this information was blocked from the view of other focus group participants.

Focus group participants were recruited by various means. Health care professionals were recruited through the Student Health Services on-line mailing list operated by the American College Health Association. Campus law enforcement professionals were chosen from a list maintained by Police Executive Research Forum and individually invited via e-mail. Resident life directors were recruited primarily by word of mouth. A notice was also posted on the DISCUSS on-line mailing list, a “members only” forum maintained by the Association for Student Judicial Affairs and the American College Personnel Association.

### **2.3.4 Field Research**

We conducted in-depth field research at campuses that were thought to have implemented “promising practices” regarding their sexual assault and reporting policies. We drew on two primary data sources for our “promising practices” determination: (1) the completed surveys we received from campus administrators and (2) the documented policies and procedures we received from IHEs.

#### ***Selection of Field Research Schools***

To identify schools in our sample thought to be exhibiting “promising practices,” we applied a multi-step process using 15 “basic” criteria, 4 “essential” criteria and 10 additional “additive” criteria. Schools were eliminated if we did not have both policy materials and a completed survey from which to conduct the promising-practices analyses<sup>6</sup>.

First, schools were screened for 15 basic criteria using the policy materials they provided. The following criteria were used:

1. The school publishes its crime statistics as per the types detailed in the *Clery Act*.
2. The school has a published sexual assault policy.
3. The school identifies the source of the sexual assault policy.
4. The school has implemented programs that specifically address sexual assault.
5. The school has added safety and security features to address sexual assault.
6. The school supplies printed information as to whom to contact if a sexual assault occurs.
7. The school has a 24-hour contact procedure.
8. The school supplies printed information that describes the steps to take to preserve evidence.

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<sup>6</sup> One school was eliminated because it was the recipient of a Violence Against Women Office (VAWO) Campus Program Grant and was expected to undergo formal evaluation.

9. The school has procedures for providing medical care.
10. The school has procedures for seeking counseling.
11. The school offers a statement of the legal and disciplinary system options available to students.
12. The school states, in its policy and elsewhere, that a reported sexual assault is kept confidential.
13. The school has internal due process procedures.
14. The school has a written procedure on how to file a complaint.
15. The school provides a description of the judicial/disciplinary/grievance procedure.

Schools that met all 15 basic criteria were then screened for four essential criteria using the campus administrator survey. Essential criteria included:

16. The school uses a team approach for responding to reports of sexual assault on campus.
17. The school has written policies for both campus law enforcement and local law enforcement agencies for responding to reports of sexual assault.
18. The school gives victims several options for reporting sexual assaults (e.g., confidential, anonymous, third-party or proxy, via an Internet site).
19. The school provides training to its campus judicial board about rape myths.

Those schools possessing essential criteria were then screened for “additive” criteria. One point was assigned for each of the “additive” criteria met, and the schools were ranked accordingly. These criteria were as follows:

1. The school requires sexual assault response training for campus security officers.
2. The school requires sexual assault response training for faculty and staff.
3. The school requires sexual assault response training for student resident assistants.
4. The school requires sexual assault response training for student security officers.
5. The respondent indicates use of policies/procedures that strongly encourage reporting (i.e., sexual assault nurse examiner program; sexual assault peer educators; infusion of sexual assault issues into the curriculum; education programs targeted at athletes; education programs targeted at Greek system members).
6. The complainant has a right to be informed of the outcome of judicial procedures.

7. The IHE indicates existence of due process elements (i.e., accused is informed of rights before the hearing; accused receives written notice of the charges prior to the hearing; accused and complainant may bring an advisor or lawyer; complainant is permitted to be present at the hearing; accused has the right to challenge hearing panel members concerning impartiality/conflict of interest; accused has the right to question and call witnesses; accused is assumed innocent until proved responsible; accused has the right to an appeal; burden of proof is clearly articulated; standard of proof is clearly articulated).
8. The school utilizes evidentiary concepts in its adjudication process (i.e., names of witnesses are made available to the opposing party prior to the hearing; the state's rape shield laws or their equivalent are applied to the proceedings; hearsay evidence is not allowed; complainant may make a "victim impact statement"; formal rules of evidence apply in judicial hearings).
9. The school applies fraternity sanctions.
10. The school applies athletic team sanctions.

The schools were then ranked by score on the additive criteria and sorted by type of school (public versus private, four-year versus two–four-year, etc.) and geographic location. We chose to exclude private for-profit schools and less-than-two-year schools (whether public or private—cells 3, 6, and 7). While these institutions constitute a large number of the postsecondary schools in the country, they serve only a tiny fraction of the student population. Response rates were lowest in these categories of schools and, furthermore, none emerged with promising practices on either the policy materials or survey screens. In addition, we regrettably excluded Native American tribal schools from the field research component due to a low response rate and an inability to identify promising practices among IHEs in this category.

### ***Recruitment Procedures and Response Rate for Field Research***

Institutions selected by the research team as "promising practices" schools were mailed letters explaining their selection and requesting site visits. Letters were followed up by telephone calls. Initially, 10 schools identified through our analysis of Wave 1 data were contacted: 3 four-year public (cell 1), 3 four-year private nonprofit (cell 2), 1 two-year public (cell 4), 1 two-year private nonprofit (cell 5), and 2 HBCUs (cell 8). Six of the 10 schools rejected participation in the site visits. Reasons for the rejection ranged from the explicit (i.e., "We're currently in the midst of a sexual harassment lawsuit") to the passive (e.g., simply not returning telephone calls to schedule the visit for upwards of four months). Of the six schools identified through analysis of Wave 2 data, two declined to participate in the field research component of the study.

In total, eight schools participated in the field research:

Four-year public

- Central Washington University, Ellensburg, Washington
- Oklahoma State University, Stillwater, Oklahoma
- University of California, Los Angeles
- University of California, Santa Cruz

Four-year private nonprofit

- Lafayette College, Easton, Pennsylvania
- Lewis & Clark College, Portland, Oregon

Two-year public

- Metropolitan Community College, Omaha, Nebraska

Historically Black Colleges and Universities

- West Virginia State College, Institute, West Virginia

***Field Research Protocol***

Three-day site visits were conducted to gather interview data at promising-practice schools. Interviews were scheduled by the school and conducted by the project director or another trained member of the research team. Field notes were written during the interviews to be coded, transcribed, and analyzed afterward. Site visit reports were written after all site visits were completed (see Appendices I1–8.)

The protocol for the field research consisted of interviewing key informants on campus and within the local community and gathering any documentation regarding their sexual assault prevention and response efforts (e.g., a residence life sexual assault report form, acquaintance rape brochures, “party drug” flyers). Interviews were designed to investigate the perspectives of those that developed and/or are implementing different aspects of the campus’s sexual assault and reporting policies, and to “flesh out” the actual practices and procedures that comprised those policies.

For example, if a school indicated that student members of the Greek system received sexual assault training, the interview conducted with the coordinator of Greek life would center on what type of training the students receive (e.g., video-based, interactive, role-playing), where it takes place, who provides the training, and general student response. Furthermore, the coordinator would be asked how many students at the school are Greek-involved, how many live in charter residences (“frat houses”), and what type of role fraternities and sororities play on campus in terms of the student social scene. The coordinator would be asked to describe the various institutional responses to a rumored, or reported, sexual assault at a fraternity party.

In addition, the site visits further explicated the functioning relationship among the four main selection criteria described above (i.e., school uses a team approach; school has written policies between campus and local law enforcement; school gives victims several reporting options; and campus judicial board members receive rape myths training). As such, whether or not students participate in the sexual assault policy development; who comprises the sexual assault response team; and the specifics of the working relationship between campus security, local law enforcement, forensic sexual assault nurse examiners (SANE), victim advocates, and campus and local rape crisis care professionals were discussed.

In-depth interviews were scheduled and conducted with school and local community officials. The protocol called for interviews with as many of the following campus personnel as possible. On average, 15 people were interviewed on campus; 29 interviews were conducted on one campus. Interviews averaged one hour in length.

- Dean of Students
- Resident Housing Administrator
- Chief of Campus Police or Campus Security
- Chair of Campus Judicial Board
- Director, Student Health Services
- Director, Counseling Center
- Director, Women’s Center
- Peer Educator(s)
- Director, Athletic Department
- Coordinator, Greek System
- Representative(s), Faith Community
- Representative(s), Campus Media
- Chief or Captain of Police
- Sexual Assault Detective
- Director, Rape Crisis Center
- Director, Victim Assistance Program
- Director, Community Hospital, Clinic and/or SANE Program
- Assistant District Attorney

### **2.3.5 Legal Research: Statutory and Case Law Review**

EDC's statutory and case law research involved a review of four principal data sources: (1) state-level sexual assault statutes, (2) campus codes of conduct related to non-stranger rape and sexual assault, and (3) reported case law. Much of this analysis involved reviewing laws and policies now available on-line. Additional information was gathered from informants at the sites and from the researchers' legal and other professional contacts at the college and university level.

Two Internet Web sites, [www.findlaw.com](http://www.findlaw.com) and [www.nesl.org](http://www.nesl.org), were important sources of information, as were the sites of Security on Campus ([www.campussafety.org](http://www.campussafety.org)) and the U.S. Department of Education's Higher Education Center for Alcohol and Other Drug Prevention ([www.edc.org/hec/](http://www.edc.org/hec/)). Security on Campus, a nonprofit organization dedicated to campus safety, maintains an on-line listing of state statutes related to campus sexual assault. The U.S. Department of Education's Higher Education Center is a national resource center for colleges and universities on alcohol, drug, and violence prevention.

## **2.4 DATA ANALYSIS**

### **2.4.1 Statistical Analysis**

Given the nature of our research questions, we performed two levels of descriptive data analysis. First, to understand the overall patterns, we examined the frequency distribution of all our variables for all the schools, and reported overall percentages for each variable. Second, to obtain a better understanding of the patterns for different types of schools, we cross-tabulated each of our variables by type of school to obtain percentages for each school. We could then compare these results to see if there were any noteworthy patterns between the nine types of schools.

### **2.4.2 Qualitative Analysis**

Field research relied extensively on interviews with campus administrators and staff and local criminal justice and medical/mental health professionals. Interviews were qualitatively analyzed. Three general principles were followed during the data analysis: (1) Multiple sources of evidence were used wherever possible, (2) a hard-copy case study database that organizes the raw data collected was created, and (3) a chain of evidence such that each conclusion could be traced back to the evidence that supported it, and the context within which those data were obtained could be established, was maintained.

The field notes were content-analyzed, a process through which we identified, coded, and categorized the information obtained through interviews and observations. Subsequently, the

analyzed notes were further analyzed to identify explanatory patterns and themes consistent with the data collected within each site and across sites. These, in turn, were used to develop the policies, protocols, practices, and underlying philosophies described in Chapter 7. Furthermore, confirmed “promising practices,” as well as practices that looked promising on paper but did not function as anticipated, are discussed in Chapter 8.

## **2.5 SCHOOLS REPRESENTED IN THE FINAL REPORT**

In Chapters 3–6, we present findings based on the data from (1) institutions for whom published materials could be analyzed, (2) institutions that responded to the survey of campus administrators, and (3) promising-practice institutions that participated in field research. Table 2.7 summarizes the numbers and types of schools represented in these findings. As can be seen, for each type of data quantitatively analyzed (survey and policy material), the three largest categories of schools were four-year public, four-year private nonprofit, and two-year public. For the content analysis of materials, 63.7 percent of the schools in the data set were from these three institutional categories. The comparable figure for the survey of campus administrators was 52.8 percent.

Table 2.7  
Schools Represented in Final Report

Type of School	Content Analysis of Published Sexual Assault Materials <sup>1</sup> % (n)	Survey of Campus Administrators % (n)	Promising Practice Field Research Schools (n)
Four-Year Public	26.0 (264)	16.2 (162)	(3)
Four-Year Private Nonprofit	19.3 (196)	18.1 (181)	(3)
Two-Year Public	18.4 (187)	18.5 (185)	
Two-Year Private Nonprofit	7.6 (77)	9.8 (98)	(1)
Two- and Four-Year Private For-Profit	7.0 (71)	10.5 (105)	
Less Than Two-Year Public and Nonprofit	8.1 (82)	9.4 (94)	
Less Than Two-Year Private For-Profit	8.5 (86)	12.3 (123)	
Historically Black Colleges and Universities	4.4 (45)	4.4 (44)	(1)
Native American Colleges and Universities	0.7 (7)	0.9 (9)	
Total	100.0 (1015)	100.0 (1001)	100.0 (8)

<sup>1</sup> These materials are those sent to us by the randomly selected schools as per our request letter. The requested materials included the respective school's (1) annual security report, (2) sexual assault policy, (3) student handbook, and (4) student code of conduct.

The study findings below are reported for each of the nine research issues—broken down into multiple research questions—articulated in Public Law 105-244.

## Chapter 3

# HOW THE NATION'S POSTSECONDARY INSTITUTIONS DEFINE AND RESPOND TO CAMPUS SEXUAL ASSAULT

### 3.1 ISSUE I: EXISTENCE AND CONTENT OF DEFINITIONS OF SEXUAL ASSAULT: FEDERAL, STATE AND INSTITUTION

There is a lack of consensus in the current sexual victimization research as to what behaviors constitute different forms of sexual assault; similar differences exist in state statutes as to the legal definitions of sexual assault and the terms used to describe it (Fisher & Cullen, 2000). Furthermore, in some institutions, campus police/security may be using the state definitions, while the campus disciplinary system uses the institutional definitions. Consequently, in addressing Issue I, we included a comparison of institutional definitions and statutory definitions.

There are three components of this task. First, each state has its own legal definition of sexual assault. Some states integrate a wide range of sex offenses within a single offense category, specifying varying degrees of seriousness; others include a number of separate offenses with no degree structure (see Searles and Berger, 1987). Second, a number of states have passed some form of campus crime legislation that mandates what information must be compiled. Some states mandate disclosing their definition of sexual assault and reporting statistics for types of sexual assault *not* included in the *Clery Act* (see Fisher, 1995; Griffaton, 1995). Finally, we compare the definitions provided in campus policies to those contained in state and Federal legislation.

#### 3.1.1 *Clery Act* Reporting Requirements and Definitions of Sex Crimes

The *Clery Act* crime classifications include murder, sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, manslaughter, arson, and violations relating to alcohol, drugs, and weapons as defined by the Uniform Crime Reporting program (UCR) of the Federal Bureau of Investigation (USOJ, 1992). The *Clery Act* further requires institutions to distinguish between forcible and nonforcible sex offenses.

The following UCR definitions apply to these discrete sex crimes:

**Forcible Rape**—the carnal knowledge of a person, forcibly and/or against that person’s will or not forcibly or against the person’s will where the victim is incapable of giving consent because of her or his temporary or permanent mental or physical incapacity (or because of his or her youth).

**Forcible Sodomy**—oral or anal sexual intercourse with another person, forcibly and/or against that person’s will or not forcibly or against the person’s will where the victim is incapable of giving consent because of his or her youth or because of his or her temporary or permanent mental or physical incapacity.

**Sexual Assault with an Object**—to use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person’s will or not forcibly or against the person’s will where the victim is incapable of giving consent because of her or his youth or because of her or his temporary or permanent mental or physical incapacity. (An “object” or “instrument” is anything used by the offender other than the offender’s genitalia.)

**Forcible Fondling**—the touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against the person’s will or not forcibly or against the person’s will where the victim is incapable of giving consent because of his or her youth or because of his or her temporary or permanent mental incapacity.

**Incest**—sexual relations with a person who is related either by blood or marriage. (Incest may occur within a marriage if the persons are related to one another within the degrees wherein marriage is prohibited by law. For example, first cousins generally cannot marry one another.)

**Statutory Rape**—nonforcible sexual intercourse with a person who is under the statutory age of consent.

The UCR further distinguishes between forcible sex offenses and nonforcible sex offenses. Forcible sex offenses, defined as “any sexual act directed against another person, forcibly and/or against that person’s will or not forcibly or against the person’s will where the victim is incapable of giving consent,” include forcible rape, forcible sodomy, sexual assault with an object, and forcible fondling. Nonforcible sex offenses, defined as “unlawful, nonforcible sexual intercourse,” include incest and statutory rape.

To determine the existence of potential discrepancies between Federal and state (and the territories Puerto Rico and the District of Columbia) definitions, relevant sections of state statutes were reviewed for their operational definitions of sexual assault offenses and compared with Federal definitions. Table 3.1 displays state definitions of sexual assault offenses broken down into categories of offense as per the UCR classification schema. As the table shows, each state has its own legal definition of specific crime acts that constitute sexual assault. Some state sexual

assault laws include more than one UCR category (e.g., the crime of rape also includes the crimes of sodomy and object penetration) while other others lack laws defining certain offenses as sexual assault crimes (e.g., forcible fondling).

Overall, states differ with UCR definitions most significantly by defining the crime of rape less conservatively and more inclusively. Whereas the UCR offers the most basic definition of rape as non-consensual forcible and non-forcible carnal knowledge, states use four increasingly inclusive definitions of rape. The UCR definition of rape is utilized by 13 states and one territory (26.9 percent). The most common statutory category defines rape more broadly to include vaginal, anal, oral and object penetration (67.3 percent). The most inclusive definition of rape, which includes fondling as well as vaginal, anal, oral and object penetration, is used by three states (5.8 percent).

We further examined the 14 states and territories that use the most conservative definition of rape. Eleven of these 14 states and territories have separate statutes defining sodomy as a separate sexual assault offense, 11 have statutes for object penetration, and 10 for fondling. Two of the 14 states and territories (Indiana and Maryland) also use an expanded definition of rape that includes sodomy and object penetration.

Among non-rape categories of sexual assault, 3 in 4 states have a statute pertaining to fondling (73.1 percent), 1 in 4 criminalize sodomy (28.8 percent) and another 1 in 5 states criminalize penetration with an object other than genitalia (21.2 percent). Among non-forcible categories of sexual assault offenses, all states and both territories examined criminalize incest and statutory rape.

The primary discrepancy between the UCR categories and sexual assault as defined by states pertains to fondling: Eleven states and Puerto Rico neglect to define fondling as a sexual assault offense. In these jurisdictions, reports of fondling may be classified as crimes of assault, battery, or assault and battery, since these crimes usually involve offensive contact or touching. In a parallel fashion, campus authorities may fail to include these offenses under the *Clery Act*.

With the exception of the category of fondling, no other discrepancies arose despite the split between states integrating their sexual offenses within a single offense category, specifying varying degrees of seriousness, and those states applying a number of separate offenses but no degree structure<sup>7</sup>. Statutory definitions appear to comply with the UCR reporting system so

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<sup>7</sup> Although not related to reporting difficulties, state rape reform efforts include making the crime of rape sex-neutral rather than sex-specific, changing the name of the crime from “rape” to “sexual assault,” and creating a hierarchy of sexual offenses rather than one all-purpose offense. Crimes of sexual assault may be graded according to whether or not sexual penetration took place, and whether there were aggravating conditions (e.g., more than one assailant; use of a weapon; physical injury; or in the commission of another felony, such as kidnapping) (Sanday, 1996; Schulhofer, 1998).

Table 3.1  
Federal and State Definitions of Sexual Assault Offenses

State	State Definitions of Rape <sup>1</sup>			FBI Uniform Crime Report Definitions					
	Rape (also includes sodomy)	Rape (also includes sodomy and object)	Rape (also includes sodomy, object, and fondling)	Rape (forcible, non-forcible, and non-consensual carnal knowledge)	Sodomy (forcible, non-forcible, and non-consensual oral or anal sexual intercourse)	Object (forcible, non-forcible, and non-consensual penetration of genital or anal opening by an object other than genitalia)	Fondling (forcible, non-forcible, and non-consensual touching of private body parts)	Incest (unlawful, non-forcible sexual intercourse)	Statutory Rape (non-forcible sexual intercourse with underage person; not necessarily separate law)
Alabama				✓	✓	✓	✓	✓	✓
Alaska		✓					✓	✓	✓
Arizona		✓					✓	✓	✓
Arkansas		✓					✓	✓	✓
California				✓	✓	✓	✓	✓	✓
Colorado				✓			✓	✓	✓
Connecticut				✓			✓	✓	✓
Delaware				✓			✓	✓	✓
District of Columbia				✓			✓	✓	✓
Florida				✓				✓	✓
Georgia				✓	✓	✓	✓	✓	✓
Hawaii				✓			✓	✓	✓
Idaho				✓	✓	✓		✓	✓
Illinois				✓			✓	✓	✓
Indiana		✓ 2		✓			✓	✓	✓
Iowa	✓							✓	✓
Kansas		✓ 3			✓ 4		✓	✓	✓
Kentucky		✓ 3			✓		✓	✓	✓
Louisiana							✓	✓	✓
Maine		✓					✓	✓	✓
Maryland		✓ 2		✓			✓	✓	✓
Massachusetts		✓					✓	✓	✓

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Table 3.1 (Cont.)  
Federal and State Definitions of Sexual Assault Offenses

State	State Definitions of Rape <sup>1</sup>			FBI Uniform Crime Report Definitions					
	Rape (includes sodomy)	Rape (includes sodomy and object)	Rape (includes sodomy, object, and fondling)	Rape (sexual intercourse common meaning: forcible, non-forcible, and non-consensual carnal knowledge)	Sodomy (forcible, non-forcible, and non-consensual oral or anal sexual intercourse)	Object (forcible, non-forcible, and non-consensual penetration of genital or anal opening by an object other than genitalia)	Fondling (forcible, non-forcible, and non-consensual touching of private body parts)	Incest (unlawful, non-forcible sexual intercourse)	Statutory Rape (non-forcible sexual intercourse with underage person; not necessarily separate law)
Michigan		✓					✓	✓	✓
Minnesota		✓			✓ 5		✓	✓	✓
Mississippi		✓						✓	✓
Missouri				✓	✓	✓	✓	✓	✓
Montana		✓					✓	✓	✓
Nebraska		✓					✓	✓	✓
Nevada		✓						✓	✓
New Hampshire		✓					✓	✓	✓
New Jersey		✓					✓	✓	✓
New Mexico		✓					✓	✓	✓
New York				✓	✓	✓	✓	✓	✓
North Carolina				✓	✓	✓	✓	✓	✓
North Dakota			✓				✓	✓	✓
Ohio		✓					✓	✓	✓
Oklahoma				✓		✓		✓	✓
Oregon				✓	✓	✓	✓	✓	✓
Pennsylvania	✓	✓			✓ 4		✓	✓	✓
Rhode Island		✓					✓	✓	✓
South Carolina		✓						✓	✓
South Dakota		✓					✓	✓	✓
Tennessee		✓					✓	✓	✓
Texas		✓						✓	✓

Table 3.1 (Cont.)  
Federal and State Definitions of Sexual Assault Offenses

State	State Definitions of Rape <sup>1</sup>			FBI Uniform Crime Report Definitions						
	Rape (includes sodomy)	Rape (includes sodomy and object)	Rape (includes sodomy, object, and fondling)	Rape (sexual intercourse common meaning: forcible, non-forcible, and non-consensual carnal knowledge)	Sodomy (forcible, non-forcible, and non-consensual oral or anal sexual intercourse)	Object (forcible, non-forcible, and non-consensual penetration of genital or anal opening by an object other than genitalia)	Fondling (forcible, non-forcible, and non-consensual touching of private body parts)	Incest (unlawful, non-forcible sexual intercourse)	Statutory Rape (non-forcible sexual intercourse with underage person; not necessarily separate law)	
Utah				✓	✓	✓	✓	✓	✓	
Vermont		✓						✓	✓	
Virginia				✓	✓	✓	✓	✓	✓	
Washington		✓						✓	✓	
West Virginia		✓					✓	✓	✓	
Wisconsin			✓					✓	✓	
Wyoming			✓					✓	✓	
Puerto Rico				✓	✓			✓	✓	

<sup>1</sup> State definition of rape includes but expands upon elements that constitute FBI definition.

<sup>2</sup> UCR definition of rape not included in state statute.

<sup>3</sup> Includes object penetration but not sodomy.

<sup>4</sup> Includes non-vaginal object penetration.

<sup>5</sup> Separate statute applies to consensual acts only.

reporting problems may be the result of other difficulties, such as reclassification of sexual offenses. For example, local police departments may apply state classifications for their reports while campus security utilize Federal classifications in their compilations. Since *Clery* mandates that IHEs include crimes committed against students off-campus and reported to local police departments as well those reported on campus in their ASRs, campus administrators in charge of collecting and maintaining crime statistics may need to review their local law enforcement agency's records and reclassify crimes thus providing more room for error.

### **3.1.2 State Campus Security and Crime Reporting Legislation**

To determine the existence of potential discrepancies between state (and the territories District of Columbia and Puerto Rico) and Federal security and reporting requirements, relevant sections of state statutes were reviewed for their provisions pertaining to campus security and crime reporting and compared with Federal requirements. As displayed in Table 3.2, 18 states currently have laws pertaining to campus security and campus crime statistics reporting. These statutory laws apply to some or all IHEs in their state, cover a range of requirements in addition to those mandated by *Clery*, as well as impose additional penalties to those incurred under Federal law for noncompliance.

Four main categories of institutions are covered in these statutory laws. The majority of states (i.e., California, Kentucky, Massachusetts, Oklahoma, Pennsylvania, Texas, Virginia, Washington, West Virginia, and Wisconsin) direct their laws to both public and private IHEs while a minority of states (Connecticut, Florida, Louisiana, and New York) mandate only public IHEs. Delaware's campus security laws pertain only to schools which receive federal financial aid funding while Georgia, Minnesota and Tennessee require only criminal justice agencies and/or IHEs with police/security departments to comply.

In terms of what is covered, statutory campus security laws include mandates for education and prevention programming, statistical reporting summaries, coordinated response efforts, and additional reporting categories as well as requirements that overlap with *Clery* mandates (e.g., maintaining a daily crime log open to the public). While these statutory requirements do require additional efforts, the requirements, on the whole, overlap with *Clery* rather than substantially differ.

Two states, California and New York, mandate a coordinated response to reports of sexual assault on campus between local and campus security and/or law enforcement authorities

**Table 3.2**  
**Provisions of the *Clery Act* and State Campus Reporting Laws**

State	Institutions Covered	Coverage	How Information Is Obtained	Penalties	Identifications/ Exemptions
The Clery Act 20 U.S.C. 1092(f)	Institutions receiving federal monies for student financial aid	<p>Institutions must publish and distribute annual security reports containing policies on: (1) crime reporting, (2) security and access to campus facilities, (3) law enforcement authority status of security personnel, including working relationship with state and local police agencies, (4) prompt and accurate reporting, (5) campus security and prevention, (6) UCR crime statistics, (7) off-campus criminal activities, and (8) drug and alcohol use;</p> <p>Timely reports to campus community on crimes considered to be a threat to students and employees reported to campus security or local law enforcement; criminal offenses categorized according to: (1) on campus, (2) in or on a noncampus building or property, (3) on public property, and (4) in residential facilities;</p> <p>Maintain a written, daily log of all reported crimes including nature, date, time, location, and disposition of complaint, if known;</p> <p>Annual reports submitted to the U.S. Department of Education who identifies exemplary policies and procedures and makes statistics available to the public; notifies Congress of noncompliance; provides technical assistance;</p> <p>Sexual assault policies developed aimed at prevention, including awareness of the crime, sanctions, procedures to follow if crime occurs, disciplinary actions, options to notify law enforcement authorities, counseling services, and housing changes.</p>	<p>Publish and distribute through appropriate publications and mailings to applicants, students, and employees;</p> <p>Daily logs open for public inspection within 2 business days</p>	Civil penalties of \$25,000 for each violation (20 U.S.C. §1094(c)(3)(B))	Disclosure of information prohibited if by law, violate victim confidentiality, jeopardize ongoing investigation or safety of an individual, cause a suspect to flee or evade detection, or result in destruction of evidence
California Calif. Educ. Code §§67380-67385 §§94380-94385	Community colleges, Calif. State U, Hastings Coll. Of Law, U. of Calif., and all colleges receiving public funds for student financial aid; Private colleges with enrollment >1000 and private vocational schools	<p>Police, campus security or safety authorities compile records on violence, hate violence, theft or destruction of property, illegal drugs, or alcohol intoxication; acts of noncriminal hate violence for which a written report has been prepared; prepare, post, and copy for distribution a campus safety plan; develop written procedures/protocols for victims' treatment and services;</p> <p>Private colleges/vocational institutions: compile records on violence, theft, or destruction of property, or illegal drugs or alcohol intoxication reported to police or campus authorities; prepare, post, and copy for distribution a campus safety plan; develop written procedures/protocols for victims' treatment and services;</p> <p>Public and private colleges: procedures, investigative authority, and geographical boundaries for violent crimes predetermined between campus police and local law enforcement</p>	<p>Public colleges: available within 2 business days after request by students, employees, admission applicants, or the media;</p> <p>Private schools: available by request from students, employees, admission applicants.</p>	Public institutions: sue for civil damages not to exceed \$1000 for failure to provide information	Reports include a crime description, characteristics of victims and offenders, except victims of sex-related crimes unless with consent of victim or victim's parent or guardian, if a minor, and not if there is pending investigation or litigation

Table 3.2  
Provisions of the *Clery Act* and State Campus Reporting Laws (Cont.)

State	Institutions Covered	Coverage	How Information Is Obtained	Penalties	Identifications/Exemptions
Connecticut Conn. Gen. Stat. §§10a-55a-55c	U. of Connecticut, Connecticut State U., and community-technical colleges	Officials of each campus (with cooperation from state police, local police departments, and special forces) prepare yearly reports according to the UCR; also include for each category of offense number of incidents reported and crime rate	Must notify, in writing, admission applicants, new employees, and students/employees annually of the availability of the report and make report available upon request	None specified	None specified
Delaware Del. Code §§9001-9007 (College and University Security Information Act)	Institutions receiving federal monies for student financial aid	Each campus complies monthly crime statistics in accordance with the UCR; annual reports published in a campus newspaper; publish information regarding campus security policies and develop written security rules, regulations, and procedures; Attorney General responsible for oversight and implementation of the laws	Reports are public record and available to any person upon request	Civil damages not to exceed \$10,000 if information not made available	None specified
Florida Fla. Stat. §§240.2682-3, 240.3815 (Florida Postsecondary Education Security Information Act)	U. of Florida, Florida State U., Florida A&M, U. of South Florida, Florida Atlantic U., U. of West Florida, U. of Central Florida, U. of North Florida, Florida Int'l U., Florida, Gulf Coast U., community colleges, and accredited, chartered or exempt private colleges	Yearly reports, prepared on data taken from the Florida Dept. of Law Enforcement Annual Report in a format prescribed by the Dept. of Education; Board of Regents and State College Board complies and conveys reports to the commissioner of education	Reports available upon request via notice from the institutions	None specified	None specified
Georgia Ga. Code Ann. §35-3-36(i)	All state criminal justice agencies	Periodic "uniform crime reports" on number, nature, and disposition of offenses submitted to the Georgia Crime Information Center for each jurisdiction	None specified	None specified	Reports may contain identification of any student victim and name of institution
Kentucky KRS Chapter 164 (eff. 7/15/00) (The Michael Minger Act)	All public and private institutions	Daily logs kept recording all crimes reported to campus security authorities or local law enforcement agencies, unless evidence of flight by suspect; logs include crime category, description of incident, date, time, and location, also known disposition of complaint, including referrals for prosecution, disciplinary proceedings, or outside investigations; also make reasonable, good-faith efforts to obtain crime reports/statistics from outside agencies; Annual report on campus safety policies/programs and crime statistics submitted to Council on Postsecondary Education; State fire marshal has jurisdiction over all private and public postsecondary institutions property; may inspect and investigate property without notice; campus security must immediately report fire or threat of fire to state fire marshal's office	Daily logs available for public inspection and via computer networks; current and prospective students notified each semester of the availability of the crime log	None specified Fines (\$500-1500) or imprisonment (30 days) or both	None specified

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**Table 3.2**  
**Provisions of the *Clery Act* and State Campus Reporting Laws (*Cont.*)**

<b>State</b>	<b>Institutions Covered</b>	<b>Coverage</b>	<b>How Information Is Obtained</b>	<b>Penalties</b>	<b>Identifications/Exemptions</b>
Louisiana La. Rev. Stat. Ann. §17-3351C	Public higher education institutions	Institutions prepare monthly crime statistics in compliance with UCR for submission to management boards which are public records; prepare written security rules, regulations, and procedures; Information about a school's security procedures and practices published in the school catalog.	None specified	None specified	None specified
Massachusetts M.G.L. ch. 6, §168C M.G.L. ch. 41, §98F M.G.L. ch. 66, §15	All public and private degree-granting institutions	Daily logs maintained by campus enforcement officers deputized by the State; institutions prepare yearly reports in compliance with UCR and submit to the criminal history system board; Certify that security policies on procedure have been made available upon request to applicants, students, or employees	Logs available for public inspection during regular business hours and at all other reasonable times; Provide notice to campuses that yearly report is available upon request by admission applicants, students, and employees	Nondisclosure results in a \$20 fine to public official refusing to honor request for information	Logs include crimes reported, responses to complaints received, names, addresses, and charges of arrested persons unless individuals are physically or mentally incapacitated
Minnesota Minn. Stat. Ann. §8.36, §13.82	U. of Minnesota Police Department (§13.32, §13.82)	Attorney general prepares yearly report to the legislature on school safety, including assessment and evaluation of existing laws and recommendations to increase safety and curb violence; Data documenting citations, arrests, incarcerations are available to the public within the originating agency unless safety risk or evidence of flight by suspect (open records law §13.82)	Upon written request, investigative data released to victim's legal representative unless release interferes with ongoing investigation (open records law §13.82)	None specified	Names, ages, and addresses of juveniles cited, arrested, or incarcerated; victims identity not revealed (open records law §13.82)
New York NY Educ. Law §355(17)	State universities	Institutional plans developed for investigating felony offenses (including sex offenses) and coordinating with local law enforcement agencies	None specified	None specified	None specified
Oklahoma Okla. Stat. Ann. Title 74, §§360-15-21 (Oklahoma Campus Security Act)	Any higher education institution	Provides for jurisdiction and authority of campus police officers; authorizes the establishment of campus police departments	None specified	None specified	None specified

Table 3.2  
Provisions of the *Clery Act* and State Campus Reporting Laws (*Cont.*)

State	Institutions Covered	Coverage	How Information Is Obtained	Penalties	Identifications/Exemptions
Pennsylvania 24 P.S. §§2502-1-2502-5 (College and University Security Information Act)	All postsecondary institutions	Yearly reports prepared for the State Police using their forms and format; notify formal applicants that reports available; file assurances with the state attesting to compliance with this chapter; Campus police/security officers keep a chronological, daily log of valid complaints, reported crimes and responses, and dispositions of charges if reasonably available; local/county or state police provide arrest information for inclusion in daily log.	Reports available upon request to admission applicants, students, and employees	Attorney general may bring an action to compel compliance	Names, addresses, and charges of persons arrested must be identified; Juveniles identified only if charged as adults.
Tennessee Tenn. Code Ann. §§49-7-2201-49-7-2206 (College and University Security Information Act)	All public and private postsecondary institutions with police or security departments	Institutions with a police or security department comprised of state, private or contract employees keep and maintain a chronological, daily log; Institutions report yearly crime statistics to state's bureau of investigation using their format; reports also include crimes against students committed within the county; publish crime statistics reports in accordance with the state publications committee's procedures; Institutions must report to appropriate law enforcement officer, if probable cause exists, students who commit or have committed class A misdemeanors or felonies on campus (2000 Tenn. Pub. Acts 542, amendment to Title 49, Chapter 7, passed 2/00).	Logs available for public inspection during regular business hours; Crime statistics reported and security policies available upon request by applicants, students, and faculty; must notify formal applicants of availability of information.	Class C misdemeanor (\$50 fine, 30 days in jail) for failure to report against any official charged with reporting responsibility	Names, addresses, and charges of arrested persons; Log may identify: reporting individuals, victims, witnesses, or suspects.
Texas Tex. Rev. Stat. Ann. §51.216	Public and private institutions (even if not supported by state funds)	All information required by the federal Campus Security Act made available to the Texas Higher Education Coordinating Board upon request	None specified	None specified	None specified
Virginia VA Code §23-9.1.1; §23-232.2	Public and private institutions	Police logs include date, time, location of offense, and description of injuries or property damaged/stolen (private and public); Private institutions authorized to establish campus police departments.	Any interested party may request a copy of the most recent report of the UCR Section filed with the State Police (public colleges); Campus police reports are open to inspection and copying during regular business hours by any citizen of Virginia, a currently registered student, or parent of registered student.	None specified	Names and addresses of persons arrested for felonies or misdemeanors involving assault, battery, or moral turpitude; Identification not required: where prohibited by law; where information is likely to jeopardize an ongoing investigation or an individual's safety; result in destruction of evidence or flight of a suspect.

Table 3.2  
Provisions of the *Clergy Act* and State Campus Reporting Laws (Cont.)

State	Institutions Covered	Coverage	How Information Is Obtained	Penalties	Identifications/Exemptions
Washington RCW 28B.10.569	Public and private institutions	Institutions with commissioned police forces submit monthly crime statistics to the association of sheriffs and police chiefs; if no commissioned police, campuses report to local law enforcement agencies; Task forces to annually examine campus security and safety issues.	Annual crime statistic reports available upon request to admission applicants, students, and employees; formal applicants must receive notification of report availability; Safety policies and procedures available upon request.	None specified	None specified
West Virginia W. Va. Code § 18B-4-5a	All institutions of higher education	Reports must contain nature, date, and location of the criminal offense and must be deemed credible (attested to and signed by victim) by the campus police or other institution officers; reports also include crimes reported to off-campus law enforcement; reports made within 24-hours off commission of the crime referred to appropriate law enforcement agency for investigation; Governing boards provide crime reporting forms and assist institutions with implementation.	Designated officials must make public within 10 days crimes (defined by the UCR).	None specified	Victim's name is not to be released; Information withheld upon certification of need to protect the investigation, but released after the arrest.
Wisconsin Wis. Code Ann. §36.11(22)	All postsecondary institutions	Annual reports submitted to the office of justice assistance in the department of administration; reports submitted to legislature; Orientation program includes oral and written information on: definitions of, and penalties for sexual assault and harassment; national, state, and campus crime statistics; victims' rights and services; protective behaviors; All students, on annual basis, to receive information provided in orientation programs; Any employed person who witnesses a sexual assault on campus or receives a report from a student about sexual assault must report to the dean of students.	None specified	None specified	None specified

While California requires the collection of all incident data on criminal and non-criminal hate violence reported to the police, Wisconsin mandates the reporting of all third-party accounts of sexual assault be reported to deans of students, and West Virginia requires that all reports must be “deemed credible”—that is attested to and signed by the victim—the most common statutory requirement is the submission of crime reporting summaries to various state agencies. Connecticut, Florida, Kentucky, Louisiana, Minnesota, Pennsylvania, Tennessee, require annual crime reports to be complied in accordance with the Federal UCR, whereas Delaware and Washington are mandated to submit monthly reports to various state agencies. Georgia requires “periodic” UCR summaries to be submitted to the Georgia Crime Information Center of each jurisdiction.

In terms of educating the student population regarding the risks and actualities of sexual assault on their campus, the most commonly legislated vehicle for this information dissemination is requiring the collection and maintenance of publicly accessible daily crime log reports. Monthly summaries are required by Delaware law to be published in the school’s newspaper of record, while Wisconsin law provides for sexual assault awareness and prevention education of all students, annually. Georgia states that reports *may* contain the identification of any victimized student. While the *Clery Act* identifies an exemption for violating victim confidentiality, there is no universal requirement to withhold the names of victims of sexual assault crimes.

Noncompliance penalties are legislated in only a third of the states with state-level campus security and reporting requirements (i.e., California, Delaware, Kentucky, Massachusetts, Pennsylvania and Tennessee). While *Clery* imposes civil penalties of up to twenty-five thousand dollars for each violation, state-level penalties are minor in comparison. Kentucky and Tennessee define failure to report the appropriate statistics or to provide information a Class C misdemeanor punishable by a fifty dollar fine and/or thirty days in jail, Massachusetts allows for a twenty dollar fine for failure to provide information upon request. Delaware imposes the steepest statutory penalties for noncompliance: civil damages not to exceed ten thousand dollars if information is not made available to any person upon request.

### **3.1.3 Institutional Definitions**

For those institutions providing sexual assault policies in response to our request for documentation, we examined what kinds of sexual assaults were specified as being covered by those policies (see Table 3.3). One-third of the schools used only a generic term in their materials such as “sexual assault” or “sexual offense,” and only 13 percent of these even defined that term (see footnote 2).

Overall, two-thirds of the schools used at least one specific term in their sexual assault policies (see footnote 2). Among types of schools, the tendency to mention specific types of sexual victimization was more common in four-year public schools, four-year private nonprofit schools, and HBCUs.

Among schools that used a specific term to describe what assaults were covered by the policy, more than 9 in 10 institutions noted explicitly that their policies covered penile-vaginal rape. More than 6 in 10 included “sexual contact” under the policy’s umbrella. About 45 percent of the institutions specifically mentioned forms of penetration other than penile-vaginal (i.e., anal or oral penetration, or vaginal penetration with something other than a penis). A majority of sexual assault policies mentioned acquaintance rape. Date rape was noted in more than one in five policies, while gang acquaintance/date rape was specified by about 1 in 20 institutions. Incest was mentioned in about 1 in 10 policies.

The findings on acquaintance and date rape, as opposed to stranger rape, are potentially salient. Specifying acquaintance rape as a separate issue focuses attention on and further reinforces the fact that rape is a crime regardless of the relationship between the perpetrator and victim. Further, research shows that the overwhelming majority of attempted and completed rapes on college campuses involve a perpetrator that the victim knows (Fisher & Cullen, 2000; Fisher, Cullen, & Turner, 2000). Accordingly, to the extent that an institution’s sexual assault policies are publicized and/or used as an educational tool on campus, the definition of “what counts” as a sexual assault is very important, particularly in light of the large number of women who have experienced acts that legally constitute rape or sexual assault but neither name nor acknowledge that they have lived through a crime. An IHE’s definition of sexual assault can help educate students on what constitutes a rape (e.g., rape is often committed by a person who the victim may know and even like, can occur in the absence of weapons, may occur when one or both parties are intoxicated). Furthermore, it sends the message to the student body that the school is receptive to reports of acquaintance and date rape.

Recent research has also noted the incidence of stalking on college campuses, with as many as 13 percent of female students being stalked in a given academic year (Fisher, Cullen, & Turner, 2000). It is noteworthy, therefore, that 97 percent of the schools that had a sexual assault policy did not mention stalking in their policies (see Table 3.4). Clearly, this is an area of victimization that institutions will need to address in their campus policies. In contrast, two-thirds of schools that had a sexual assault policy either had a separate sexual harassment policy (45.9 percent) or mentioned harassment in their policy statement (19.6 percent). Four-year public schools were most likely to have a separate sexual harassment policy.

Table 3.3  
Types of Sexual Assault Mentioned in Sexual Assault Policy<sup>1</sup>

Type of School	Types of Sexual Assault Mentioned in Sexual Assault Policy										
	Used Specific Terms <sup>4</sup>										
	Used Only Generic Term <sup>3</sup> % (n)	Penile-Vaginal Rape % (n)	Anal or Oral Penetration <sup>5</sup> % (n)	Other Forms of Vaginal Penetration <sup>6</sup> % (n)	Acquaintance Rape % (n)	Date Rape % (n)	Gang Acquaintance Rape/ Date Rape % (n)	Sexual Contact <sup>7</sup> % (n)	Incest % (n)	Other <sup>8</sup> % (n)	
All Schools	33.2 (196)	93.4 (369)	45.8 (181)	43.0 (170)	53.4 (211)	22.3 (88)	4.8 (19)	62.0 (245)	12.2 (48)	28.4 (112)	
Four-Year Public	24.9 (54)	92.0 (150)	49.7 (81)	47.9 (78)	57.1 (93)	27.6 (45)	6.1 (10)	69.9 (114)	16.0 (26)	27.0 (44)	
Four-Year Private Nonprofit	21.0 (29)	95.4 (104)	45.0 (49)	40.4 (44)	49.5 (54)	20.2 (22)	5.5 (6)	65.1 (71)	12.8 (14)	28.4 (31)	
Two-Year Public	49.5 (55)	92.9 (52)	37.5 (21)	33.9 (19)	50.0 (28)	21.4 (12)	1.8 (1)	51.8 (29)	7.1 (4)	32.1 (18)	
Two-Year Private Nonprofit	60.0 (18)	100.0 (12)	25.0 (3)	16.7 (2)	33.3 (4)	0.0 (0)	8.3 (1)	25.0 (3)	8.3 (1)	33.3 (4)	
Two- and Four-Year Private For-Profit	41.9 (13)	94.4 (17)	50.0 (9)	50.0 (9)	55.6 (10)	11.1 (2)	0.0 (0)	55.6 (10)	0.0 (0)	27.8 (5)	
Less than Two-Year Public and Nonprofit	42.9 (6)	100.0 (8)	62.5 (5)	62.5 (5)	37.5 (3)	12.5 (1)	12.5 (1)	50.0 (4)	0.0 (0)	62.5 (5)	
Less than Two-Year Private For-Profit	50.0 (14)	85.7 (12)	28.6 (4)	28.6 (4)	71.4 (10)	14.3 (2)	0.0 (0)	35.7 (5)	0.0 (0)	14.3 (2)	
Historically Black Colleges and Universities	30.0 (6)	92.9 (13)	64.3 (9)	64.3 (9)	57.1 (8)	28.6 (4)	0.0 (0)	64.3 (9)	21.4 (3)	21.4 (3)	
Native American Colleges and Universities	50.0 (1)	100.0 (1)	0.0 (0)	0.0 (0)	100.0 (1)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)	

<sup>1</sup> Data source: Content analysis of published sexual assault materials.

<sup>2</sup> Of the schools that sent a sexual assault policy, 263 schools provided a definition of at least one specific offense and 25 defined the generic term "sexual assault."

<sup>3</sup> Generic terms include "sexual offense" and "sexual assault."

<sup>4</sup> Percentages will not sum to 100 percent, as schools could have mentioned more than one type of sexual assault. The 196 schools that only used generic terms are excluded from the percentages for the nine specific types of sexual assault that schools may have mentioned in their respective sexual assault policies. Three hundred and ninety-five schools named specific types of sexual assault in their respective sexual assault policies. Note that these schools include those that (1) only used specific terms and (2) used specific and generic terms in their respective sexual assault policies.

<sup>5</sup> Anal or oral penetration by penis, mouth, tongue, fingers, and/or foreign objects are included.

<sup>6</sup> "Other Forms of Vaginal Penetration" include the use of fingers and/or foreign objects.

<sup>7</sup> "Sexual Contact" includes "unwanted touching of intimate body parts."

<sup>8</sup> The "Other" category includes such acts as voyeurism, indecent exposure, nondisclosure of HIV/STDs, and forms of homosexual behavior.

Table 3.4  
Content of Sexual Assault Policy (SAP)<sup>1,2</sup>

Type of School	Stalking Mentioned in SAP		Sexual Harassment Mentioned in SAP <sup>3</sup>		Separate Sexual Harassment Policy
	Mentioned % (n)	Not Mentioned % (n)	Mentioned % (n)	Not Mentioned % (n)	
All Schools	1.5 (9)	97.0 (573)	19.6 (116)	34.0 (201)	45.9 (271)
Four-Year Public	0.9 (2)	95.4 (207)	11.1 (24)	29.5 (64)	59.4 (129)
Four-Year Private Nonprofit	3.6 (5)	95.7 (132)	26.8 (37)	26.8 (37)	46.4 (64)
Two-Year Public	0.9 (1)	99.1 (110)	22.5 (25)	36.9 (41)	38.7 (43)
Two-Year Private Nonprofit	0.0 (0)	100.0 (30)	16.7 (5)	43.3 (13)	40.0 (12)
Two- and Four-Year Private For-Profit	0.0 (0)	100.0 (31)	32.3 (10)	54.8 (17)	12.9 (4)
Less than Two-Year Public and Nonprofit	7.1 (1)	92.9 (13)	28.6 (4)	42.9 (6)	28.6 (4)
Less than Two-Year Private For-Profit	0.0 (0)	100.0 (28)	21.4 (6)	57.1 (16)	21.4 (6)
Historically Black Colleges and Universities	0.0 (0)	100.0 (20)	20.0 (4)	35.0 (7)	40.0 (8)
Native American Colleges and Universities	0.0 (0)	100.0 (2)	50.0 (1)	0.0 (0)	50.0 (1)

<sup>1</sup> Data source: Content analysis of published sexual assault materials.

<sup>2</sup> Percentages are based on the number of schools that sent their sexual assault policies (n = 591).

<sup>3</sup> Three schools sent only their sexual harassment policies and not their sexual assault policies.

<sup>4</sup> These schools either sent us their stalking policy or mentioned in the materials they sent to us that they had a separate stalking policy.

### 3.1.4 Sources of Sexual Assault Policy

The content analysis also assessed where we were able to obtain information on the institutions' sexual assault policies (see Table 3.5). Most often, these policies were included in the school's ASR (38.6 percent)—a document that all Title IV-eligible institutions must compile per the *Clery Act*—the student handbook (19.3 percent), or both (14.6 percent). Some schools also now list these policies on their Web sites. When we could not obtain policy information through the requested materials sent to us, we searched the schools' Web sites. For 11.5 percent of the institutions, this is how we obtained information on their policies.

Again, the ASR is important because, under the *Clery Act*, Title IV-eligible institutions are required to report crime statistics, including separate statistics on forcible and nonforcible sex offenses as defined in the UCR. Of the schools that responded to our request for materials, 77.9 percent sent—as requested—their ASRs. This suggests that a large proportion of IHEs are complying with this aspect of the *Clery Act* (see Table 3.6). Though 22.1 percent of the schools did not send us their ASRs, across all nine types of schools, a majority did send us these reports.

Most schools, about 9 in 10, also met our request for crime statistics. Among the different types of schools, a large proportion—ranging from 71.4 percent to 90.5 percent—sent their crime statistics to us. Of those schools that sent us their ASRs, most often—in more than 8 in 10 schools—these statistics were contained in the report (see Table 3.6). Across the nine types of schools, a majority of them—more than 2 in 3—included their crime statistics in the ASR and thus were in compliance with the *Clery Act*.

The *Clery Act* also specifies that the past three years of crime statistics should be included in the ASR. For schools that included crime statistics in their ASRs, more than 8 in 10 also included the past years' statistics (see Table 3.7). Again, across the schools, a majority included three years of crime statistics. From the bulk of materials sent, however, we often could not determine whether these were the last three years of statistics (as mandated by the *Clery Act*) or merely three recent years of statistics, as a publishing date was not printed on the material.

In contrast, there was less apparent compliance with the *Clery Act's* stipulation that sexual offenses should be divided into “forcible” offenses and “nonforcible” offenses (Table 3.8). Only about one-third of the schools (36.5 percent) reported crime statistics in a manner that was fully consistent with the *Clery Act*. Nearly half (48.5 percent) of the four-year public schools and 43 percent of the four-year private nonprofit schools included forcible and nonforcible sexual offenses in their crime statistics.

Table 3.5  
Source of Sexual Assault Policy<sup>1</sup>

Type of School	Sent Sexual Assault Policy <sup>3</sup> % (n)	Source of Sexual Assault Policy <sup>2</sup>					
		ASR % (n)	Student Handbook % (n)	Both ASR and Student Handbook % (n)	School's Web Site <sup>4</sup> % (n)	Other <sup>5</sup> % (n)	Source Unknown <sup>6</sup> % (n)
All Schools	58.2 (591)	38.6 (228)	19.3 (114)	14.6 (86)	11.5 (68)	9.8 (58)	6.3 (37)
Four-Year Public	82.2 (217)	34.6 (75)	12.4 (27)	18.0 (39)	19.8 (43)	12.9 (28)	2.3 (5)
Four-Year Private Nonprofit	70.4 (138)	20.3 (28)	31.2 (43)	22.5 (31)	9.4 (13)	13.0 (18)	3.6 (5)
Two-Year Public	59.4 (111)	46.8 (52)	20.7 (23)	9.9 (11)	5.4 (6)	5.4 (6)	11.7 (13)
Two-Year Private Nonprofit	39.0 (30)	53.3 (16)	33.3 (10)	3.3 (1)	3.3 (1)	0.0 (0)	6.7 (2)
Two- and Four-Year Private For-Profit	43.7 (31)	71.0 (22)	6.5 (2)	6.5 (2)	0.0 (0)	3.2 (1)	12.9 (4)
Less than Two-Year Public and Nonprofit	17.1 (14)	50.0 (7)	7.1 (1)	7.1 (1)	7.1 (1)	7.1 (1)	21.4 (3)
Less than Two-Year Private For-Profit	32.6 (28)	78.6 (22)	3.6 (1)	0.0 (0)	0.0 (0)	7.1 (2)	10.7 (3)
Historically Black Colleges and Universities	44.4 (20)	25.0 (5)	30.0 (6)	5.0 (1)	20.0 (4)	10.0 (2)	10.0 (2)
Native American Colleges and Universities	28.6 (2)	50.0 (1)	50.0 (1)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)

<sup>1</sup> Data source: Content analysis of published sexual assault materials.

<sup>2</sup> Percentages are based on the number of schools that sent sexual assault policies (n = 591).

<sup>3</sup> Twenty-seven schools sent information stating that they had no sexual assault policy.

<sup>4</sup> Sexual assault policies were found on the schools' Web sites but were not a part of other documents on the site.

<sup>5</sup> "Other" includes schools that sent sexual assault policies that were not contained within other documents (including five schools that sent the policy as an attachment to their cover letter) and those that were found in educational documents that were not a part of a student handbook or annual security report.

<sup>6</sup> Schools within this category sent photocopies of sexual assault policies that were copied from a source that could not be identified.

Table 3.6  
Annual Security Report (ASR) and Reported Crime Statistics<sup>1</sup>

Type of School	Sent Requested Materials <sup>2</sup> % (n)	Source of Statistics <sup>4</sup>				
		Sent ASR % (n)	Did Not Send ASR <sup>3</sup> % (n)	Sent Statistics % (n)	Contained in ASR % (n)	Not in ASR % (n)
All Schools	100.0 (1015)	77.9 (791)	22.1 (224)	88.9 (902)	83.5 (753)	16.5 (149)
Four-Year Public	100.0 (264)	83.0 (219)	17.0 (45)	90.5 (239)	89.1 (213)	10.9 (26)
Four-Year Private Nonprofit	100.0 (196)	77.6 (152)	22.4 (44)	88.8 (174)	85.1 (148)	14.9 (26)
Two-Year Public	100.0 (187)	81.8 (153)	18.2 (34)	90.4 (169)	89.3 (151)	10.7 (18)
Two-Year Private Nonprofit	100.0 (77)	72.7 (56)	27.3 (21)	89.6 (69)	66.7 (46)	33.3 (23)
Two- and Four-Year Private For-Profit	100.0 (71)	78.9 (56)	21.1 (15)	93.0 (66)	78.8 (52)	21.2 (14)
Less than Two-Year Public and Nonprofit	100.0 (82)	59.8 (49)	40.2 (33)	75.6 (62)	72.6 (45)	27.4 (17)
Less than Two-Year Private For-Profit	100.0 (86)	84.9 (73)	15.1 (13)	94.2 (81)	81.5 (66)	18.5 (15)
Historically Black Colleges and Universities	100.0 (45)	62.2 (28)	37.8 (17)	82.2 (37)	73.0 (27)	27.0 (10)
Native American Colleges and Universities	100.0 (7)	71.4 (5)	28.6 (2)	71.4 (5)	100.0 (5)	0.0 (0)

<sup>1</sup> Data source: Content analysis of published sexual assault materials.

<sup>2</sup> This includes schools that sent at least one type of the four requested types of materials.

<sup>3</sup> This category includes one Native American College that sent communication that it had no annual security report.

<sup>4</sup> Percentages are based on the number of schools that sent their reported crime statistics (n = 902).

Table 3.7  
Number of Years Reported in Crime Statistics<sup>1</sup>

Type of School	Sent Crime Statistics as Part of Annual Security Report <sup>2</sup> % (n)	Years Reported in Crime Statistics <sup>3</sup>		
		One % (n)	Two % (n)	Three % (n)
All Schools	74.2 (753)	12.2 (92)	3.6 (27)	84.2 (634)
Four-Year Public	80.7 (213)	2.8 (6)	2.3 (5)	94.8 (202)
Four-Year Private Nonprofit	75.5 (148)	12.2 (18)	2.0 (3)	85.8 (127)
Two-Year Public	80.7 (151)	11.3 (17)	4.0 (6)	84.8 (128)
Two-Year Private Nonprofit	59.7 (46)	21.7 (10)	4.3 (2)	73.9 (34)
Two- and Four-Year Private For-Profit	73.2 (52)	21.2 (11)	7.7 (4)	71.2 (37)
Less than Two-Year Public and Nonprofit	54.9 (45)	24.4 (11)	2.2 (1)	73.3 (33)
Less than Two-Year Private For-Profit	76.7 (66)	21.2 (14)	7.6 (5)	71.2 (47)
Historically Black Colleges and Universities	60.0 (27)	14.8 (4)	3.7 (1)	81.5 (22)
Native American Colleges and Universities	71.4 (5)	20.0 (1)	0.0 (0)	80.0 (4)

<sup>1</sup> Data source: Content analysis of published sexual assault materials.

<sup>2</sup> Percentages are based on the number of schools that responded to our request for information (n = 1,015).

<sup>3</sup> Percentages are based on the number of schools that included reported crime statistics in their annual security reports (n = 753).

Table 3.8  
Sexual Offenses Included in Reported Crime Statistics<sup>1</sup>

Type of School	Includes Forcible and Nonforcible Sexual Offenses <sup>2</sup>			Defined Offenses <sup>3</sup>				
	Forcible and Nonforcible as Separate Categories <sup>4</sup> % (n)	Forcible and Nonforcible but not per Clery Act <sup>5</sup> % (n)	Only Rape or Rape and Some Other Offense % (n)	Other <sup>6</sup> % (n)	Identified Offenses Within Sexual Assault Categories <sup>7</sup> % (n)	Provided a Definition for the Sexual Assault Categories <sup>8</sup> % (n)	Both Identified and Defined Each Offense within Sexual Assault Categories % (n)	Did Not Identify or Define Offenses within Sexual Assault Categories <sup>9</sup> % (n)
All Schools	36.5 (329)	12.4 (112)	32.6 (294)	18.5 (167)	5.2 (38)	4.6 (34)	4.2 (31)	86.0 (632)
Four-Year Public	48.5 (116)	13.0 (31)	23.0 (55)	15.5 (37)	6.9 (14)	6.4 (13)	6.9 (14)	79.7 (161)
Four-Year Private Nonprofit	43.1 (75)	8.0 (14)	27.0 (47)	21.8 (38)	2.9 (4)	8.8 (12)	4.4 (6)	83.8 (114)
Two-Year Public	35.5 (60)	6.5 (11)	45.0 (76)	13.0 (22)	6.8 (10)	3.4 (5)	2.0 (3)	87.8 (129)
Two-Year Private Nonprofit	23.2 (16)	18.8 (13)	39.1 (27)	18.8 (13)	1.8 (1)	0.0 (0)	5.4 (3)	92.9 (52)
Two- and Four-Year Private For-Profit	22.7 (15)	18.2 (12)	37.9 (25)	21.2 (14)	5.8 (3)	3.8 (2)	1.9 (1)	88.5 (46)
Less Than Two-Year Public and Nonprofit	19.4 (12)	14.5 (9)	37.1 (23)	29.0 (18)	2.3 (1)	0.0 (0)	0.0 (0)	97.7 (43)
Less Than Two-Year Private For-Profit	30.9 (25)	22.2 (18)	25.9 (21)	21.0 (17)	4.7 (3)	1.6 (1)	4.7 (3)	89.1 (57)
Historically Black Colleges and Universities	24.3 (9)	8.1 (3)	45.9 (17)	21.6 (8)	0.0 (0)	3.4 (1)	3.4 (1)	93.1 (27)
Native American Colleges and Universities	20.0 (1)	20.0 (1)	60.0 (3)	0.0 (0)	40.0 (2)	0.0 (0)	0.0 (0)	60.0 (3)

<sup>1</sup> Data source: content analysis of published sexual assault materials.

<sup>2</sup> Percentages are based on the number of schools that sent reported crime statistics (n = 902).

<sup>3</sup> Percentages are based on the number of schools that used forcible, nonforcible, and/or rape categories in their reported crime statistics (n = 735).

<sup>4</sup> The Clery Act states that sex offenses should be divided into forcible sex offenses and nonforcible sex offenses.

<sup>5</sup> This category includes schools that listed forcible and nonforcible sex offenses together and schools that reported only forcible sex offenses or nonforcible sex offenses.

<sup>6</sup> "Other" includes schools that used only generic terms such as "sex offenses," "sexual assaults," and "sexual abuse."

<sup>7</sup> These schools listed the offenses that fall into categories of offenses they used. For example, they may have listed penile-vaginal rape, acquaintance rape, and gang rape as examples of forcible sex offenses.

<sup>8</sup> These schools gave a definition for the categories of sex offenses used in their reported crime statistics without listing specific offenses. For example, forcible sexual offenses may be defined as "any unwanted sexual penetration."

<sup>9</sup> These schools only listed forcible and nonforcible sex offenses. There were no examples of offenses or definitions for the categories of sexual assault.

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Often, the materials reported statistics only for rape and some other sex offense or for a general category like “sex offenses,” “sexual assaults,” or “sexual abuse.” Further, even among schools that included categories of forcible, and nonforcible offenses, or rape, most (86.0 percent) did not, in their materials, actually define what those terms meant or encompassed (see Table 3.8). Accordingly, schools may need guidance in how to develop a system for defining and reporting sex offense statistics in a manner that is in compliance with the *Clery Act*. In terms of prevention and education, the issue of providing students with definitions is particularly important given the substantial number of women who have been raped or sexually assaulted but lack, in part, the language to identify and name their experience as a crime.

### **3.1.5 Personnel Required to Submit Reports of Sexual Assault Disclosures**

The survey of campus administrators also provides relevant information about the reporting of sexual assaults. First, these administrators were asked whether campus personnel were required to contribute data on sexual assaults for purposes of the statistical summary in the ASR. Notably, more than 9 in 10 schools did require specific school personnel to do so. As can be seen in Table 3.9, those most often mandated to contribute data included the director of campus law enforcement (45.1 percent), staff of the Women’s Center (38.0 percent), campus police officers (36.4 percent), the director/owner of the school (31.3 percent), the director of residence life (28.5 percent), resident assistants (21.0 percent), and doctors and nurses (17.8 percent). Faculty and staff, by contrast, were required to submit data in fewer than 15 percent of the institutions. Across institutions, four-year public schools and HBCUs were most likely to require various personnel on campus to contribute data on sexual assaults for purposes of the ASR. At these two school types, the personnel typically included law enforcement directors or officers and directors of residence life. Although further research would be needed, it is plausible to assume that the quality of the data in the ASR could be influenced by the extent to which specific campus personnel are required to submit this data.

### **3.1.6 Reports Involving Suspected or Confirmed Use of “Date Rape” Drugs**

Administrators were questioned on whether their institutions collected statistical or anecdotal information on the use of date rape drugs for reports regarding sexual assaults. This issue emerged as important because of concern that drugs, such as Rohypnol (or “roofies”), were being used to render women in dating situations physically and mentally unable to resist an assault, or remember details afterward. As can be seen in Table 3.10, only 13.7 percent of the

administrators report that their schools collect systematic statistical information on the use of drugs in the commission of rape. This figure rises to more than one in three schools, however, for four-year public schools and HBCUs.

With regard to anecdotal evidence, the percentage of schools collecting information is higher overall, but it still is only one in five schools. Again, the four-year public schools and HBCUs were most likely to collect anecdotal information. These data suggest the need to develop a more systematic approach for the collection of information on this and related characteristics of sexual victimization on college campuses.

Also, the majority of the institutions did not discuss the nonforcible offenses of statutory rape and incest, perhaps because these offenses are less likely to be an issue for postsecondary institutions.

### **3.2 ISSUE II: EXISTENCE AND PUBLICATION OF INSTITUTIONAL POLICIES ON CAMPUS SEXUAL ASSAULT**

One of the most important tasks of this study is assessing the extent to which postsecondary institutions make their sexual assault policies accessible. However, we cannot definitively address this issue for two reasons. First, it is possible that the schools that failed to respond to our requests for materials nonetheless have a sexual assault policy. Second, for those schools that sent us materials but did not provide a sexual assault policy, it is always possible that they do, nonetheless, have one. Even so, our data are useful in furnishing a general sense of the existence and nature of the sexual assault policy statements available at postsecondary institutions.

In the content analysis of the materials forwarded to us by the institutions, approximately 6 in 10 schools (58.2 percent) sent a written sexual assault policy that was labeled “Sexual Assault Policy” or had a similar title (e.g., “Sexual Offenses Policy,” “Sexual Misconduct Policy”). Only 2.7 percent stated that they had no policies. Almost 4 in 10 did not include information on their sexual assault policies (or lack thereof). Again, we cannot say definitively whether these institutions had no policy whatsoever or simply did not send them to us, despite repeated requests. Finally, the percent of institutions sending their sexual assault policies is greater than that achieved in a 1994 study of compliance with the *Campus Security Act* among four-year IHEs in the state of Ohio (Fisher, Pridemore, & Lu, 1994), and is consistent with a more recent survey of campus sexual assault policies conducted by the Centers for Disease Control and Prevention (Potter, Krider, & McMahon, 2000).

Table 3.9  
 Personnel Required to Contribute Data on Sexual Assault for Statistical Summary Included in the ASR<sup>1</sup>

Type of School	Specific Personnel Required to Contribute Data <sup>2</sup>													
	School Requires Reporters of School % (n)	Owner/Director of School % (n)	Director of Campus Law Enforcement % (n)	Campus Police Officers % (n)	Director of Residence Life % (n)	Resident Assistants % (n)	Doctors or Nurses % (n)	Mental Health Counselors % (n)	Faculty or Staff % (n)	Women's Center Staff % (n)	Peer Educators % (n)	Clergy % (n)	Other % (n)	Don't Know % (n)
All Schools	93.2 (932)	31.3 (292)	45.1 (420)	36.4 (339)	28.5 (266)	21.0 (196)	17.8 (166)	6.5 (61)	14.9 (139)	38.0 (354)	6.1 (57)	2.7 (25)	15.2 (144)	4.3 (40)
Four-Year Public	99.4 (161)	14.9 (24)	82.6 (133)	80.1 (129)	65.8 (106)	50.9 (82)	41.0 (66)	21.7 (35)	31.7 (51)	41.0 (66)	12.4 (20)	0.6 (1)	13.7 (22)	1.9 (3)
Four-Year Private Nonprofit	94.5 (171)	12.9 (22)	63.7 (109)	39.2 (67)	55.0 (94)	42.1 (72)	21.6 (37)	5.3 (9)	18.1 (31)	38.6 (66)	8.8 (15)	8.2 (14)	15.8 (27)	5.8 (10)
Two-Year Public	92.4 (171)	11.7 (20)	46.8 (80)	45.6 (78)	13.5 (23)	9.4 (16)	12.3 (21)	5.3 (9)	17.0 (29)	38.0 (65)	3.5 (6)	0.6 (1)	18.7 (32)	4.1 (7)
Two-Year Private Nonprofit	92.7 (89)	41.6 (37)	46.1 (41)	22.5 (20)	18.0 (16)	13.5 (12)	13.5 (12)	1.1 (1)	11.2 (10)	32.6 (29)	4.5 (4)	5.6 (5)	12.4 (11)	2.2 (2)
Two- and Four-Year Private For-Profit	89.5 (94)	64.9 (61)	6.4 (6)	5.3 (5)	4.3 (4)	3.2 (3)	0.0 (0)	2.1 (2)	3.2 (3)	42.6 (40)	5.3 (5)	0.0 (0)	14.9 (14)	3.2 (3)
Less than Two-Year Public and Nonprofit	93.6 (88)	42.0 (37)	10.2 (9)	12.5 (11)	2.3 (2)	1.1 (1)	13.6 (12)	1.1 (1)	4.5 (4)	44.3 (39)	1.1 (1)	1.1 (1)	18.2 (16)	11.4 (10)
Less than Two-Year Private For-Profit	87.0 (107)	80.4 (86)	3.7 (4)	1.9 (2)	0.0 (0)	0.0 (0)	0.0 (0)	0.9 (1)	0.0 (0)	35.5 (38)	0.9 (1)	0.0 (0)	11.2 (12)	0.9 (1)
Historically Black Colleges and Universities	100.0 (44)	6.8 (3)	86.4 (38)	61.4 (27)	45.5 (20)	22.7 (10)	40.9 (18)	6.8 (3)	22.7 (10)	22.7 (10)	11.4 (5)	6.8 (3)	15.9 (7)	4.5 (2)
Native American Colleges and Universities	77.8 (7)	28.6 (2)	0.0 (0)	0.0 (0)	14.3 (1)	0.0 (0)	0.0 (0)	0.0 (0)	14.3 (1)	14.3 (1)	0.0 (0)	0.0 (0)	42.9 (3)	28.6 (2)

<sup>1</sup> Data source: Survey of campus administrators.

<sup>2</sup> Percentages are based on the number of schools that reported having personnel required to contribute data on sexual assault for the purposes of the statistical summary included in the ASR (n = 932). Percentages may not sum to 100% because schools may have had more than one required reporter.

Table 3.10  
Collection of Statistical or Anecdotal Information on the Use of "Date Rape" Drugs for Reports Regarding Sexual Assaults<sup>1</sup>

Type of School	School Collects Statistical Information <sup>2</sup>			School Collects Anecdotal Information <sup>3</sup>		
	Yes % (n)	No % (n)	Don't Know % (n)	Yes % (n)	No % (n)	Don't Know % (n)
All Schools	13.7 (134)	76.1 (745)	10.2 (100)	19.5 (190)	69.6 (679)	11.0 (107)
Four-Year Public	37.4 (58)	47.1 (73)	15.5 (24)	53.5 (83)	29.7 (46)	16.8 (26)
Four-Year Private Non-Profit	15.8 (28)	72.3 (128)	11.9 (21)	29.7 (52)	56.6 (99)	13.7 (24)
Two-Year Public	7.7 (14)	84.2 (154)	8.2 (15)	10.9 (20)	79.8 (146)	9.3 (17)
Two-Year Private Non-Profit	1.1 (1)	86.2 (81)	12.8 (12)	6.4 (6)	81.9 (77)	11.7 (11)
Two- and Four-Year Private For Profit	5.8 (6)	91.3 (95)	2.9 (3)	1.9 (2)	95.2 (100)	2.9 (3)
Less Than Two-Year Public and Non-Profit	4.4 (4)	81.1 (73)	14.4 (13)	7.8 (7)	76.7 (69)	15.6 (14)
Less Than Two-Year Private For Profit	5.7 (7)	91.8 (112)	2.5 (3)	4.2 (5)	93.3 (112)	2.5 (3)
Historically Black Colleges and Universities	34.1 (15)	47.7 (21)	18.2 (8)	34.1 (15)	47.7 (21)	18.2 (8)
Native American Colleges and Universities	11.1 (1)	77.8 (7)	11.1 (1)	0.0 (0)	88.9 (8)	11.1 (1)

<sup>1</sup> Data source: survey of campus administrators.

<sup>2</sup> There were 22 campus administrators that did not answer this question. They were not included in calculation of the percentages.

<sup>3</sup> There were 25 campus administrators that did not answer this question. They were not included in calculation of the percentages.

As seen in the first column of Table 3.11, the likelihood of sending a written policy varied considerably by type of school. Thus, four-year public and private nonprofit institutions were most likely to send a written sexual assault policy, with more than 8 in 10 and 7 in 10 schools, respectively, sending such a policy. Almost 6 in 10 two-year public schools included a written policy in the materials reviewed; the percentage of all other types of schools that sent a sexual assault policy fell below 50 percent.

These findings bring to mind the glass that is either “half full” or “half empty.” On the optimistic side, it appears that four-year public and private nonprofit institutions which are attended by a majority of postsecondary students (Barbett, 1999), have made substantial strides in the direction of developing explicit sexual assault policies. On the pessimistic side, other types of schools—smaller, for-profit, non-residential institutions—seem to be lagging behind in developing and/or making accessible these policies. Moreover, even among the four-year schools, a meaningful minority—between 18 and 30 percent—did not provide their policies in the materials sent to us. Further, it is at least plausible that nonrespondents to our request for materials would, if anything, be less likely to have sexual assault policies either in place and/or for distribution.

### **3.2.1 Policy Goals, Terms, and Coverage**

Table 3.12 contains information on three aspects of the content of the IHEs’ sexual assault policies. First, the materials forwarded were content-analyzed to determine if any attempt was made to specify the goals of the policies, for example, not tolerating sexual offenses on campus, keeping students free from physical and emotional threats from victimization, and pursuing disciplinary action against perpetrators of sexual assaults. As Table 3.12 reveals, about half of the schools’ policy materials spelled out explicit goals, with these goals being clarified most often at four-year public and private nonprofit schools and at HBCUs.

Table 3.11  
Sexual Assault Policy and Content<sup>1</sup>

Type of School	Existence of Sexual Assault Policy		
	School Sent Policy % (n)	School Did Not Send Policy <sup>2</sup> % (n)	School Stated It Has No Policy % (n)
All Schools	58.2 (591)	39.1 (397)	2.7 (27)
Four-Year Public	82.2 (217)	17.4 (46)	0.4 (1)
Four-Year Private Nonprofit	70.4 (138)	25.0 (49)	4.6 (9)
Two-Year Public	59.4 (111)	38.0 (71)	2.7 (5)
Two-Year Private Nonprofit	39.0 (30)	58.4 (45)	2.6 (2)
Two- and Four-Year Private For-Profit	43.7 (31)	54.9 (39)	1.4 (1)
Less than Two-Year Public and Nonprofit	17.1 (14)	80.5 (66)	2.4 (2)
Less than Two-Year Private For-Profit	32.6 (28)	61.6 (53)	5.8 (5)
Historically Black Colleges and Universities	44.4 (20)	51.1 (23)	4.4 (2)
Native American Colleges and Universities	28.6 (2)	71.4 (5)	0.0 (0)

<sup>1</sup> Data source: Content analysis of published sexual assault materials.

<sup>2</sup> Of these schools, we could not determine whether they have no sexual assault policy or if they merely did not send it to us.

Table 3.12  
Sexual Assault Policy and Content<sup>1</sup>

Type of School	Policy Goals <sup>2</sup>	Reference to Those who have Experienced a Sexual Assault <sup>2</sup>				Policy Coverage <sup>2</sup>		
	Goals Stated <sup>3</sup> % (n)	Only Generic Terms <sup>4</sup> % (n)	Victim % (n)	Survivor % (n)	Both Victim and Victim % (n)	Not Stated % (n)	Only Students % (n)	Students, Faculty and Staff % (n)
All Schools	49.7 (294)	17.4 (103)	67.2 (397)	3.6 (21)	11.8 (70)	47.2 (279)	11.3 (67)	41.5 (245)
Four-Year Public	56.7 (123)	15.2 (33)	62.2 (135)	5.5 (12)	17.1 (37)	49.3 (107)	14.7 (32)	35.9 (78)
Four-Year Private Nonprofit	57.2 (79)	16.7 (23)	65.2 (90)	2.9 (4)	15.2 (21)	36.2 (50)	11.6 (16)	52.2 (72)
Two-Year Public	45.9 (51)	21.6 (24)	72.1 (80)	3.6 (4)	2.7 (3)	48.6 (54)	5.4 (6)	45.9 (51)
Two-Year Private Nonprofit	33.3 (10)	20.0 (6)	76.7 (23)	0.0 (0)	3.3 (1)	70.0 (21)	10.0 (3)	20.0 (6)
Two- and Four-Year Private For-Profit	19.4 (6)	19.4 (6)	74.2 (23)	0.0 (0)	6.5 (2)	45.2 (14)	25.8 (8)	29.0 (9)
Less than Two-Year Public and Nonprofit	42.9 (6)	28.6 (4)	71.4 (10)	0.0 (0)	0.0 (0)	71.4 (10)	0.0 (0)	28.6 (4)
Less than Two-Year Private For-Profit	14.3 (4)	14.3 (4)	78.6 (22)	0.0 (0)	7.1 (2)	60.7 (17)	3.6 (1)	35.7 (10)
Historically Black Colleges and Universities	70.0 (14)	15.0 (3)	65.0 (13)	0.0 (0)	20.0 (4)	25.0 (5)	5.0 (1)	70.0 (14)
Native American Colleges and Universities	50.0 (1)	50.0 (1)	50.0 (1)	0.0 (0)	0.0 (0)	50.0 (1)	0.0 (0)	50.0 (1)

<sup>1</sup> Data source: Content analysis of published sexual assault materials.

<sup>2</sup> Percentages are based on the number of schools that sent us their respective school's sexual assault policy (n = 591).

<sup>3</sup> "Goals" were defined as stating the overall objectives of the sexual assault policy. For example, stating that the school will not tolerate sexual assault, is committed to maintaining an environment that is free from physical and emotional threat of sexual assault will pursue disciplinary action.

<sup>4</sup> Generic Terms included (1) "those who experienced a sexual assault" and (2) "anyone who has experienced a sexual assault".

Second, we assessed whether the sexual assault policies referred to those experiencing a sexual assault in general terms (e.g., “a person who”) or used descriptive terms such as “victim” or “survivor.” As Table 3.12 shows, just a little over two-thirds of the schools used the term “victim”—a usage that was prevalent among virtually all types of schools. Further, more than 8 in 10 schools combined the terms “victim” and “survivor” to describe those experiencing a sexual assault. These patterns are evident across the different types of schools.

Third, the content of the policy was analyzed to see whether it specifically stated who was covered by the policy: students, faculty, and/or staff. In about half the cases (47.2 percent), those who are encompassed by the policy was not stated. About 1 in 10 sexual assault policies made mention only of students, and about 4 in 10 policies stated that the coverage was for students, faculty, and staff (see Table 3.12).

### **3.2.2 Sexual Assault Contact Procedures**

An important feature of a sexual assault policy is whether it clearly specifies who should be contacted in the event of an assault and how this might be accomplished. Research indicates that few campus sexual offenses are reported to campus officials or to law enforcement officials outside the campus. One potential obstacle to reporting these offenses is a lack of awareness of the process by which they might be reported (see Chapter 7 for further discussion). As seen in Table 3.13, almost three-quarters of schools included post-assault contact procedures in their sexual assault policies. Almost all the schools included a telephone number for victims of sexual assault to call. Less than half of the schools that had contact procedures, however, stated that a person could be contacted 24 hours a day. This omission is noteworthy, because most sexual victimizations on college campuses occur in the evening, late at night, or early in the morning (Fisher, Cullen, & Turner, 2000). Few schools list the addresses of the contact person, but virtually all those with contact procedures do provide telephone numbers to assist in reporting a sexual victimization.

The proportion of types of schools that mentioned contact procedures ranged from 35 to 100 percent. With the exception of two- and four-year private for-profit schools and less than two-year private for-profit schools, the bulk of which are non-residential campuses, a majority of the other types of schools mentioned contact procedures.

Table 3.13  
Contact Procedures<sup>1</sup>

Type of School	Mention of Contact Procedures <sup>2</sup> % (n)	Statement of Contact <sup>3</sup>		
		24 Hours Statement for Contact % (n)	Telephone #s Provided % (n)	Contact Address(s) Provided % (n)
All Schools	71.6 (477)	44.5 (199)	99.8 (446)	29.1 (130)
Four-Year Public	82.6 (176)	55.7 (98)	100.0 (176)	40.9 (72)
Four-Year Private Nonprofit	79.3 (119)	37.8 (45)	100.0 (119)	21.0 (25)
Two-Year Public	65.7 (71)	39.4 (28)	98.6 (70)	28.2 (20)
Two-Year Private Nonprofit	66.7 (16)	50.0 (8)	100.0 (16)	12.5 (2)
Two- and Four-Year Private For-Profit	35.7 (10)	10.0 (1)	100.0 (10)	0.0 (0)
Less than Two-Year Public and Nonprofit	50.0 (15)	26.7 (4)	100.0 (15)	13.3 (2)
Less than Two-Year Private For-Profit	35.4 (17)	17.6 (3)	100.0 (17)	5.9 (1)
Historically Black Colleges and Universities	100.0 (20)	60.0 (12)	100.0 (20)	40.0 (8)
Native American Colleges and Universities	100.0 (3)	0.0 (0)	100.0 (3)	0.0 (0)

<sup>1</sup>Data source: Content analysis of published sexual assault materials.

<sup>2</sup>Percentages based on the number of schools that mentioned whom to contact (n = 624).

<sup>3</sup>Percentages based on the number of schools that had statements for whom to contact (n = 447). The percentages will not sum to 100% because schools may have listed more than one statement for contact.

## Chapter 4

### SEXUAL VICTIMIZATION AND REPORTING POLICIES

#### 4.1 ISSUE III: TRAINING OF INDIVIDUALS WHO RECEIVE AND RESPOND TO REPORTS

Before moving on to discussion of findings regarding the training of individuals who receive and respond to reports of sexual assaults on campus, victim reporting behavior needs address. As investigation of victim reporting is beyond the scope of the current investigation, this information on the reporting of sexual assaults comes from a National Institute of Justice-funded study that explored the extent of sexual victimization on college campuses (Fisher & Cullen, 1999; Fisher et al., forthcoming; Fisher, Cullen, & Turner, 2000)<sup>8</sup>. The study, based on a computer-aided telephone victimization administered in 1997 to a nationally representative sample of 4,446 female college students, measured rape and a variety of other types of sexual victimization (e.g., sexual assault, sexual coercion, sexual harassment, stalking). In an incident report, respondents who said they had been sexually victimized were asked questions about each victimization: (1) where it happened and what happened, (2) if they (or someone else) had reported it to the police, and if so, to which police agency (campus, local, sheriff, etc.), and (3) whom, in addition to the police, they may have told about their victimization.

Surveyed in 1997, the students were asked to report whether they had been sexually victimized since the school year began in the fall of 1996. The average reference period for which students were asked to recall their experiences was 6.9 months. (For details on the methodology used to measure rape and other forms of sexual victimization, see Fisher & Cullen, 1999, 2000; Fisher, Cullen, & Turner, 2000.) In all, 2.8 percent of the respondents experienced either a completed rape (1.7 percent) or an attempted rape (1.1 percent) during the academic year. Across 10 different types of victimization, 15.5 percent of the women experienced some form of sexual victimization. In all, 7.7 percent of the respondents experienced a sexual victimization involving physical force during the 6.9-month reference period.

With regard to the reporting of sexual victimization, the main finding was that few female victims reported their victimization to the police or to campus authorities (Fisher & Cullen, 2000;

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<sup>8</sup> The Fischer, Cullen and Turner study investigated women attending traditional four-year public and private colleges and universities. As such, students, specifically student victims were respondents in the Fisher study whereas the present study utilized a sample of institutions of higher education.

Fisher et al., forthcoming). Even for rape, fewer than 1 in 20 students reported the offense to the police. Only 3.2 percent of rape victims and 2.3 percent of attempted rape victims reported to campus authorities. A similar pattern of non-reporting was found for other types of victimization. The one exception was stalking; for this offense, women stalked on campus reported their victimization 14.7 percent of the time, women stalked off campus reported 16.7 percent of the time, and women stalked both on and off campus reported 20.9 percent of the time. Most often, on-campus stalking was reported to campus police, and off-campus stalking was reported to local law enforcement officials (Fisher, Cullen, & Turner, forthcoming).

One important finding emerged from this study: Although women were reluctant to report their victimization to police and campus officials, they were likely to disclose their experience to non-officials, especially friends. In two-thirds of the rape incidents, for example, female respondents disclosed their victimization to a friend or someone else (e.g., a family member). A similar pattern was found for the other types of sexual victimization (Fisher et al., forthcoming).

This finding is potentially significant because it suggests that friends, including fellow students, are likely to be called on to provide social support and give advice on whether to report a sexual victimization. In turn, this insight could affect sexual assault prevention and education programs on college campuses by revealing the importance of guiding students on what to do if a friend discloses a sexual victimization to them. Furthermore, a growing literature suggests that the reactions of those to whom a person first discloses a victimization are critical in the recovery process. Victims often respond to rape and sexual assault with high levels of self-blame. The social support the victim receives upon disclosing the experience to a trusted other positively correlates to the victim's ability to label the event rape—making it possible for him or her to report the crime (Kahn & Andreoli Mathie, 2000; Neville & Pugh, 1997; Pitts & Schwartz, 1993; Schwartz & Leggett, 1999).

#### **4.1.1 Sexual Assault Response Training of Students**

The survey of campus administrators conducted for this study did shed some light on the extent of the training required of individuals who commonly receive reports of campus sexual assault. Given the discussion above, our first interest is in the sexual assault response training given to students. Only about 4 in 10 schools stated that they furnish such training, although the figures are higher for four-year public schools (7 in 10 schools) and four-year nonprofit private schools and HBCUs (about 6 in 10 for both). In about half the schools where training is provided, this training is voluntary. Most often, the training is provided by faculty and staff of the institution, though it can involve staff from a community agency or peer counselors. In schools where RAs

Table 4.1  
Sexual Assault Response Training for Students<sup>1</sup>

Type of School	Provisions for Training <sup>2</sup>		Who Provides the Training <sup>2</sup>				Resident Assistant Training <sup>3</sup>		Student Security Officer Training <sup>4</sup>					
	Voluntary Attendance % (n)	Mandatory for student RA's % (n)	Mandatory for Student Security Officers % (n)	Faculty or Staff of Institution % (n)	Community Agency % (n)	Peer Educators or Trainers % (n)	Other % (n)	Don't Know % (n)	Mandatory Due to State Law % (n)	Mandatory Due to Institutional Policy % (n)	Don't Know % (n)			
All Schools	51.2 (217)	44.6 (189)	13.9 (59)	63.7 (270)	40.1 (170)	23.3 (99)	4.2 (18)	0.9 (4)	2.1 (4)	78.3 (148)	9.0 (17)	13.6 (8)	83.1 (49)	5.1 (3)
Four-Year Public	57.6 (72)	58.4 (73)	23.2 (29)	83.2 (104)	36.8 (46)	43.2 (54)	3.2 (4)	0.8 (1)	2.7 (2)	78.1 (57)	12.3 (9)	20.7 (6)	75.9 (22)	10.3 (3)
Four-Year Private Nonprofit	37.6 (44)	68.4 (80)	17.9 (21)	75.2 (88)	45.3 (53)	29.1 (34)	4.3 (5)	0.0 (0)	2.5 (2)	76.3 (61)	5.0 (4)	9.5 (2)	85.7 (18)	0.0 (0)
Two-Year Public	65.6 (40)	14.8 (9)	6.6 (4)	49.2 (30)	34.4 (21)	1.6 (1)	3.3 (2)	4.9 (3)	0.0 (0)	66.7 (6)	22.2 (2)	0.0 (0)	100.0 (4)	0.0 (0)
Two-Year Private Nonprofit	30.8 (8)	42.3 (11)	11.5 (3)	53.8 (14)	23.1 (6)	3.8 (1)	0.0 (0)	0.0 (0)	0.0 (0)	81.8 (9)	18.2 (2)	0.0 (0)	100.0 (3)	0.0 (0)
Two- and Four-Year Private For-Profit	65.2 (15)	21.7 (5)	0.0 (0)	30.4 (7)	78.3 (18)	0.0 (0)	4.3 (1)	0.0 (0)	0.0 (0)	100.0 (5)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)
Less than Two-Year Public and Nonprofit	46.2 (12)	3.8 (1)	0.0 (0)	32.0 (8)	28.0 (7)	4.0 (1)	0.0 (0)	0.0 (0)	0.0 (0)	100.0 (1)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)
Less than Two-Year Private For-Profit	64.7 (11)	0.0 (0)	0.0 (0)	17.6 (3)	35.3 (6)	11.8 (2)	23.5 (4)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)
Historically Black Colleges and Universities	51.9 (14)	37.0 (10)	7.4 (2)	55.6 (15)	48.1 (13)	22.2 (6)	7.4 (2)	0.0 (0)	0.0 (0)	90.0 (9)	0.0 (0)	0.0 (0)	100.0 (2)	0.0 (0)
Native American Colleges and Universities	50.0 (1)	0.0 (0)	0.0 (0)	50.0 (1)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)

<sup>1</sup> Data source: Survey of campus administrators.

<sup>2</sup> Percentages are based on the number of schools that reported having provisions for sexual assault reporting training for students (n = 424). Percentages may not sum to 100% because schools may have had more than one type of training and/or trainer.

<sup>3</sup> Percentages are based on the number of schools that reported having mandatory training for resident assistants (n = 189).

<sup>4</sup> Percentages are based on the number of schools that reported having mandatory training for student security officers (n = 59).

Table 4.2  
Type of Law Enforcement or Security and Their Sexual Assault Response Training Requirements<sup>1</sup>

Type of School	Type of Law Enforcement <sup>2</sup>				Training SA Response Training Mandatory for Officers % (n)	Who Provides Training <sup>3</sup>					
	Sworn Officers Employed by School % (n)	Private Security Employed by School % (n)	Private Security Employed by Facility Owner % (n)	Local Law Enforcement Agencies % (n)		Staff/ Faculty of Institution % (n)	Security/ Law Enforcement Agency's Staff/Faculty % (n)	Specialized Trainers Under Contract % (n)	State Training Academy % (n)	Other % (n)	Don't Know % (n)
All Schools	27.8 (278)	29.7 (297)	7.9 (79)	47.8 (478)	37.6 (376)	23.1 (87)	22.3 (84)	19.1 (72)	38.8 (146)	18.9 (71)	6.9 (26)
Four-Year Public	84.0 (136)	20.4 (33)	0.6 (1)	11.1 (18)	80.3 (126)	20.6 (26)	28.6 (36)	15.1 (19)	65.9 (83)	23.8 (30)	2.4 (3)
Four-Year Private Nonprofit	15.5 (28)	53.0 (96)	6.6 (12)	38.1 (69)	54.4 (81)	40.7 (33)	21.0 (17)	17.3 (14)	17.3 (14)	14.8 (12)	12.3 (10)
Two-Year Public	35.1 (65)	38.4 (71)	0.5 (1)	48.1 (89)	52.6 (72)	15.3 (11)	20.8 (15)	20.8 (15)	33.3 (24)	15.3 (11)	4.2 (3)
Two-Year Private Nonprofit	2.1 (2)	32.0 (31)	37.1 (36)	35.1 (34)	36.3 (29)	31.0 (9)	10.3 (3)	6.9 (2)	6.9 (2)	17.2 (5)	10.3 (3)
Two- and Four-Year Private For-Profit	1.0 (1)	18.1 (19)	11.4 (12)	76.2 (80)	28.9 (11)	27.3 (3)	27.3 (3)	9.1 (1)	0.0 (0)	18.2 (2)	9.1 (1)
Less than Two-Year Public and Nonprofit	13.8 (13)	17.0 (16)	5.3 (5)	73.4 (69)	37.2 (16)	0.0 (0)	31.3 (5)	31.3 (5)	12.5 (2)	12.5 (2)	12.5 (2)
Less than Two-Year Private For-Profit	0.0 (0)	7.3 (9)	8.1 (10)	84.6 (104)	26.5 (9)	22.2 (2)	22.2 (2)	11.1 (1)	11.1 (1)	11.1 (1)	33.3 (3)
Historically Black Colleges and Universities	75.0 (33)	47.7 (21)	4.5 (2)	15.9 (7)	72.7 (32)	9.4 (3)	9.4 (3)	46.9 (15)	62.5 (20)	25.0 (8)	3.1 (1)
Native American Colleges and Universities	0.0 (0)	11.1 (1)	0.0 (0)	88.9 (8)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)

<sup>1</sup> Data source: Survey of campus administrators.

<sup>2</sup> One school responded "don't know."

<sup>3</sup> Percentages are based on the number of schools that reported training of officers to respond to reports of sexual assaults (n = 376). Percentages will not sum to 100% because schools may have listed more than one training source.

Table 4.3  
Sexual Assault Response Training for Faculty and Staff<sup>1</sup>

Type of School	Provisions for Training <sup>2</sup>		Who Mandated Training <sup>3</sup>			Who Provides Training <sup>4</sup>			
	Training Mandatory for Certain Staff % (n)	Training with Voluntary Attendance % (n)	No Training Provided % (n)	Mandatory Due to State Law % (n)	Mandatory Due to Institutional Policy % (n)	Mandatory Per State Law & Institutional Policy % (n)	Faculty or Staff of Institution % (n)	Community Agency % (n)	Don't Know % (n)
All Schools	33.7 (323)	17.3 (166)	49.0 (469)	7.1 (23)	46.1 (149)	4.3 (14)	60.1 (294)	33.1 (162)	3.3 (16)
Four-Year Public	41.8 (64)	26.8 (41)	31.4 (48)	6.3 (4)	45.3 (29)	7.8 (5)	76.2 (80)	27.6 (29)	1.0 (1)
Four-Year Private Nonprofit	35.5 (61)	19.2 (33)	45.3 (78)	8.2 (5)	45.9 (28)	3.3 (2)	72.3 (68)	29.8 (28)	0.0 (0)
Two-Year Public	29.4 (53)	20.6 (37)	50.0 (90)	13.2 (7)	37.7 (20)	5.7 (3)	54.4 (49)	32.2 (29)	4.4 (4)
Two-Year Private Nonprofit	33.7 (31)	12.0 (11)	54.3 (50)	6.5 (2)	51.6 (16)	0.0 (0)	59.5 (25)	21.4 (9)	4.8 (2)
Two- and Four-Year Private For-Profit	30.7 (31)	11.9 (12)	57.4 (58)	3.2 (1)	67.7 (21)	0.0 (0)	46.5 (20)	48.8 (21)	4.7 (2)
Less than Two-Year Public and Nonprofit	46.6 (41)	12.5 (11)	40.9 (36)	7.3 (3)	39.0 (16)	7.3 (3)	42.3 (22)	42.3 (22)	5.8 (3)
Less than Two-Year Private For-Profit	19.8 (24)	9.9 (12)	70.2 (85)	0.0 (0)	54.2 (13)	4.2 (1)	47.2 (17)	36.1 (13)	2.8 (1)
Historically Black Colleges and Universities	41.5 (17)	22.0 (9)	36.6 (15)	5.9 (1)	35.3 (6)	0.0 (0)	50.0 (13)	42.3 (11)	11.5 (3)
Native American Colleges and Universities	11.1 (1)	0.0 (0)	88.9 (8)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)

<sup>1</sup> Data source: Survey of campus administrators.

<sup>2</sup> Forty-three administrators did not answer this question. They were excluded from calculation of the percentages.

<sup>3</sup> Percentages are based on the number of schools that reported having mandatory training (n = 186).

<sup>4</sup> Percentages are based on the number of schools that reported having some type of training (n = 489).

and student security officers are given mandatory training, this is largely due to institutional rules rather than state laws.

What remains unclear from these data, however, is the extent and quality of sexual assault response training given to the average college student—precisely the people most likely to learn about sexual assaults. Again, about 60 percent of the schools provide no training whatsoever to students, and it appears that when training occurs, it is most often directed at RAs and student security officers. Accordingly, it seems that the lack of training supplied to the general population of college students is an issue that warrants further investigation and, potentially, attention from college administrators.

#### **4.1.2 Sexual Assault Response Training of Law Enforcement or Security Officers**

Table 4.2 summarizes the training received by those who provide a school’s law enforcement or security. When asked about security or law enforcement, almost half the campus administrators (47.8 percent) stated that they rely on local law enforcement agencies. Other options chosen by administrators (who could choose more than one option) were sworn officers employed by the school (27.8 percent) and private security employed by the school (7.9 percent). Sworn officers were common at four-year public schools and HBCUs (84 percent and 75 percent, respectively), and private security was more common at two- and four-year private nonprofit schools. A majority of the remaining five types of schools relied on local law enforcement agencies.

In any event, when campus administrators were asked if campus law enforcement/security officers are “required by law or institutional policy to be trained to respond to reports of sexual assault,” only 37.6 percent—not much in excess of a third of the schools—answered in the affirmative. These figures were higher for four-year public schools (more than 8 in 10) and HBCUs (more than 7 in 10). About half of the four-year private nonprofit and two-year public schools stated that they required training. The key finding here is that while training is fairly standard at four-year public schools and HBCUs which rely primarily on sworn officers employed by the school, at many other institutions *it is not provided to the very people who are most likely to receive formal complaints*. This appears to be an area for further attention.

Table 4.2 also notes who provides training to the law enforcement/security personnel. Although school administrators indicated that a variety of sources provide this training, most often, schools rely on the state training academy, which presumably provides training of a general nature to law enforcement personnel who will serve in a variety of social settings. How specific this

training is to the reporting of sexual victimization by college students is an issue that needs to be examined. Other common sources of training for enforcement/security personnel—each used by about one in five schools—include the faculty or staff of the institution, the faculty or staff of the law enforcement/security agency, and specialized trainers.

### **4.1.3 Sexual Assault Response Training of Faculty and Staff**

The survey of campus administrators also furnishes information on the training given to the faculty and staff of schools. As seen in Table 4.3, about half of all schools—including 3 in 10 public four-year schools—provide no training to faculty and staff on “how to respond to disclosures of sexual assault.” Training is mandatory in about one in three schools and voluntary in 17.3 percent of the schools. When the training is required, across all the schools, this is most often due to mandatory institutional policy. Finally, when training is supplied, it is most often conducted by faculty and staff of the institution.

## **4.2 ISSUE IV: REPORTING AND RESPONSE PROCEDURE OPTIONS**

### **4.2.1 Reporting Options**

Analysis of the campus administrator surveys revealed that schools utilize a variety of reporting options: confidential, anonymous, third-party, and (anonymous) Internet reporting. Table 4.A summarizes reporting options by type of school.

A majority of all school types—8 in 10, with the exception of Native American tribal colleges and universities—offer a confidential reporting option. An anonymous reporting option was found at significantly less than half of small, non-residential, non-traditional school types and only slightly more than half of four-year public and private schools and HBCUs. Only a small fraction of schools (e.g., Lewis & Clark College) offered anonymous Internet reports. This finding is salient, as the recognition of an anonymous reporting option was found to be a promising practice as well as a policy that student activists, rape trauma professionals, and victim’s advocates believed would facilitate reporting of the crime.

Also salient is the finding that third-party reporting by witnesses is recognized at only one in three schools, roughly, and only slightly more than half (53.4 percent) of four-year public IHEs offered this option. Given Fisher and her colleague’s (2001) finding that most victims disclose their experience to their friends but do not report the crime to campus or law enforcement authorities, this omission may significantly impact reporting rates of the crime.

Table 4.A  
Types of Reporting Procedures<sup>1, 2</sup>

Type of School	Confidential Reporting % (n)	Anonymous Reporting % (n)	3 <sup>rd</sup> Party Reporting % (n)	Internet Site Report % (n)	Other % (n)
<b>All Schools</b>	84.3 (777)	45.8 (422)	34.6 (319)	3.7 (34)	7.6 (70)
Four Year Public	84.7 (138)	67.5 (110)	53.4 (87)	11.0 (18)	9.2 (15)
Four Year Private Non-Profit	85.5 (147)	52.3 (90)	37.2 (64)	4.1 (7)	5.8 (10)
Two Year Public	86.8 (151)	42.5 (74)	35.6 (62)	3.4 (6)	5.2 (9)
Two Year Private Non-Profit	86.8 (79)	38.5 (35)	27.5 (25)	0.0 (0)	4.4 (4)
Two and Four Year Private For Profit	83.3 (75)	31.1 (28)	24.4 (22)	0.0 (0)	5.6 (5)
Less Than Two Year Public and Non-Profit	80.7 (67)	32.5 (27)	24.1 (20)	1.2 (1)	10.8 (9)
Less Than Two Year Private For Profit	79.0 (79)	35.0 (35)	23.0 (23)	1.0 (1)	14.0 (14)
Historically Black Colleges & Universities	86.0 (37)	51.2 (22)	37.2 (16)	2.3 (1)	7.0 (3)
Native American Colleges & Universities	66.7 (4)	16.7 (1)	0.0 (0)	0.0 (0)	16.7 (1)

<sup>1</sup> Data source: Survey of campus administrators.

<sup>2</sup> Percentages are based on the number of schools that indicated some type of reporting procedures (n = 922).

#### 4.2.2 Procedures for Responding to Reports

Based on content analysis of the documents reviewed, Table 4.4 presents information on the types of procedures that institutions said they follow when a sexual assault is reported. These response procedures may include information regarding health care, evidence preservation, forensic medical examinations to collect evidence, provisions for counseling referrals, filing police reports with campus and local authorities, and legal services.

#### *Legal Services*

First, very few schools—only 3.2 percent—report providing victims with legal support, such as access to legal services, a lawyer, or even a law student clinic. In four-year public

institutions the percentage is three times higher, but the proportion furnishing legal assistance is still less than 1 in 10 schools.

### ***Medical and Mental Health Services***

In their sexual assault policies, schools are more likely to list procedures for what should be done medically when a sexual assault is reported than they are to mention legal support (see Table 4.4). This is particularly important if student victims have access to forensic examinations, as there is generally little physical evidence left at the scene of the crime during an acquaintance rape (this is discussed further, below and in Chapter 7). Even so, depending on the issue, the percentage of schools with such procedures ranges from about a third to a little less than a half. Only the documents of four-year public schools consistently list medical procedures to be followed, with the percentages by procedure ranging from 61.0 to 73.5 percent. In any event, the policy document for more than one in three schools includes a procedure for providing victims with medical care, and almost half had a procedure for how to obtain counseling.

The sexual assault policies for approximately one-third of the institutions included a statement concerning the importance of victims obtaining a medical examination, and about 4 in 10 schools had a statement concerning the importance of preserving evidence that a sexual victimization had transpired. These statements could be modeled by other colleges and universities. The failure to provide adequate medical and counseling support and the failure to give appropriate advice on the preservation of evidence could well inhibit the victim's physical and psychological well-being and her or his ability to seek legal redress for the sexual assault.

### ***Preservation of Evidence***

In this regard, the policies of close to 4 in 10 schools provided information on the preservation of evidence. Again, four-year public schools did this at a greater rate than the other institutions, with 6 in 10 providing such information. Of the other types of schools, only one—four-year private nonprofit schools—came close to a majority (48.9 percent) on providing this information. The other school types ranged from 14 to 38 percent in providing information on evidence preservation.

Of those school policies that did provide steps on how to preserve evidence, 38.7 percent offered only a general statement urging “the preservation of any physical evidence of the sexual assault”; generally, these were two- and four-year private for-profit and less than two-year private for-profit schools. A majority of the schools' policies (61.3 percent) detailed more specific steps

Table 4.4  
Existence of Procedures for Handling a Report of a Sexual Assault<sup>1, 2</sup>

Type of School	Legal Support	Health Care and Medical Procedure(s)			Description of Steps on How to Preserve Evidence			Procedures for Reporting to Police		
		Provide Medical Care % (n)	Provide Counseling % (n)	Statement as to Importance of Medical Exam % (n)	Statement as to Importance of Preserving Evidence <sup>3</sup> % (n)	Steps Provided % (n)	General Statement <sup>4</sup> % (n)	Specific Steps that Should Be Taken <sup>4,5</sup> % (n)	Reporting to On-Campus Police % (n)	Reporting to Off-Campus Police % (n)
All Schools	3.2 (32)	36.2 (367)	48.7 (494)	34.7 (352)	42.6 (432)	40.2 (408)	38.7 (158)	61.3 (250)	46.1 (468)	49.1 (498)
Four-Year Public	9.1 (24)	61.4 (162)	73.5 (194)	61.0 (161)	67.8 (179)	62.8 (166)	33.1 (55)	66.9 (111)	78.8 (208)	48.5 (128)
Four-Year Private Nonprofit	3.6 (7)	46.4 (91)	59.7 (117)	43.9 (86)	51.5 (101)	48.9 (96)	35.4 (34)	64.6 (62)	56.1 (110)	59.2 (116)
Two-Year Public	0.0 (0)	22.5 (42)	44.9 (84)	30.5 (57)	37.4 (70)	35.8 (67)	49.3 (33)	50.7 (34)	47.1 (88)	45.5 (85)
Two-Year Private Nonprofit	1.3 (1)	31.2 (24)	33.8 (26)	23.4 (18)	18.2 (14)	16.9 (13)	23.1 (3)	76.9 (10)	32.5 (25)	42.9 (33)
Two- and Four-Year Private For-Profit	0.0 (0)	21.1 (15)	38.0 (27)	7.0 (5)	39.4 (28)	38.0 (27)	63.0 (17)	37.0 (10)	7.0 (5)	74.6 (53)
Less than Two-Year Public and Nonprofit	0.0 (0)	6.1 (5)	8.5 (7)	4.9 (4)	9.8 (8)	8.6 (7)	42.9 (3)	57.1 (4)	7.3 (6)	37.8 (31)
Less than Two-Year Private For-Profit	0.0 (0)	16.3 (14)	25.6 (22)	9.3 (8)	19.8 (17)	19.8 (17)	64.7 (11)	35.3 (6)	2.3 (2)	43.0 (37)
Historically Black Colleges and Universities	0.0 (0)	28.9 (13)	35.6 (16)	26.7 (12)	31.1 (14)	31.1 (14)	14.3 (2)	85.7 (12)	53.3 (24)	22.2 (10)
Native American Colleges and Universities	0.0 (0)	14.3 (1)	14.3 (1)	14.3 (1)	14.3 (1)	14.3 (1)	0.0 (0)	100.0 (1)	0.0 (0)	71.4 (5)

<sup>1</sup> Data source: Content analysis of published sexual assault materials.

<sup>2</sup> Percentages are based on the total number of schools that sent us materials (n = 1,015).

<sup>3</sup> A general statement, such as "Urge the preservation of any physical evidence of the sexual assault."

<sup>4</sup> Percentages are based on the number of schools that described steps on how to preserve evidence (n = 408).

<sup>5</sup> "Specific Steps" included (1) "Do not clear the area or alter in any way prior to police arrival," (2) "Do not bathe, shower, or douche," (3) "Do not change clothes," and (4) "Do not apply or take any medication."

for victims to take to preserve evidence, such as not cleaning up the area where the assault took place, not bathing, not changing clothes, and not taking any medication.

However, these steps in evidence preservation, while necessary, incorrectly imply that in the event of an acquaintance rape, physical evidence outside the victim's genital area will be present at the crime scene; in most cases, it is not. Site visit data suggest that very rarely do the victim and perpetrator differ in their accounts of certain facts concerning the event, primarily that "sex" took place between the two parties. Where students differ widely is in their accounts of willingness and consent. Currently, the primary evidence gathered in acquaintance rape investigations is through interviews with those the victim and perpetrator came in contact with immediately before and after the assault. To those with access, more legally compelling evidence is gathered through new forensic technology by trained and certified forensic nurses, such as sexual assault nurse examiners. This technology can document internal bruising and tearing with high degrees of precision, frequently providing the only hard evidence of the crime thus taking it beyond the realm of a "he said, she said" stalemate.

### ***Filing a Police Report***

Table 4.4 notes that only about half of the institutions' sexual assault policies list procedures for reporting a sexual assault to on-campus and/or off-campus police. As can be seen in the table, there is much variation between schools with respect to procedures for reporting to on-campus and off-campus police. More than half of four-year public, and four-year private nonprofit schools, and HBCUs have procedures for reporting a sexual assault to on-campus police. It is worth noting that a majority of four-year private nonprofit, two- and four-year private for-profit, and Native American schools have procedures for reporting to off-campus police. This makes sense, given the results in Table 4.2 as to the type of law enforcement employed by a majority of these types of schools (which is predominantly local law enforcement). Given the importance of facilitating the reporting of sexual victimizations, this overall omission in the policies is striking and deserving of further attention.

### ***Sexual Assault Response Contact Person***

The data in Table 4.5 illuminate the related issue of whom the schools' sexual assault policies state should be contacted after a sexual assault occurs. The results are limited to the 6 in 10 schools whose policies list at least one person who might be contacted. Further, the issue is not whom should be contacted to file an official police report, but rather whom should be notified

Table 4.5  
Who Should Be Contacted After a Sexual Assault Occurs<sup>1</sup>

Type of School	Schools Mentioning at Least One Contact % (n)	Criminal Justice Personnel <sup>2</sup>		Counseling/Health Care Personnel <sup>2</sup>				Administration Personnel <sup>2</sup>				Other Contact Personnel <sup>2</sup>			
		Campus Police % (n)	Local Police <sup>3</sup> % (n)	Student Health Services % (n)	Student Counseling % (n)	Victim Services % (n)	Women's Center % (n)	Dean or Director of Students % (n)	Generic Administration <sup>4</sup> % (n)	Faculty or Staff % (n)	Human Resources <sup>5</sup> % (n)	Friends or Family % (n)	Campus Clergy % (n)	Campus Housing Services % (n)	Other Office <sup>6</sup> % (n)
All Schools	61.5 (624)	64.6 (403)	54.0 (337)	25.2 (157)	31.9 (199)	22.8 (142)	2.1 (13)	50.6 (316)	10.1 (63)	9.5 (59)	7.7 (48)	4.3 (27)	5.1 (32)	23.2 (145)	20.4 (127)
Four-Year Public	80.7 (213)	84.5 (180)	54.0 (115)	43.2 (92)	49.3 (105)	34.7 (74)	4.7 (10)	43.2 (92)	0.0 (0)	5.6 (12)	9.9 (21)	3.3 (7)	2.8 (6)	31.5 (67)	25.8 (55)
Four-Year Private Nonprofit	76.5 (150)	78.0 (117)	59.3 (89)	28.0 (42)	44.0 (66)	22.7 (34)	1.3 (2)	68.0 (102)	4.7 (7)	8.7 (13)	9.3 (14)	6.0 (9)	16.7 (25)	41.3 (62)	19.3 (29)
Two-Year Public	57.8 (108)	59.3 (64)	51.9 (56)	12.0 (13)	14.8 (16)	14.8 (16)	0.9 (1)	46.3 (50)	20.4 (22)	5.6 (6)	7.4 (8)	4.6 (5)	0.9 (1)	6.5 (7)	11.1 (12)
Two-Year Private Nonprofit	31.2 (24)	41.7 (10)	45.8 (11)	12.5 (3)	12.5 (3)	20.8 (5)	0.0 (0)	29.2 (7)	4.2 (1)	20.8 (5)	4.2 (1)	12.5 (3)	0.0 (0)	12.5 (3)	16.7 (4)
Two- and Four-Year Private For-Profit	39.4 (28)	10.7 (3)	57.1 (16)	0.0 (0)	0.0 (0)	3.6 (1)	0.0 (0)	35.7 (10)	28.6 (8)	28.6 (8)	3.6 (1)	0.0 (0)	0.0 (0)	7.1 (2)	21.4 (6)
Less than Two-Year Public Nonprofit	36.6 (30)	10.0 (3)	50.0 (15)	6.7 (2)	6.7 (2)	6.7 (2)	0.0 (0)	40.0 (12)	23.3 (7)	20.0 (6)	3.3 (1)	0.0 (0)	0.0 (0)	0.0 (0)	33.3 (10)
Less than Two-Year Private For-Profit	55.8 (48)	16.7 (8)	47.9 (23)	0.0 (0)	0.0 (0)	8.3 (4)	0.0 (0)	64.6 (31)	35.4 (17)	18.8 (9)	0.0 (0)	2.1 (1)	0.0 (0)	0.0 (0)	10.4 (5)
Historically Black Colleges & Universities	44.4 (20)	90.0 (18)	45.0 (9)	25.0 (5)	35.0 (7)	25.0 (5)	0.0 (0)	55.0 (11)	5.0 (1)	0.0 (0)	10.0 (2)	5.0 (1)	0.0 (0)	20.0 (4)	25.0 (5)
Native American Colleges & Universities	42.9 (3)	0.0 (0)	100.0 (3)	0.0 (0)	0.0 (0)	33.3 (1)	0.0 (0)	33.3 (1)	0.0 (0)	0.0 (0)	0.0 (0)	33.3 (1)	0.0 (0)	0.0 (0)	33.3 (1)

<sup>1</sup> Data source: Content analysis of published sexual assault policies.

<sup>2</sup> Percentages are based on those schools within each type of school that listed at least one contact (n = 624). The percentages will not sum to 100%, as schools may have mentioned more than one type of contact.

<sup>3</sup> "Local Police" included (1) city or town police departments, (2) county police, (3) sheriff's departments, and (4) generic mention of police.

<sup>4</sup> "Generic Administration" included (1) administrative offices, (2) administration, (3) the provost, and (4) the chancellor.

<sup>5</sup> "Human Resources Services" included (1) human resources office, (2) affirmative action office, (3) and sexual assault or harassment offices (which are sometimes within human resources).

<sup>6</sup> "Other Offices" included offices of (1) the ombudsperson, (2) the athletics department, and (3) student life.

when a sexual offense occurs. Also, schools may list more than one contact person in their policies.

Most often, schools' policies direct students to contact the campus police (64.6 percent) and/or the local police (54 percent). This is especially true for four-year public and private schools and with HBCUs. Half the schools list the dean or director of students as an appropriate contact person. Other contact persons mentioned with some frequency (at least by one-fifth of the schools) include student health services staff, student counselors, victim services staff, and campus housing services staff (see Table 4.5). (See discussion in Chapter 7 regarding schools, which provide for a staff position dedicated to sexual assault and/or sexual harassment.)

### ***Filing an Official Report on Campus***

Table 4.6 addresses the related issue of with whom a victim should file an *official report* of a sexual victimization. In this case, the incident would be included in any crime statistics that an institution would file. Nearly 8 in 10 policies (and a majority of schools) identified at least one person to contact to file a report, or location (e.g., an office) where this could be done. Most often, the policies instructed students to file official reports with the campus police (62.6 percent) or the local police (61.9 percent). The only other source mentioned with any frequency (37.5 percent of the schools) was the dean or director of students.

Table 4.7 presents information on other response procedures that might appear in sexual assault policy materials. First, about 3 in 10 schools' policies include a statement that victims should be instructed that they have the option of notifying law enforcement authorities about the sexual assault and that school personnel are available to help them do this. (Note that the figures for four-year public and private nonprofit institutions are higher than the others.) Second, most schools' policies—fully 91.1 percent—do not include a statement that would allow witnesses or third parties to report a sexual assault. Across all the schools, a very large proportion, ranging from 81.8 to 100 percent, do not include a third-party reporting statement. This omission is potentially meaningful, given that—as noted—sexual assault victims most often tell friends, not officials, about their victimization. Third, although the figures are higher for four-year public and private nonprofit institutions, less than half the schools (44.7 percent) have policies that include statements on the legal and disciplinary system options available to students. When such statements are available, the options most often listed are filing criminal charges (91 percent), filing a complaint with the campus judicial system (88.8 percent), and deciding not to file charges (58.1 percent). This general pattern is evident across the different types of schools.

Table 4.6  
With Whom an Official Report of a Sexual Assault Should Be Filed<sup>1,2</sup>

Type of School	Identified at Least One Location to File Report (n) (%)	Criminal Justice		Counseling/Health Care			Administration			Other Personnel				
		Campus Police (n) (%)	Local Police <sup>3</sup> (n) (%)	Student Health Services (n) (%)	Student Counseling (n) (%)	Victim's Services (n) (%)	Women's Center (n) (%)	Director or Dean of Students (n) (%)	Generic Administration <sup>4</sup> (n) (%)	Faculty or Staff (n) (%)	Human Resources Services <sup>5</sup> (n) (%)	Campus Clergy (n) (%)	Campus Housing Services (n) (%)	Other Office <sup>6</sup> (n) (%)
All Schools	79.1 (803)	62.6 (503)	61.9 (497)	3.9 (31)	5.6 (45)	4.1 (33)	0.2 (2)	37.5 (301)	8.6 (69)	4.6 (37)	3.0 (24)	1.4 (11)	7.1 (57)	8.8 (71)
Four-Year Public	87.1 (230)	95.2 (219)	49.1 (113)	8.3 (19)	9.1 (21)	7.8 (18)	0.4 (1)	25.7 (59)	0.4 (1)	0.9 (2)	2.6 (6)	0.0 (0)	7.4 (17)	7.4 (17)
Four-Year Private Nonprofit	84.2 (165)	70.9 (117)	60.6 (100)	5.5 (9)	6.1 (10)	4.2 (7)	0.0 (0)	55.8 (92)	8.5 (14)	3.0 (5)	7.3 (12)	5.5 (9)	18.8 (31)	12.7 (21)
Two-Year Public	79.1 (148)	62.2 (92)	62.2 (92)	1.4 (2)	5.4 (8)	1.4 (2)	0.7 (1)	26.4 (39)	7.4 (11)	3.4 (5)	2.7 (4)	0.7 (1)	2.0 (3)	3.4 (5)
Two-Year Private Nonprofit	61.0 (47)	51.1 (24)	61.7 (29)	2.1 (1)	4.3 (2)	4.3 (2)	0.0 (0)	38.3 (18)	6.4 (3)	4.3 (2)	0.0 (0)	0.0 (0)	6.4 (3)	12.8 (6)
Two- and Four-Year Private For-Profit	84.5 (60)	16.7 (10)	83.3 (50)	0.0 (0)	0.0 (0)	1.7 (1)	0.0 (0)	41.7 (25)	13.3 (8)	3.3 (2)	1.7 (1)	1.7 (1)	1.7 (1)	10.0 (6)
Less than Two-Year Public and Nonprofit	64.6 (53)	17.0 (9)	67.9 (36)	0.0 (0)	3.8 (2)	1.9 (1)	0.0 (0)	39.6 (21)	28.3 (15)	20.8 (11)	0.0 (0)	0.0 (0)	0.0 (0)	13.2 (7)
Less than Two-Year Private For-Profit	79.1 (68)	10.3 (7)	85.3 (58)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)	55.9 (38)	23.5 (16)	13.2 (9)	0.0 (0)	0.0 (0)	0.0 (0)	10.3 (7)
Historically Black Colleges and Universities	60.0 (27)	92.6 (25)	51.9 (14)	0.0 (0)	7.4 (2)	7.4 (2)	0.0 (0)	5.9 (7)	3.7 (1)	0.0 (0)	3.7 (1)	0.0 (0)	7.4 (2)	0.0 (0)
Native American Colleges and Universities	71.4 (5)	0.0 (0)	100.0 (5)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)	40.0 (2)	0.0 (0)	20.0 (1)	0.0 (0)	0.0 (0)	0.0 (0)	40.0 (2)

<sup>1</sup> Data source: Content analysis of published sexual assault materials.

<sup>2</sup> Percentages are based on those schools that listed where an official report should be filed (n = 803). The percentages will not sum to 100%, as schools may have mentioned more than one place to file a report.

<sup>3</sup> "Local Police" included (1) city or town police departments, (2) county police, (3) sheriff's departments, and (4) generic mention of police.

<sup>4</sup> "Generic Administration" included (1) administrative offices, (2) any administrator, and (3) the provost.

<sup>5</sup> "Human Resources Services" included (1) human resources office, (2) affirmative action office, and (3) sexual assault or harassment offices (which are sometimes within human resources).

<sup>6</sup> "Other Offices" include offices of (1) the ombudsperson, (2) the athletics department, and (3) student life.

Table 4.7  
Statements Included in Sexual Assault Materials<sup>1</sup>

Type of School	Notification		Third-Party Reporting Statement <sup>2</sup>			Legal/Disciplinary System Statements <sup>3</sup>					
	Option of Notifying Law Enforcement % (n)	School Helps to Notify Authorities % (n)	No Statement % (n)	Statement % (n)	Statement and Description % (n)	Mention of Options % (n)	File Criminal Charges % (n)	File Civil Charges % (n)	Campus Judicial System % (n)	Decide Not to File Charges % (n)	Victim Not Obligated to Press Charges % (n)
All Schools	28.0 (284)	31.3 (318)	91.1 (925)	6.5 (66)	2.4 (24)	44.7 (454)	91.0 (413)	22.0 (100)	88.8 (403)	58.1 (264)	16.4 (166)
Four-Year Public	51.1 (135)	48.5 (128)	81.8 (216)	11.7 (31)	6.4 (17)	68.9 (182)	94.5 (172)	27.5 (50)	94.5 (172)	70.3 (128)	33.7 (89)
Four-Year Private Nonprofit	41.3 (81)	39.8 (78)	88.3 (173)	9.7 (19)	2.0 (4)	52.6 (103)	93.2 (96)	28.2 (29)	92.2 (95)	60.2 (62)	29.1 (57)
Two-Year Public	14.4 (27)	21.4 (40)	93.0 (174)	5.9 (11)	1.1 (2)	43.3 (81)	86.4 (70)	16.0 (13)	86.4 (70)	38.3 (31)	6.4 (12)
Two-Year Private Nonprofit	13.0 (10)	18.2 (14)	98.7 (76)	1.3 (1)	0.0 (0)	22.1 (17)	88.2 (15)	5.9 (1)	82.4 (14)	52.9 (9)	1.3 (1)
Two- and Four-Year Private For-Profit	12.7 (9)	32.4 (23)	100.0 (71)	0.0 (0)	0.0 (0)	26.8 (19)	94.7 (18)	15.8 (3)	52.6 (10)	46.2 (10)	2.8 (2)
Less than Two-Year Public Nonprofit	7.3 (6)	3.7 (3)	100.0 (82)	0.0 (0)	0.0 (0)	15.9 (13)	69.2 (9)	7.7 (1)	69.2 (9)	46.2 (6)	2.4 (2)
Less than Two-Year Private For-Profit	11.6 (10)	25.6 (22)	97.7 (84)	2.3 (2)	0.0 (0)	23.3 (20)	80.0 (16)	5.0 (1)	80.0 (16)	40.0 (8)	1.2 (1)
Historically Black Colleges & Universities	13.3 (6)	20.0 (9)	95.6 (43)	2.2 (1)	2.2 (1)	40.0 (18)	88.9 (16)	11.1 (2)	88.9 (16)	55.6 (10)	4.4 (2)
Native American Colleges & Universities	0.0 (0)	14.3 (1)	85.7 (6)	14.3 (1)	0.0 (0)	14.3 (1)	100.0 (1)	0.0 (0)	100.0 (1)	0.0 (0)	0.0 (0)

<sup>1</sup> Data source: Content analysis of published sexual assault materials.

<sup>2</sup> This includes reporting by witnesses.

<sup>3</sup> Percentages are based on those schools that mentioned the legal/disciplinary system options (n = 454). The percentages will not sum to 100% because schools could list more than one legal/disciplinary option.

### 4.3 ISSUE VI: BARRIERS TO SEXUAL ASSAULT REPORTING

Table 4.8 summarizes the perceptions of campus administrators about the types of institutional policies that might function to discourage or prevent reporting of sexual assaults on their campus. (Of course, these results might be different if *students* had been surveyed.) The table covers eight different policies. For each policy, the table presents first the number and percentage of schools that have a policy, and then, among schools that have the policy, whether it is perceived to have “no effect” on the reporting of sexual assaults or it “somewhat” or “strongly” discourages such reports. It is worth noting that four-year public schools were the most likely to have each type of policy.

#### 4.3.1 Barriers Identified Through Survey

The first policy in Table 4.8 is whether an offender’s rights in the adjudication process of a complaint (also referred to as “procedures for due process”) are disclosed. Across all schools, 37.3 percent reported having this policy. Half of the administrators perceived that this had “no effect” on victims disclosing and reporting sexual assaults at their schools. Second, only 14.1 percent stated that their schools published the names of alleged perpetrators of sexual assault (such as in the student newspapers); just under 6 in 10 administrators (56.7 percent) perceived that this policy discouraged victims’ reporting of sexual assaults. About one in five schools had a policy on a third issue: the publicity on outcomes of cases adjudicated on campus. Six in 10 administrators expressed the view that this policy discouraged victims’ reporting. Fourth, about one in three schools had a policy that complainants must participate in the adjudication process, and four in five administrators believed that this policy was a barrier to victims’ reporting of sexual assaults. Fifth, about one in three schools said they had “designated mandatory reporters” (school representatives, such as school nurses or RAs, who are required by institutional policy, local prosecutorial policy, or state statute to confidentially report all incidences of rape or sexual assault that are disclosed to them; see Memorandums of Understanding in Chapter 7 for further discussion). Six in 10 administrators judged that this policy had no effect on the likelihood of assaults being reported. The sixth and seventh policies—the existence of alcohol and drug policies, respectively—are both present at most schools (three in four) and, in each case, are seen by more than half the administrators as inhibiting victims’ reporting. Finally, the eighth policy of having only single-sex residence halls exists in one-fourth of the schools, but is generally (in 6 in 10 schools) seen to have no effect on victims’ reporting sexual assaults.

Table 4.8  
Policies and Procedures Perceived by Administrators to Be Barriers to Reporting Sexual Assaults<sup>1</sup>  
(page 1 of 3)

Type of School	Policy or Procedure	Perceived Extent of Barrier to Reporting <sup>2</sup>			Policy or Procedure	Perceived Extent of Barrier to Reporting <sup>2</sup>			Policy or Procedure	Perceived Extent of Barrier to Reporting <sup>2</sup>		
	Disclosure of Offender's Rights in Adjudication Process % (n)	No Effect % (n)	Somewhat Discourages % (n)	Strongly Discourages % (n)	Publication of Names of Alleged Perpetrators % (n)	No Effect % (n)	Somewhat Discourages % (n)	Strongly Discourages % (n)	Publicity of Campus Adjudicated Cases % (n)	No Effect % (n)	Somewhat Discourages % (n)	Strongly Discourages % (n)
All Schools	37.3 (373)	53.4 (199)	37.0 (138)	9.7 (36)	14.1 (141)	43.3 (61)	34.0 (48)	22.7 (32)	19.9 (199)	40.7 (81)	40.2 (80)	19.1 (38)
Four-Year Public	78.4 (127)	48.0 (61)	44.9 (57)	7.1 (9)	35.8 (58)	36.2 (21)	43.1 (25)	20.7 (12)	42.0 (68)	47.1 (32)	38.2 (26)	14.7 (10)
Four-Year Private Nonprofit	47.5 (86)	52.3 (45)	39.5 (34)	8.1 (7)	8.8 (16)	37.5 (6)	43.8 (7)	18.8 (3)	24.9 (45)	33.3 (15)	51.1 (23)	15.6 (7)
Two-Year Public	33.0 (61)	63.9 (39)	31.1 (19)	4.9 (3)	14.1 (26)	50.0 (13)	23.1 (6)	26.9 (7)	16.8 (31)	41.9 (13)	38.7 (12)	19.4 (6)
Two-Year Private Nonprofit	20.6 (20)	45.0 (9)	45.0 (9)	10.0 (2)	9.3 (9)	33.3 (3)	22.2 (2)	44.4 (4)	10.3 (10)	10.0 (1)	40.0 (4)	50.0 (5)
Two- and Four-Year Private For-Profit	22.9 (24)	62.5 (15)	25.0 (6)	12.5 (3)	7.6 (8)	50.0 (4)	37.5 (3)	12.5 (1)	9.5 (10)	50.0 (5)	40.0 (4)	10.0 (1)
Less than Two-Year Public and Nonprofit	16.0 (15)	53.3 (8)	20.0 (3)	26.7 (4)	4.3 (4)	25.0 (1)	50.0 (2)	25.0 (1)	8.5 (8)	37.5 (3)	25.0 (2)	37.5 (3)
Less than Two-Year Private For-Profit	13.0 (16)	68.8 (11)	18.8 (3)	12.5 (2)	6.5 (8)	87.5 (7)	0.0 (0)	12.5 (1)	9.8 (12)	66.7 (8)	8.3 (1)	25.0 (3)
Historically Black Colleges and Universities	47.7 (21)	47.6 (10)	28.6 (6)	23.8 (5)	27.3 (12)	50.0 (6)	25.0 (3)	25.0 (3)	34.1 (15)	26.7 (4)	53.3 (8)	20.0 (3)
Native American Colleges and Universities	33.3 (3)	33.3 (1)	33.3 (1)	33.3 (1)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)

<sup>1</sup> Data source: Survey of campus administrators.

<sup>2</sup> Percentages are based on the number of schools that reported having the specific policy or procedure.

Table 4.8  
Policies and Procedures Perceived by Administrators to Be Barriers to Reporting of Sexual Assaults<sup>1</sup>  
(continued, p. 2 of 3)

Type of School	Policy or Procedure	Perceived Extent of Barrier to Reporting <sup>2</sup>			Policy or Procedure	Perceived Extent of Barrier to Reporting <sup>2</sup>			Perceived Extent of Barrier to Reporting <sup>2</sup>			
	Victims Required to Participate in Adjudication Process % (n)	No Effect % (n)	Somewhat Discourages % (n)	Strongly Discourages % (n)	Designated Mandatory Reporters % (n)	No Effect % (n)	Somewhat Discourages % (n)	Strongly Discourages % (n)	Alcohol Policy % (n)	No Effect % (n)	Somewhat Discourages % (n)	Strongly Discourages % (n)
All Schools	32.2 (322)	19.6 (63)	52.8 (170)	27.6 (89)	35.9 (359)	59.1 (212)	29.0 (104)	12.0 (43)	75.4 (754)	48.0 (362)	26.7 (201)	25.3 (191)
Four-Year Public	64.8 (105)	12.4 (13)	61.0 (64)	26.7 (28)	63.2 (102)	54.9 (56)	36.3 (37)	8.8 (9)	85.2 (138)	50.7 (70)	36.2 (50)	13.0 (18)
Four-Year Private Nonprofit	44.2 (80)	15.0 (12)	58.8 (47)	26.3 (21)	44.8 (81)	58.0 (47)	37.0 (30)	4.9 (4)	80.1 (145)	53.8 (78)	29.0 (42)	17.2 (25)
Two-Year Public	29.7 (55)	25.5 (14)	50.9 (28)	23.6 (13)	37.3 (69)	66.7 (46)	18.8 (13)	14.5 (10)	82.2 (152)	48.0 (73)	27.0 (41)	25.0 (38)
Two-Year Private Nonprofit	18.6 (18)	22.2 (4)	38.9 (7)	38.9 (7)	44.8 (81)	60.9 (14)	21.7 (5)	17.4 (4)	73.2 (71)	39.4 (28)	35.2 (25)	25.4 (18)
Two- and Four-Year Private For-Profit	11.4 (12)	41.7 (5)	33.3 (4)	25.0 (3)	23.7 (23)	63.6 (14)	27.3 (6)	9.1 (2)	65.7 (69)	46.4 (32)	21.7 (15)	31.9 (22)
Less than Two-Year Public and Nonprofit	12.8 (12)	16.7 (2)	58.3 (7)	25.0 (3)	24.5 (23)	39.1 (9)	34.8 (8)	26.1 (6)	59.6 (56)	44.6 (25)	21.4 (12)	33.9 (19)
Less than Two-Year Private For-Profit	11.4 (14)	57.1 (8)	21.4 (3)	21.4 (3)	17.9 (22)	81.8 (18)	4.5 (1)	13.6 (3)	63.4 (78)	46.2 (36)	9.0 (7)	44.9 (35)
Historically Black Colleges and Universities	56.8 (25)	20.0 (5)	40.0 (10)	40.0 (10)	34.1 (15)	53.3 (8)	20.0 (3)	26.7 (4)	84.1 (37)	43.2 (16)	21.6 (8)	35.1 (13)
Native American Colleges and Universities	11.1 (1)	0.0 (0)	0.0 (0)	100.0 (1)	22.2 (2)	0.0 (0)	50.0 (1)	50.0 (1)	88.9 (8)	50.0 (4)	12.5 (1)	37.5 (3)

<sup>1</sup> Data source: Survey of campus administrators.

<sup>2</sup> Percentages are based on the number of schools that reported having the specific policy or procedure.

**Table 4.8**  
**Policies and Procedures Perceived by Administrators to Be Barriers to Reporting of Sexual Assaults<sup>1</sup>**  
 (continued, p. 3 of 3)

Type of School	Policy or Procedure	Perceived Extent of Barrier to Reporting <sup>2</sup>			Policy or Procedure	Perceived Extent of Barrier to Reporting <sup>2</sup>		
	Illegal Drug Use Policy % (n)	No Effect % (n)	Somewhat Discourages % (n)	Strongly Discourages % (n)	Single-Sex-Only Residence Policy % (n)	No Effect % (n)	Somewhat Discourages % (n)	Strongly Discourages % (n)
All Schools	75.3 (753)	47.4 (357)	25.9 (195)	26.7 (201)	25.6 (256)	62.5 (160)	23.8 (61)	13.7 (35)
Four-Year Public	84.0 (136)	54.4 (74)	33.8 (46)	11.8 (16)	47.5 (77)	68.8 (53)	22.1 (17)	9.1 (7)
Four-Year Private Nonprofit	79.6 (144)	50.7 (73)	32.6 (47)	16.7 (24)	44.8 (81)	65.4 (53)	23.5 (19)	11.1 (9)
Two-Year Public	80.5 (149)	49.0 (73)	25.5 (38)	25.5 (38)	14.6 (27)	70.4 (19)	14.8 (4)	14.8 (4)
Two-Year Private Nonprofit	73.2 (71)	39.4 (28)	31.0 (22)	29.6 (21)	24.7 (24)	41.7 (10)	37.5 (9)	20.8 (5)
Two- and Four-Year Private For-Profit	66.7 (70)	45.7 (32)	20.0 (14)	34.3 (24)	8.6 (9)	55.6 (5)	22.2 (2)	22.2 (2)
Less than Two-Year Public and Nonprofit	60.6 (57)	42.1 (24)	21.1 (12)	36.8 (21)	5.3 (5)	60.0 (3)	0.0 (0)	40.0 (2)
Less than Two-Year Private For-Profit	66.7 (82)	41.5 (34)	9.8 (8)	48.8 (40)	4.1 (5)	100.0 (5)	0.0 (0)	0.0 (0)
Historically Black Colleges and Universities	84.1 (37)	43.2 (16)	16.2 (6)	40.5 (15)	59.1 (26)	42.3 (11)	34.6 (9)	23.1 (6)
Native American Colleges and Universities	77.8 (7)	42.9 (3)	28.6 (2)	28.6 (2)	22.2 (2)	50.0 (1)	50.0 (1)	0.0 (0)

<sup>1</sup> Data source: Survey of campus administrators.

<sup>2</sup> Percentages are based on the number of schools that reported having the specific policy or procedure.

Across these results, two important factors emerge. First, more than 80 percent of campus administrators believe that the requirement that victims who file sexual assault complaints must participate in the adjudication process at least “somewhat” discourages them from reporting the assaults. This insight is consistent with site visit data as well as research on female sexual assault victims and their low incidence of reporting these assaults to the police (Fisher et al., forthcoming; McGregor, Wiebe, Marion, & Livingstone, 2000; National Victims Center, 1992; Neville & Pugh, 1997). Fisher and her colleagues’ (2000) research suggests that female college students do not want their families and other people to know about the victimization, are not certain they can prove that a victimization occurred, and are not convinced that the incident was “serious enough” to warrant a formal intervention. In this light, victims faced with participating in an adjudication process might not report a sexual assault if they wished to avoid public disclosure, were doubtful about proving they were assaulted, and/or did not believe that a formal hearing was the appropriate way to resolve the victimization in question.

The question remains, however, of how informed victims are of their choices regarding informally and formally reporting their assault to campus and/or local criminal justice authorities and how their confidentiality will be protected, if at all, in each type of action taken. Qualitative data collected in this study strongly suggest that any policy or procedure that compromises or, worse, eliminates the student victim’s ability to make her or his own informed choices throughout the reporting and adjudication process not only reduces reporting rates, but may also be counter-productive to the victim’s healing process.

A second factor worth noting is the presence of a campus drug and/or alcohol policy. Typically, the aggressor and victim know each other and the assault frequently emerges from a social encounter in which one or both are drinking or drugging. If student victims know that they are in violation of a policy forbidding the use of drugs or alcohol, this might make them fearful to report a sexual assault.

Intrinsically related to this issue is the issue of victims acknowledging (or failing to acknowledge) their assault as a crime. Research shows that drugs and/or alcohol are frequently present (and used by both perpetrators and victims) when college women are sexually assaulted (Bausell, Bausell & Siegel, 1994; Fisher & Cullen, 1999; Fisher, Cullen, & Turner, 2000; McGregor et al., 2000; Muehlenhard & Linton, 1987; Schwartz & Leggett, 1999). Victims of rape and attempted rape who were drinking before the assault are far less apt to name their experience “rape” or “sexual assault” than victims who did not drink before the assault (Bondurant, 2001; Schwartz & Leggett, 1999). If victims do not name their experience they do not have a crime to report. Thus, while the issue of a school’s alcohol and drug policies may be related to the issue of drinking and its strong association with campus sexual assault, the two are analytically distinct.

More research examining the confluence of alcohol, institutional alcohol policies, acquaintance rape, and the ability to name the event is greatly warranted.

### **4.3.2 Barriers Identified Through Field Research**

Qualitative interviews—with rape crisis counselors, sexual assault nurse examiners, victim’s advocates, deans of students, and students themselves—generated barriers that were not addressed in the quantitative component of the study and provided further insight into this issue. These barriers can be categorized into five types: (1) developmental, (2) trauma response, (3) socio-political and social support, (4) confidentiality, and (5) criminal justice.

#### ***Developmental Issues***

Students attending postsecondary institutions, especially traditional schools, are generally between the ages of 18 and 24. Developmentally, these young adults are testing themselves and their new (partial) independence from their parents. These youth feel like they can take care of themselves, or at least feel they should show their parents that they can. Being raped or sexually assaulted may make them feel like they have failed to protect themselves, in the midst of their first autonomous living situation. Reporting the incident makes it more real in that their “failure” is documented. This feeling is further exacerbated when high-risk behavior such as drinking or drugging is involved.

#### ***Trauma Response Issues***

As discussed above (and in Chapter 1), women who experience events that meet the legal definition of rape and sexual assault frequently do not label their victimization as such, particularly when weapons are absent, alcohol is present, and/or physical damage (e.g., choke marks, bruises) is not apparent—the predominant scenario for acquaintance rape (Bondurant, 2001). While some victims deliberately minimize the importance of the assault as a way of mitigating its impact, most victims cannot avoid a traumatic response to what happened to them (Karjane, 2002; Kelly, 1988). Victims of sexual assault, whether acknowledged or not, may experience intense feelings of shame and self-blame and high levels of psychological distress (Arata & Burkhart, 1996; Frazier & Seales, 1997; Herman, 1992; Janoff-Bulman, 1992; Pitts & Schwartz, 1997; Schwartz & Leggett, 1999).

Relationally, shame is the emotional response to a perceived or actual threat to social bonds (see Scheff & Retzinger, 1991). Tragically, for student victims, the fear that people will hold them

responsible for their own criminal victimization may not be unwarranted. Tolerance for rape and sexual assault in intimate relationships is widespread in the general population and among college students, and largely because of this tolerance, “blame the victim” attitudes flourish (Kershner, 2000; Kopper, 1996; Kormos & Brooks, 1994; Stormo, Lang, & Stritzke, 1997). Institutional authorities may (unintentionally) condone victim-blaming (for example, by circulating materials that focus on the victim’s responsibility to avoid sexual assault rather than on the perpetrator), and certainly the mass media play a part. Students, both prior and subsequent to being sexually victimized, can internalize these attitudes, further exacerbating their own sense of shame and stigmatization and inhibiting their ability to name their experience—and thus making an informed decision to report the assault more difficult. Victims of acquaintance rape have been found to have higher levels of self-blame than victims of stranger rape (Frazier & Seales, 1997; Katz, 1991). Student acquaintance rape victims are far less likely to report their victimization to campus authorities than victims of campus stranger rape.

Research has shown that the victim’s ability to name the experience is dependent on the reactions of those to whom she or he first discloses the assault (Pitts & Schwartz, 1997; Bondurant, 2001; Schwartz & DeKeseredy, 1997). When asked during field research interviews what distinguishes those who report from those who do not report, victim advocates, police officers, and campus officials uniformly asserted that victims who report are encouraged to do so by their friends, who frequently accompany them when they make the report to campus and/or criminal justice authorities.

Finally, having just experienced a profoundly disempowering event, victims of sexual assault need to reassert their ability to control basic aspects of their lives and environments (Herman, 1992; Janoff-Bulman, 1992). One way to regain this control is to avoid a lengthy adjudication process—whether through the campus or the criminal justice system—that threatens to dominate the victim’s college experience. Some victims believe that if they keep the assault to themselves, they can focus on their academics and maintain their original reason for attending school. Also, due to a lack of accurate knowledge about the system, victims fear that they will have no control over the reporting and adjudication process, for example, that their confidentiality will not be honored. Student victims often do not realize that reporting a rape or sexual assault is different from pursuing the case criminally or through campus adjudication boards. This need to regain control is an important part of the victim’s healing process; reporting policies that disempower the victim—such as mandatory reporting requirements that do not include an anonymous reporting option—are widely viewed by sexual assault advocates as detrimental to this healing process. (See the Memorandum of Understanding section of Chapter 7 for further discussion.)

### ***Socio-Political and Social Support Issues***

In terms of the politics of interpersonal relations, gender politics play a large role in social support. Self-acknowledgement of the rape politicizes the relationship in ways that make it difficult for many people to comprehend what happened (i.e., he is my friend, he cares about me, he raped me) and to recognize themselves as victims of a crime (Karjane, 2002). On the whole, campus sexual assault victims have been violently assaulted by someone they know and someone whom their peers and professors know. When the victim acknowledges and names the experience “rape” or “sexual assault,” the victim is, at the same time, naming a friend, boyfriend, or classmate a “criminal”—a “rapist.” Historically, this act has different meanings and consequences for a white woman naming a white man a criminal rapist and for a black woman naming a black man a criminal rapist. As the criminal justice system incarcerates black men at highly disproportional rates than white men, black women need to contend with feelings of betraying their race in ways that white and other ethnic minority women did not have to contend with (Crenshaw, 1991; Neville & Pugh, 1997; Wyatt, 1992).

Furthermore, whether victims of sexual assault see themselves as “victims” or as people who have been momentarily victimized but still retain the ability to willfully act and protect themselves, the social conventions and institutional contexts within which they must name and claim their experience often construct them as victims. As such, they are perceived as victims by others who know they have been raped. Given that the social definition of “victim” entails a perception of a person who is weak, pitiful, and often blame-worthy, and that these assumptions are taken to reflect a life stance rather than an experience, it is not surprising that people would seek to avoid the label of “rape victim” (Karjane, 2002).

Within IHEs, when allegations of rape and assault are made, the information is often spread through rumor, and campuses may become polarized. This is particularly true when the trials are covered in campus, local, and national media. Students fear that “ratting” on another student by filing a report with campus or local criminal justice authorities will result in social isolation or, worse, social ostracism. Based on field research, this fear appears to be especially strong at institutions with strong social cliques, such as campuses dominated by Greek life.

As one administrator put it, the campus works “like a microcosm of society where victims get punished for reporting.” There does seem to be slight progress, at least among the schools noted to have promising practices regarding sexual assault response, in changing social attitudes toward acquaintance rape. In previous years, the frequent phrase used to describe—and condone—the criminal act of rape was “boys will be boys.” Such a phrase negates the victim’s perspective altogether, while it conflates a masculine perspective with a rapist’s perspective. In essence, this

phrase classifies forms of criminal activity as normative in (hetero)sexual relations. Today, administrators almost uniformly use the phrase “It’s a he said, she said,” which acknowledges a (female) victim’s perspective, yet still functions to trivialize the crime. This phrase is used by administrators to mean that evidence—forensic and even circumstantial—is frequently absent in sexual assaults committed by “dates” or acquaintances, thus, the two versions of the events must be weighed against each other to establish truth. While certainly an improvement over “boys will be boys,” this phrase implies a false equality to the perspectives, thus trivializing the victim’s experience.

### ***Confidentiality Issues***

Given the loss of personal control the victim has just experienced, coupled with the way society perceives and individuals respond to “victims,” confidentiality issues—that is, how or whether information regarding the student’s victimization will circulate throughout the campus—function as important barriers to reporting and following through with adjudication procedures. As such, the use of mandatory reporters on campus and in the community, and the establishment of reporting Memorandums of Understanding (MOU) between a school and its local prosecutor’s office that preclude the victim’s consent, are policies that were identified as reporting barriers during site visits.

In a recent national survey, 50 percent of women who had been raped responded that they would be “a lot” more likely and 16 percent would be “somewhat” more likely to report to the police if there were a law prohibiting the news media from disclosing their names and addresses (National Victims Center, 1992). Similarly, on postsecondary campuses, field research found that any policy or procedure that students (particularly student victims) perceived as a risk to their ability to control information about their victimization functioned as a barrier to reporting.

### ***Criminal Justice Issues***

While rape reform efforts in the United States have been reasonably successful in eradicating myths about stranger rape and their institutionalization within the criminal justice system, we have only just begun to acknowledge the far more prevalent problem of rape among acquaintances and intimates. As such, student victims still fear unsympathetic treatment by the police and local prosecutors, which inhibits them from reporting their criminal victimization.

This fear is compounded by the legal quandary of many acquaintance rape cases: lack of evidence to substantiate the crime. If a prosecutor is reticent or, more frequently, refuses outright to bring an acquaintance rape case to trial without sufficient evidence, victims often take that to

mean the prosecutor does not believe their story. Furthermore, as one victim advocate from a sheriff’s office observed, distrust of law enforcement is especially prevalent within some age and ethnic groups “because they’re dealing with a criminal justice system that isn’t [just] and a playing field that isn’t level.”

Student victims of campus sexual assault, especially when the assault is perpetrated by someone they know, do not report, in part, because they do not believe that the perpetrator will be punished. While this perception is somewhat accurate, as the likelihood of a perpetrator known to the victim being held accountable by the criminal justice system is slim (CITE), IHEs are actually more likely to punish perpetrators, as campus adjudication boards often operate with a preponderance of evidence standard rather than a criminal standard of “beyond a reasonable doubt.”

Finally, treatment and forensic evidence collection by a certified sexual assault nurse examiner, when available, is almost always, because of funding structures, contingent on first filing a police report of the crime. The lack of choice involved in this policy is seen by rape trauma professionals as a barrier to reporting. The state-of-the-art Rape Treatment Center at the Santa Monica–UCLA Medical Center offers free treatment to all victims, whether or not they file a police report first. The forensic evidence collected is preserved through chain of custody set up in consultation with the Los Angeles crime lab and stored indefinitely so it will be available if the victim ever wishes to pursue criminal charges. Director Gail Abarbanel says that giving the victim the choice to be treated before filing the report almost always results in the victim filing a police report of the crime; the act of being treated and *seeing* that there is evidence of the crime, seems to be a turning point (see Chapter 7).

#### **4.4 ISSUE VII: POLICIES AND PRACTICES THAT FACILITATE REPORTING**

##### **4.4.1 Facilitators Identified Through Survey**

Table 4.9 summarizes the perceptions of campus administrators about the types of institutional policies that might function to encourage sexual assault reporting. (Again, the perceptions of students, advocates, etc. might be very different.) Similar to the previous table, the policy is first presented (does the school have it?), and then, among those that have the policy at their campuses, assessed as to whether it encourages reporting.

The policy options addressed fall into five categories: (1) providing services to potential victims, (2) developing strategies to make on-campus personnel—law enforcement, administrators, faculty, and peer counselors—more responsive to reports of sexual assault, (3) allowing confidential reporting by victims, (4) providing education about sexual assault in orientation

Table 4.9  
Schools Reporting Policies and Procedures Perceived by Administrators to Facilitate Reporting of Campus Sexual Assaults (SA)<sup>1</sup>  
(page 1 of 5)

Type of School	Policy or Procedure	Perceived Effect on Reporting <sup>2</sup>			Policy or Procedure	Perceived Effect on Reporting <sup>2</sup>			Perceived Effect on Reporting <sup>2</sup>			
	On-Campus Victim Assistance Office % (n)	No Effect % (n)	Somewhat Encourages % (n)	Strongly Encourages % (n)	Campus Law Enforcement Protocols for Responding to Campus SA % (n)	No Effect % (n)	Somewhat Encourages % (n)	Strongly Encourages % (n)	Coordinated Crisis Response Across Campus and Community % (n)	No Effect % (n)	Somewhat Encourages % (n)	Strongly Encourages % (n)
All Schools	29.1 (291)	5.5 (16)	30.2 (88)	64.3 (187)	51.5 (516)	7.6 (39)	33.1 (171)	59.3 (306)	50.0 (500)	6.6 (33)	38.4 (192)	55.0 (275)
Four-Year Public	56.2 (91)	2.2 (2)	23.1 (21)	74.7 (68)	90.7 (147)	2.7 (4)	32.7 (48)	64.6 (95)	80.9 (131)	5.3 (7)	33.6 (44)	61.1 (80)
Four-Year Private Nonprofit	30.4 (55)	7.3 (4)	32.7 (18)	60.0 (33)	59.7 (108)	12.0 (13)	43.5 (47)	44.4 (48)	60.2 (109)	9.2 (10)	48.6 (53)	42.2 (46)
Two-Year Public	26.5 (49)	6.1 (3)	36.7 (18)	57.1 (28)	54.1 (100)	6.0 (6)	29.0 (29)	65.0 (65)	48.1 (89)	7.9 (7)	40.4 (36)	51.7 (46)
Two-Year Private Nonprofit	28.9 (28)	7.1 (2)	42.9 (12)	50.0 (14)	55.7 (54)	13.0 (7)	40.7 (22)	46.3 (25)	44.3 (43)	4.7 (2)	53.5 (23)	41.9 (18)
Two- and Four-Year Private For-Profit	15.2 (16)	12.5 (2)	50.0 (8)	37.5 (6)	20.0 (21)	19.0 (4)	33.3 (7)	47.6 (10)	30.5 (32)	6.3 (2)	37.5 (12)	56.3 (18)
Less than Two-Year Public and Nonprofit	14.9 (14)	0.0 (0)	14.3 (2)	85.7 (12)	30.9 (29)	6.9 (2)	27.6 (8)	65.5 (19)	38.3 (36)	5.6 (2)	30.6 (11)	63.9 (23)
Less than Two-Year Private For-Profit	13.0 (16)	12.5 (2)	37.5 (6)	50.0 (8)	11.4 (14)	7.1 (1)	28.6 (4)	64.3 (9)	22.0 (27)	7.4 (2)	18.5 (5)	74.1 (20)
Historically Black Colleges and Universities	43.2 (19)	5.3 (1)	10.5 (2)	84.2 (16)	86.4 (38)	0.0 (0)	13.2 (5)	86.8 (33)	63.6 (28)	3.6 (1)	21.4 (6)	75.0 (21)
Native American Colleges and Universities	33.3 (3)	0.0 (0)	33.3 (1)	66.7 (2)	55.6 (5)	40.0 (2)	20.0 (1)	40.0 (2)	55.6 (5)	0.0 (0)	40.0 (2)	60.0 (3)

<sup>1</sup> Data source: Survey of campus administrators.

<sup>2</sup> Percentages are based on the number of schools that reported having the specific policy or procedure.

<sup>3</sup> "Anonymous Reporting Options" include Internet-based and third-party options.

**Table 4.9:**  
**Schools Reporting Policies and Procedures Perceived by Administrators to Facilitate Reporting of Campus Sexual Assaults (SA)<sup>1</sup>**  
(continued, p. 2 of 5)

Type of School	Policy or Procedure	Perceived Extent of Facilitating Reporting <sup>2</sup>			Policy or Procedure	Perceived Extent of Facilitating Reporting <sup>2</sup>			Perceived Extent of Facilitating Reporting <sup>2</sup>			
	Outreach and Underserved Populations % (n)	No Effect % (n)	Somewhat Encourages % (n)	Strongly Encourages % (n)	New Student Orientation Program Including Sexual Assault Issues % (n)	No Effect % (n)	Somewhat Encourages % (n)	Strongly Encourages % (n)	No Effect % (n)	Somewhat Encourages % (n)	Strongly Encourages % (n)	
All Schools	31.4 (314)	14.0 (44)	43.9 (138)	42.0 (132)	67.5 (676)	7.8 (53)	40.7 (275)	51.5 (348)	44.7 (447)	20.6 (92)	32.9 (147)	46.5 (208)
Four-Year Public	54.9 (89)	11.2 (10)	55.1 (49)	33.7 (30)	87.0 (141)	5.7 (8)	43.3 (61)	51.1 (72)	67.9 (110)	20.0 (22)	27.3 (30)	52.7 (58)
Four-Year Private Nonprofit	28.2 (51)	25.5 (13)	45.1 (23)	29.4 (15)	70.7 (128)	7.0 (9)	43.0 (55)	50.0 (64)	54.7 (99)	22.2 (22)	47.5 (47)	30.3 (30)
Two-Year Public	32.4 (60)	15.0 (9)	43.3 (26)	41.7 (25)	60.0 (111)	9.9 (11)	51.4 (57)	38.7 (43)	41.6 (77)	18.2 (14)	28.6 (22)	53.2 (41)
Two-Year Private Nonprofit	27.8 (27)	7.4 (2)	44.4 (12)	48.1 (13)	70.1 (68)	5.9 (4)	36.8 (25)	57.4 (39)	38.1 (37)	21.6 (8)	43.2 (16)	35.1 (13)
Two- and Four-Year Private For-Profit	17.1 (18)	27.8 (5)	33.3 (6)	38.9 (7)	63.8 (67)	14.9 (10)	35.8 (24)	49.3 (33)	34.3 (36)	36.1 (13)	33.3 (12)	30.6 (11)
Less than Two-Year Public and Nonprofit	25.5 (24)	8.3 (2)	41.7 (10)	50.0 (12)	53.2 (50)	0.0 (0)	48.0 (24)	52.0 (26)	37.2 (35)	11.4 (4)	28.6 (10)	60.0 (21)
Less than Two-Year Private For-Profit	19.5 (24)	8.3 (2)	25.0 (6)	66.7 (16)	53.7 (66)	12.1 (8)	33.3 (22)	54.5 (36)	23.6 (29)	24.1 (7)	20.7 (6)	55.2 (16)
Historically Black Colleges and Universities	38.6 (17)	5.9 (1)	29.4 (5)	64.7 (11)	86.4 (38)	2.6 (1)	10.5 (4)	86.8 (33)	43.2 (19)	5.3 (1)	15.8 (3)	78.9 (15)
Native American Colleges and Universities	44.4 (4)	0.0 (0)	25.0 (1)	75.0 (3)	77.8 (7)	28.6 (2)	42.9 (3)	28.6 (2)	55.6 (5)	20.0 (1)	20.0 (1)	60.0 (3)

<sup>1</sup> Data source: Survey of campus administrators.

<sup>2</sup> Percentages are based on the number of schools that reported having the specific policy or procedure.

<sup>3</sup> “Anonymous Reporting Options” include Internet-based and third-party options.

Table 4.9  
Schools Reporting Policies and Procedures Perceived by Administrators to Facilitate Reporting of Campus Sexual Assaults (SA)<sup>1</sup>  
(continued, p. 3 of 5)

Type of School	Policy or Procedure	Perceived Effect on Reporting <sup>2</sup>			Policy or Procedure	Perceived Effect on Reporting <sup>2</sup>			Perceived Effect on Reporting <sup>2</sup>			
	Sexual Assault Peer Educators % (n)	No Effect % (n)	Somewhat Encourages % (n)	Strongly Encourages % (n)	Infusion of Sexual Assault Issues into Curriculum % (n)	No Effect % (n)	Somewhat Encourages % (n)	Strongly Encourages % (n)	Education Programs Targeted at Athletes % (n)	No Effect % (n)	Somewhat Encourages % (n)	Strongly Encourages % (n)
All Schools	22.2 (222)	7.2 (16)	41.9 (93)	50.9 (113)	28.7 (287)	12.5 (36)	54.4 (156)	33.1 (95)	21.6 (216)	11.6 (25)	60.2 (130)	28.2 (61)
Four-Year Public	54.3 (88)	1.1 (1)	42.0 (37)	56.8 (50)	39.5 (64)	10.9 (7)	65.6 (42)	23.4 (15)	56.8 (92)	9.8 (9)	68.5 (63)	21.7 (20)
Four-Year Private Nonprofit	28.2 (51)	3.9 (2)	47.1 (24)	49.0 (25)	32.0 (58)	13.8 (8)	60.3 (35)	25.9 (15)	30.9 (56)	10.7 (6)	64.3 (36)	25.0 (14)
Two-Year Public	9.2 (17)	11.8 (2)	58.8 (10)	29.4 (5)	24.9 (46)	13.0 (6)	58.7 (27)	28.3 (13)	17.8 (33)	6.1 (2)	54.5 (18)	39.4 (13)
Two-Year Private Nonprofit	11.3 (11)	9.1 (1)	72.7 (8)	18.2 (2)	30.9 (30)	13.3 (4)	50.0 (15)	36.7 (11)	6.2 (6)	33.3 (2)	50.0 (3)	16.7 (1)
Two- and Four-Year Private For-Profit	11.4 (12)	33.3 (4)	16.7 (2)	50.0 (6)	24.8 (26)	23.1 (6)	34.6 (9)	42.3 (11)	3.8 (4)	75.0 (3)	0.0 (0)	25.0 (1)
Less than Two-Year Public and Nonprofit	8.5 (8)	12.5 (1)	37.5 (3)	50.0 (4)	27.7 (26)	7.7 (2)	42.3 (11)	50.0 (13)	3.2 (3)	33.3 (1)	33.3 (1)	33.3 (1)
Less than Two-Year Private For-Profit	8.9 (11)	36.4 (4)	9.1 (1)	54.5 (6)	12.2 (15)	13.3 (2)	33.3 (5)	53.3 (8)	0.8 (1)	100.0 (1)	0.0 (0)	0.0 (0)
Historically Black Colleges and Universities	52.3 (23)	0.0 (0)	34.8 (8)	65.2 (15)	45.5 (20)	0.0 (0)	55.0 (11)	45.0 (9)	47.7 (21)	4.8 (1)	42.9 (9)	52.4 (11)
Native American Colleges and Universities	11.1 (1)	100.0 (1)	0.0 (0)	0.0 (0)	22.2 (2)	50.0 (1)	50.0 (1)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)

<sup>1</sup> Data source: Survey of campus administrators.

<sup>2</sup> Percentages are based on the number of schools that reported having the specific policy or procedure.

<sup>3</sup> “Anonymous Reporting Options” include Internet-based and third-party options.

Table 4.9:  
Schools Reporting Policies and Procedures Perceived by Administrators to Facilitate Reporting of Campus Sexual Assaults (SA)<sup>1</sup>  
(continued, p. 4 of 5)

Type of School	Policy or Procedure	Perceived Effect on Reporting <sup>2</sup>			Policy or Procedure	Perceived Effect on Reporting <sup>2</sup>			Policy or Procedure	Perceived Effect on Reporting <sup>2</sup>		
	Education Programs Targeted at the Greek System % (n)	No Effect % (n)	Somewhat Encourages % (n)	Strongly Encourages % (n)	Confidential Reporting Options % (n)	No Effect % (n)	Somewhat Encourages % (n)	Strongly Encourages % (n)	Anonymous Reporting Options <sup>3</sup> % (n)	No Effect % (n)	Somewhat Encourages % (n)	Strongly Encourages % (n)
All Schools	16.2 (162)	11.7 (19)	57.4 (93)	30.9 (50)	74.8 (749)	6.1 (46)	36.0 (270)	57.8 (433)	43.0 (430)	10.0 (43)	40.5 (174)	49.5 (213)
Four-Year Public	56.8 (92)	5.4 (5)	62.0 (57)	32.6 (30)	88.9 (144)	2.8 (4)	31.3 (45)	66.0 (95)	67.3 (109)	7.3 (8)	35.8 (39)	56.9 (62)
Four-Year Private Nonprofit	23.2 (42)	9.5 (4)	61.9 (26)	28.6 (12)	79.0 (143)	5.6 (8)	40.6 (58)	53.8 (77)	45.3 (82)	6.1 (5)	57.3 (47)	36.6 (30)
Two-Year Public	1.6 (3)	66.7 (2)	33.3 (1)	0.0 (0)	73.5 (136)	7.4 (10)	42.6 (58)	50.0 (68)	40.0 (74)	16.2 (12)	39.2 (29)	44.6 (33)
Two-Year Private Nonprofit	4.1 (4)	75.0 (3)	25.0 (1)	0.0 (0)	82.5 (80)	6.3 (5)	38.8 (31)	55.0 (44)	37.1 (36)	13.9 (5)	30.6 (11)	55.6 (20)
Two- and Four-Year Private For-Profit	2.9 (3)	100.0 (3)	0.0 (0)	0.0 (0)	72.4 (76)	13.2 (10)	38.2 (29)	48.7 (37)	37.1 (39)	20.5 (8)	30.8 (12)	48.7 (19)
Less than Two-Year Public and Nonprofit	1.1 (1)	100.0 (1)	0.0 (0)	0.0 (0)	63.8 (60)	0.0 (0)	33.3 (20)	66.7 (40)	35.1 (33)	6.1 (2)	36.4 (12)	57.6 (19)
Less than Two-Year Private For-Profit	0.8 (1)	100.0 (1)	0.0 (0)	0.0 (0)	54.5 (67)	13.4 (9)	26.9 (18)	59.7 (40)	27.6 (34)	8.8 (3)	32.4 (11)	58.8 (20)
Historically Black Colleges and Universities	36.4 (16)	0.0 (0)	50.0 (8)	50.0 (8)	81.8 (36)	0.0 (0)	25.0 (9)	75.0 (27)	47.7 (21)	0.0 (0)	52.4 (11)	47.6 (10)
Native American Colleges and Universities	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)	77.8 (7)	0.0 (0)	28.6 (2)	71.4 (5)	22.2 (2)	0.0 (0)	100.0 (2)	0.0 (2)

<sup>1</sup> Data source: Survey of campus administrators.

<sup>2</sup> Percentages are based on the number of schools that reported having the specific policy or procedure.

<sup>3</sup> "Anonymous Reporting Options" include Internet-based and third-party options.

Table 4.9  
Schools Reporting Policies and Procedures Perceived by Administrators to Facilitate Reporting of Campus Sexual Assaults (SA)<sup>1</sup>  
 (continued, p. 5 of 5)

Type of School	Policy or Procedure		Perceived Effect on Reporting <sup>2</sup>			Policy or Procedure			Perceived Effect on Reporting <sup>2</sup>		
	Info and Referral System for Faculty and Staff to Readily Access SA Professionals % (n)		No Effect % (n)	Somewhat Encourages % (n)	Strongly Encourages % (n)	Campus-wide Publicity of Past Crimes on Campus % (n)		No Effect % (n)	Somewhat Encourages % (n)	Strongly Encourages % (n)	
All Schools	66.9 (670)		5.8 (39)	42.5 (285)	51.6 (346)	51.1 (512)		14.3 (73)	42.2 (216)	43.6 (223)	
Four-Year Public	80.2 (130)		6.2 (8)	53.1 (56)	50.8 (66)	81.5 (132)		9.1 (12)	40.2 (53)	50.8 (67)	
Four-Year Private Nonprofit	66.9 (121)		2.5 (3)	52.1 (63)	45.5 (55)	60.2 (109)		16.5 (18)	52.3 (57)	31.2 (34)	
Two-Year Public	68.6 (127)		6.3 (8)	48.0 (61)	45.7 (58)	50.8 (94)		12.8 (12)	39.4 (37)	47.9 (45)	
Two-Year Private Nonprofit	66.0 (64)		4.7 (3)	40.6 (26)	54.7 (35)	48.5 (47)		21.3 (10)	42.6 (20)	36.2 (17)	
Two- and Four-Year Private For-Profit	66.7 (70)		12.9 (9)	35.7 (25)	51.4 (36)	38.1 (40)		25.0 (10)	37.5 (15)	37.5 (15)	
Less than Two-Year Public and Nonprofit	64.9 (61)		1.6 (1)	41.0 (25)	57.4 (35)	28.7 (27)		3.7 (1)	63.0 (17)	33.3 (9)	
Less than Two-Year Private For-Profit	48.8 (60)		11.7 (7)	31.7 (19)	56.7 (34)	20.3 (25)		28.0 (7)	16.0 (4)	56.0 (14)	
Historically Black Colleges and Universities	72.7 (32)		0.0 (0)	28.1 (9)	71.9 (23)	72.7 (32)		3.1 (1)	31.3 (10)	65.6 (21)	
Native American Colleges and Universities	55.6 (5)		0.0 (0)	20.0 (1)	80.0 (4)	66.7 (6)		33.3 (2)	50.0 (3)	16.7 (1)	

<sup>1</sup> Data source: Survey of campus administrators.

<sup>2</sup> Percentages are based on the number of schools that reported having the specific policy or procedure.

<sup>3</sup> “Anonymous Reporting Options” include Internet-based and third-party options.

sessions and the curriculum, and (5) targeting education programs, for example, to athletes and members of the Greek system.

Two findings emerge from these data. First, administrators believe that virtually all of these policies encourage reporting. If they are correct, then a variety of strategies could be combined in a multi-modal approach to increase the likelihood of victims' reporting their assaults. It remains to be confirmed, of course, whether students in general and victims in particular see these factors as salient to the decision to report a campus victimization. Still, the insights of the administrators are, at the very least, suggestive of the strategies that might actually facilitate reporting.

Second, on a less optimistic note, it appears that a large number of campuses do not have many of these policies in place. (The exceptions are four-year public schools and HBCUs, where such policies are relatively common.) Table 4.9 includes data on 14 policies. Of these, only three are in place in two-thirds of the campuses responding to the administrators' survey, and only six are in place in more than half the campuses: confidential reporting options (74.8 percent), new student orientation programs on sexual assault issues (67.5 percent), providing faculty and staff with information on who can help victims (66.9 percent), campus law enforcement protocols for responding to sexual assaults (51.5 percent), campus-wide publicity of high risk factors and/or past crimes on campus (51.1 percent), and a coordinated crisis response across the campus and community to provide victim services (50.0 percent).

#### **4.4.2 Facilitators Identified Through Field Research**

Additional policies, protocols, and practices were perceived by IHE administrators and rape trauma response professionals as facilitating the reporting of campus rape and sexual assault. These facilitators can be categorized as (1) education and social support, (2) an anonymous reporting option, and (3) a victim-driven policy.

##### ***Education and Social Supports***

Three main facilitators were identified through conversations with student rape trauma response team members, educators/activists, and victim advocates: on-campus presentations, information dissemination, and social support. Response team members noted that actively courting invitations for sexual assault-oriented presentations at ethnic and sexual minority group organizations increased reports, especially in the few weeks after the presentations were made.

Such presentations can target the particular cultural myths surrounding rape and sexual assault in terms of prevalent community norms.

Student educators/activists observed that students get the majority of their information through the World Wide Web, word of mouth, and education programs provided by RAs. Therefore, disseminating information on what constitutes a violation of the school's sexual misconduct policy, describing administrative responses and sanctions, and, in particular, publicizing the knowledge that filing a report is different from pressing charges should increase reporting on campus.

As previously noted, victim advocates state that the primary characteristic that distinguishes victims who report their assaults and access professional services and those who do not is the support they receive from their friends—who often accompany them to make the report. As one victim advocate noted, “Sometimes whole groups of kids come; they come with their posse.” Witnesses who see the crime occur—or have a strong sense that a crime is about to occur—can provide social support to the victim, encourage the victim to make a report, or make a third-party report of their own. They can also be trained in techniques to interrupt the behavior.

### ***An Anonymous Reporting Option***

There was strong agreement among field interviewees that an anonymous reporting option increases reporting of campus sexual assault. A primary strength of this option is that the victim can seek out assistance, information, and support referrals without first having to take the step of identifying her- or himself and formally entering a system the victim does not yet have enough information to effectively negotiate. The anonymous reporting option allows student victims to come forward and talk to a trusted school official without the possibility of losing control of the process (e.g., mandated reporters at schools that do not offer anonymous reporting). This option allows victims to receive support and information on which to base informed decisions about filing a report in their own name, while also allowing the crime to be documented in the ASR statistics if the student never feels comfortable with making a formal report.

### ***A Victim-Driven Policy***

An anonymous reporting option is a good example of a victim-driven policy. Sexual assault policies that emphasize criminal justice imperatives (e.g., to report disclosures of the crime against the victim's will) or higher education imperatives (e.g., to maintain the school's image as a safe haven) at the expense of the immediate and long-term needs of the rape victim are highly

problematic. Policies that respect the victim’s need (and ability) to make his or her own decision at each and every juncture in the process of seeking information, support, treatment, and, possibly, justice within the campus and/or the criminal justice system have been found to facilitate students coming forth and reporting the crime. As such, students and student victims ideally should receive explicit information about what to expect in each step of the process of seeking help from school authorities. Publicizing information on how the different components of the school’s sexual assault and reporting policies relate, are contingent on, or are separate from one another was also found to increase reporting. For example, providing students with information that explains that reporting an assault to campus authorities is different than going forward with an adjudication board hearing or campus and criminal prosecution within the justice system.

Based on these findings, the challenge is two-fold. First, systematic evaluations should be undertaken to see which policies—whether alone or in combination—increase the very low rate of reporting sexual assaults that now exists on college campuses. Second, effective policies and combinations of strategies should be publicized to campus administrators across the nation. One option would be to develop a model sexual assault reporting document that outlines the best strategies—based on empirical evidence—for fostering the reporting of sexual victimizations.

**Chapter 5**  
**PREVENTION EFFORTS AND RESOURCES AVAILABLE**  
**TO CAMPUS SEXUAL ASSAULT VICTIMS**

**5.1 INTRODUCTION**

This chapter addresses the range of efforts used to prevent sexual assault on campuses and the resources available to students who are sexually assault while attending school, as identified through content analysis of policy material and surveys of campus administrators. (See Chapter 7 for further more in-depth discussion of prevention efforts and victim services.)

**5.2 ISSUE V: ON-CAMPUS RESOURCES FOR STUDENT VICTIMS OF SEXUAL ASSAULT**

**5.2.1 Prevention Efforts**

Our analysis of campus documentation indicates that nearly 6 in 10 institutions have safety-related education programs (see Table 5.1). Similar to previous issues, four-year public and private nonprofit schools are most likely to have such educational programs (71.6 and 65.8 percent, respectively). About half of these schools report having general education programs that focus on student safety. Notably, a higher proportion—about 6 in 10—state that they have educational programs specifically on sexual assault victimization. A majority of four-year public, four-year private nonprofit, two-year public, and two- and four-year private for-profit schools have sexual assault educational programs.

Overall, almost 4 in 10 institutions noted that they have education programs on sexual assault awareness specifically for new students. Other things the responding institutions mentioned include rape defense programs, programs to prevent date and/or acquaintance rape, student advocate programs, and the distribution of printed materials. Given the numerous research studies indicating that college women are at high risk of date and/or acquaintance rape, it is noteworthy that less than a majority of any type of school has a date rape and/or acquaintance rape prevention program. The largest proportion of schools that do are the four-year public schools; 47.9 percent offer date/acquaintance rape prevention programs.

Table 5.1  
Educational Programs to Promote Sexual Assault Awareness<sup>1</sup>

Type of School	Types of Educational Programs Available <sup>3,4</sup>										
	General Educational Programs					Educational Programs Specifically for Sexual Assault Awareness					
	School Has Educational Program(s) <sup>2</sup> % (n)	General Safety Education Programs % (n)	New Student Orientation General Safety Program % (n)	Student Advocate Programs % (n)	Printed Prevention Materials % (n)	Sexual Assault Educational Programs % (n)	New Student Orientation to Promote SA Awareness % (n)	Rape Aggressive Defense Program <sup>5</sup> % (n)	Sexual Assault Acquaintance Rape Prevention Programs % (n)		
All Schools	58.1 (590)	47.1 (278)	23.1 (136)	10.5 (62)	30.5 (180)	61.9 (365)	37.8 (223)	14.4 (85)	28.6 (169)		
Four-Year Public	71.6 (189)	50.8 (96)	26.5 (50)	20.6 (39)	42.9 (81)	79.4 (150)	28.6 (54)	24.9 (47)	47.6 (90)		
Four-Year Private Nonprofit	65.8 (129)	63.6 (82)	34.1 (44)	10.9 (14)	30.2 (39)	70.5 (91)	31.8 (41)	15.5 (20)	24.0 (31)		
Two-Year Public	55.6 (104)	45.2 (47)	38.5 (40)	4.8 (5)	35.6 (37)	51.9 (54)	14.4 (15)	3.8 (4)	20.2 (21)		
Two-Year Private Nonprofit	41.6 (32)	43.8 (14)	62.5 (20)	0.0 (0)	15.6 (5)	31.3 (10)	15.6 (5)	9.4 (3)	12.5 (4)		
Two- and Four-Year Private For-Profit	56.3 (40)	20.0 (8)	62.5 (25)	0.0 (0)	12.5 (5)	50.0 (20)	20.0 (8)	10.0 (4)	20.0 (8)		
Less than Two-Year Public Nonprofit	34.1 (28)	35.7 (10)	50.0 (14)	3.6 (1)	3.6 (1)	32.1 (9)	10.7 (3)	0.0 (0)	7.1 (2)		
Less than Two-Year Private For-Profit	47.7 (41)	29.3 (12)	53.7 (22)	0.0 (0)	17.1 (7)	34.1 (14)	7.3 (3)	0.0 (0)	14.6 (6)		
Historically Black Colleges & Universities	51.1 (23)	30.4 (7)	21.7 (5)	13.0 (3)	21.7 (5)	60.9 (14)	26.1 (6)	30.4 (7)	30.4 (7)		
Native American Colleges & Universities	57.1 (4)	50.0 (2)	75.0 (3)	0.0 (0)	0.0 (0)	75.0 (3)	25.0 (1)	0.0 (0)	0.0 (0)		

<sup>1</sup> Data source: Content analysis of published sexual assault materials.

<sup>2</sup> Percentages based on the number of schools that sent sexual assault materials (n = 1,015).

<sup>3</sup> Percentages based on the schools that indicated they have educational programs (n = 59).

<sup>4</sup> Percentages will not sum to 100% as schools could have mentioned more than one type of educational program.

<sup>5</sup> Rape Aggressive Defense Programs, include self-defense training.

As such, campus sexual assault programs that focus on stranger rape as the primary risk to student safety may inadvertently reinforce the idea and increase the level of fear of stranger rape, which poses a relatively small threat to students (compared with the threat of being raped by someone known to them). As noted in Chapter 1, the belief in stranger-rape scripts—that is, the belief that rape will always follow a particular scenario (e.g., the assailant is a stranger, weapons are involved, a high degree of force is necessary, observable physical injuries are sustained)—is directly related to the victims’ ability to recognize, acknowledge, and name their experience as rape when they are assaulted by someone they know (Bachman, 1993; Bondurant, 2001; Kahn, Andreoli Mathie, & Torgler, 1994; Karjane, 2002; Kelly, 1988; Schwartz & Leggett, 1999). More research is needed in this area to explore the possible fear-inducing effects of general safety programs as opposed to sexual assault programs targeting non-stranger rape, and to assess the effectiveness of these more general programs.

As Table 5.2 reveals, about 6 in 10 institutions stated in the materials sent to us that they took specific steps to enhance safety and security on campus. As Table 5.2 also shows, institutions take a wide variety of steps to achieve these goals. Alcohol and drug education programs are among the most popular safety features. Only about a quarter of institutions provide residence hall personnel with safety training, have security staff on duty in residence halls, and make overnight guests in residence halls register. Various other steps are taken to decrease opportunities for crime to take place. Among the more popular are lighting the grounds, requiring key cards to enter campus buildings, and having emergency “blue light” phones on campus; about half the responding institutions mentioned these options. Other safety features mentioned include setting standards for architectural design (e.g., avoiding designs with convoluted alleyways), using surveillance cameras, and furnishing escorts. For most categories, four-year public and private nonprofit schools were more likely than other types of institutions to provide safety and security programs and/or features.

Again, target-hardening crime prevention strategies are problematic, as they may inadvertently reinforce stranger-rape myths, overstate the risk of such victimization, and alleviate people’s fear of being raped by sexually assaulted by someone they know. This is not to say that such programs are unnecessary or that stranger rape is not a risk for students; however, the level of threat is far lower than non-stranger forms of the crime.

Table 5.2  
Types of Safety and Security Features Provided by the Institution<sup>1</sup>

Type of School	Schools that Sent Safety and Security Features Info % (n)	Education and Training Programs <sup>2,3</sup>		Residence Hall Features <sup>2,3</sup>		Physical Features <sup>2,3</sup>		Policing <sup>2,3</sup> Adopt a COPP Program <sup>5</sup> % (n)
		Alcohol and Drug Education Programs % (n)	Resident Assistant Safety and Security Training <sup>4</sup> % (n)	Security Personnel on Duty <sup>4</sup> % (n)	Registration of Overnight Guests <sup>4</sup> % (n)	Lighting and Ground Standards % (n)	Architectural Design Standards % (n)	
All Schools	59.4 (603)	41.3 (249)	25.6 (80)	29.8 (93)	27.6 (86)	48.4 (292)	29.9 (180)	2.8 (17)
Four-Year Public	72.0 (190)	62.1 (118)	36.4 (56)	44.2 (68)	30.5 (47)	68.4 (130)	43.7 (83)	7.4 (14)
Four-Year Private Nonprofit	66.3 (130)	51.5 (67)	18.3 (19)	15.4 (16)	24.0 (25)	44.6 (58)	31.5 (41)	1.5 (2)
Two-Year Public	58.8 (110)	22.7 (25)	14.3 (3)	9.5 (2)	23.8 (5)	47.3 (52)	34.5 (38)	0.0 (0)
Two-Year Private Nonprofit	50.6 (39)	7.7 (3)	11.1 (1)	0.0 (0)	11.1 (1)	28.2 (11)	15.4 (6)	0.0 (0)
Two- and Four-Year Private For-Profit	52.1 (37)	13.5 (5)	0.0 (0)	0.0 (0)	20.0 (1)	29.7 (11)	2.7 (1)	0.0 (0)
Less than Two-Year Public Nonprofit	40.2 (33)	24.2 (8)	0.0 (0)	0.0 (0)	0.0 (0)	42.4 (14)	15.2 (5)	0.0 (0)
Less than Two-Year Private For-Profit	45.3 (39)	28.2 (11)	0.0 (0)	0.0 (0)	0.0 (0)	17.9 (7)	7.7 (3)	0.0 (0)
Historically Black Colleges and Universities	48.9 (22)	54.5 (12)	6.7 (1)	46.7 (7)	40.0 (6)	36.4 (8)	9.1 (2)	4.5 (1)
Native American Colleges and Universities	42.9 (3)	0.0 (0)	0.0 (0)	0.0 (0)	50.0 (1)	33.3 (1)	33.3 (1)	0.0 (0)

<sup>1</sup> Data source: Content analysis of published sexual assault materials.

<sup>2</sup> Percentages are based on the number of schools within each type that indicated that they have safety and security features.

<sup>3</sup> Percentages will not sum to 100% as schools could have mentioned more than one type of safety and security feature.

<sup>4</sup> Percentages are based on the number of schools that indicated that they have safety and security features and on-campus housing (n = 312).

<sup>5</sup> Campus-Oriented Police Program.

<sup>6</sup> Other security features include (1) visitor escorts, (2) personal safety alarms, (3) monitoring of vehicles entering campus, and (4) no access when school is closed.

Table 5.3  
Student Notification of Existing On-Campus and Off-Campus Victim-Related Services<sup>1</sup>

Type of School	Notification Given % (n)	Type of Notification <sup>2</sup>		
		Notification of Only On-Campus Services % (n)	Notification of Only Off-Campus Services % (n)	Notification of Both On-Campus and Off-Campus Services % (n)
All Schools	57.8 (587)	20.8 (122)	3.6 (21)	75.6 (444)
Four-Year Public	83.7 (221)	15.8 (35)	1.4 (3)	82.8 (183)
Four-Year Private Nonprofit	69.9 (137)	13.9 (19)	3.6 (5)	82.5 (113)
Two-Year Public	59.9 (112)	25.0 (28)	4.5 (5)	70.5 (79)
Two-Year Private Nonprofit	32.5 (25)	28.0 (7)	4.0 (1)	68.0 (17)
Two- and Four-Year Private For-Profit	42.3 (30)	36.7 (11)	10.0 (3)	53.3 (16)
Less than Two-Year Public Nonprofit	14.6 (12)	41.7 (5)	8.3 (1)	50.0 (6)
Less than Two-Year Private For-Profit	37.2 (32)	40.6 (13)	9.4 (3)	50.0 (16)
Historically Black Colleges and Universities	35.6 (16)	18.8 (3)	0.0 (0)	50.0 (1)
Native American Colleges and Universities	28.6 (2)	50.0 (1)	0.0 (0)	50.0 (1)

<sup>1</sup> Data source: Content analysis of published sexual assault materials.

<sup>2</sup> Percentages are based on those schools that give some type of notification to students (n = 587).

### **5.2.2 Student Notification of Resources**

As Table 5.3 shows, 57.8 percent of the institutions notify victims of the existence of both on- and off-campus counseling, mental health, and/or student services in their published materials. Of these schools, about three-fourths notify students of services both on and off campus. The percentage of schools telling victims about services is highest for four-year public and private colleges and two-year public colleges. Still, even for four-year public schools, almost 2 in 10 schools' policies do not mandate telling sexual assault victims where services might be obtained in the aftermath of a traumatic experience.

### **5.2.3 Resources for Student Victims**

Tables 5.4 and 5.5 furnish information on the on- and off-campus resources that are available to students who have experienced a sexual assault. In the documents analyzed, only about half of the schools mentioned that on-campus resources or services were available (see Table 5.4). In four-year public institutions, however, this figure exceeded 8 in 10 schools. For four-year private nonprofit and two-year public schools, a majority mentioned at least one on-campus resource (just over 6 in 10 and 5 in 10 schools, respectively).

Most often, all the schools provided these services: campus law enforcement (62.8 percent), student health services (47.7 percent), student counseling (70.2 percent), a dean or director of students (48.7 percent), off-campus referrals (33.4 percent), and campus housing services (28.1 percent).

As can be seen from Table 5.5, less than half of the schools mentioned off-campus resources available to those who have experienced a sexual assault. Similar to the on-campus resource findings, a majority of the four-year public and four-year private nonprofit schools mentioned having off-campus resources.

Of those who did mention off-campus resources, the ones most commonly noted were the police agencies (65.8 percent), women's centers (26.3 percent), rape crisis centers (70.2 percent), medical services (56.4 percent) and mental health services (26.1 percent), and victim advocacy offices (26.1 percent). This pattern is evident across many of the different types of schools.

Table 5.4  
On-Campus Resources Available to Those Who Have Experienced a Sexual Assault<sup>1</sup>

Type of School	Mentioned at Least One On-Campus Resource <sup>2</sup> % (n)	Criminal Justice <sup>2</sup>		Mental/Health Care <sup>3</sup>			Administration <sup>4</sup>		Other Campus Offices <sup>5</sup>			Other Services <sup>6</sup>				
		Campus Police % (n)	Campus Legal Counsel % (n)	Student Health Services % (n)	Student Counseling % (n)	Victim Services % (n)	Women's Center % (n)	Director or Dean of Students % (n)	Generic Administration <sup>4</sup> % (n)	Faculty or Staff % (n)	Human Resources Services <sup>5</sup> % (n)	Other Office <sup>6</sup> % (n)	Transportation Services % (n)	Off-Campus Referrals % (n)	Campus Clergy % (n)	Campus Housing Services % (n)
All Schools	52.2 (530)	62.8 (333)	1.9 (10)	47.7 (253)	70.2 (372)	10.2 (54)	18.3 (97)	48.7 (258)	2.6 (14)	6.8 (36)	22.6 (120)	12.5 (66)	14.3 (76)	33.4 (177)	8.7 (46)	28.1 (149)
Four-Year Public	81.8 (216)	72.2 (156)	4.6 (10)	65.3 (141)	89.4 (193)	18.1 (39)	34.7 (75)	46.8 (101)	0.0 (0)	8.8 (19)	33.3 (72)	19.4 (42)	16.2 (35)	28.7 (62)	6.5 (14)	36.1 (78)
Four-Year Private Nonprofit	63.3 (124)	77.4 (96)	0.0 (0)	51.6 (64)	75.0 (93)	5.6 (7)	7.3 (9)	67.7 (84)	6.5 (8)	9.7 (12)	21.0 (26)	10.5 (13)	21.0 (26)	21.0 (26)	24.2 (30)	46.8 (58)
Two-Year Public	54.0 (101)	59.4 (60)	0.0 (0)	27.7 (28)	49.5 (50)	6.9 (7)	9.9 (10)	45.5 (46)	3.0 (3)	4.0 (4)	11.9 (12)	5.0 (5)	5.0 (5)	34.7 (35)	1.0 (1)	5.0 (5)
Two-Year Private Nonprofit	26.0 (20)	20.0 (4)	0.0 (0)	40.0 (8)	55.0 (11)	0.0 (0)	0.0 (0)	25.0 (5)	5.0 (1)	0.0 (0)	5.0 (1)	20.0 (4)	5.0 (1)	40.0 (8)	5.0 (1)	15.0 (3)
Two- and Four-Year Private For-Profit	28.2 (20)	5.0 (1)	0.0 (0)	5.0 (1)	10.0 (2)	0.0 (0)	0.0 (0)	25.0 (5)	10.0 (2)	5.0 (1)	0.0 (0)	0.0 (0)	5.0 (1)	90.0 (18)	0.0 (0)	5.0 (1)
Less than Two-Year Public Nonprofit	13.4 (11)	9.1 (1)	0.0 (0)	18.2 (2)	45.5 (5)	0.0 (0)	9.1 (1)	27.3 (3)	0.0 (0)	0.0 (0)	9.1 (1)	0.0 (0)	9.1 (1)	54.5 (6)	0.0 (0)	0.0 (0)
Less than Two-Year Private For-Profit	23.3 (20)	15.0 (3)	0.0 (0)	0.0 (0)	5.0 (1)	5.0 (1)	0.0 (0)	30.0 (6)	0.0 (0)	0.0 (0)	15.0 (3)	0.0 (0)	5.0 (1)	80.0 (16)	0.0 (0)	0.0 (0)
Historically Black Colleges and Universities	35.6 (16)	68.8 (11)	0.0 (0)	56.3 (9)	93.8 (15)	0.0 (0)	12.5 (2)	43.8 (7)	0.0 (0)	0.0 (0)	25.0 (4)	12.5 (2)	37.5 (6)	37.5 (6)	0.0 (0)	25.0 (4)
Native American Colleges and Universities	28.6 (2)	50.0 (1)	0.0 (0)	0.0 (0)	100.0 (2)	0.0 (0)	0.0 (0)	50.0 (1)	0.0 (0)	0.0 (0)	50.0 (1)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)

Data source: Content analysis of published sexual assault policies.

<sup>2</sup> Percentages are based on the number of schools that sent any requested information (n = 1,015).

<sup>3</sup> Percentages are based on those schools within each type of school that listed off-campus resources available to those who have experienced a sexual assault (n = 530). Percentages will not sum to 100% as schools may have mentioned more than one type of on-campus resource.

<sup>4</sup> Generic Administration" included (1) any administrator, (2) administrative offices, and (3) the provost.

<sup>5</sup> Human Resources Services" include (1) human resources office, (2) affirmative action office, and (3) sexual assault or harassment offices (which are sometimes within human resources).

<sup>6</sup> Other Offices/Services" include offices of (1) the ombudsperson, (2) the athletics department, and (3) student life.

**Table 5.5**  
**Off-Campus Resources Available to Those Who Have Experienced a Sexual Assault<sup>1</sup>**

Type of School	Mentioned at Least One Off-Campus Resource <sup>2</sup> % (n)	Criminal Justice <sup>3,4</sup>				Services <sup>3</sup>				Other <sup>3</sup>		
		Police Agencies <sup>5</sup> % (n)	District Attorney/ Prosecutor % (n)	Local Attorneys % (n)	Women's Center % (n)	Rape Crisis Center % (n)	Medical Services % (n)	Mental Health Services % (n)	Victim Advocacy Office % (n)	Clergy/ Ministry % (n)	Other Resources <sup>6</sup> % (n)	
All Schools	44.9 (456)	65.8 (300)	9.2 (42)	2.4 (11)	26.3 (120)	70.2 (320)	56.4 (257)	26.1 (119)	26.1 (119)	2.0 (9)	5.0 (23)	
Four-Year Public	69.7 (184)	64.1 (118)	15.2 (28)	1.6 (3)	35.9 (66)	75.0 (138)	64.7 (119)	25.0 (46)	26.1 (48)	1.6 (3)	3.3 (6)	
Four-Year Private Nonprofit	58.2 (114)	74.6 (85)	7.9 (9)	4.4 (5)	22.8 (26)	74.6 (85)	59.6 (68)	28.1 (32)	31.6 (36)	3.5 (4)	5.3 (6)	
Two-Year Public	43.3 (81)	80.2 (65)	2.5 (2)	1.2 (1)	16.0 (13)	53.1 (43)	40.7 (33)	25.9 (21)	18.5 (15)	1.2 (1)	4.9 (4)	
Two-Year Private Nonprofit	22.1 (17)	47.1 (8)	0.0 (0)	0.0 (0)	23.5 (4)	70.6 (12)	58.8 (10)	47.1 (8)	23.5 (4)	5.9 (1)	11.8 (2)	
Two- and Four-Year Private For-Profit	26.8 (19)	31.6 (6)	5.3 (1)	5.3 (1)	15.8 (3)	84.2 (16)	26.3 (5)	31.6 (6)	15.8 (3)	0.0 (0)	5.3 (1)	
Less than Two-Year Public and Nonprofit	8.5 (7)	71.4 (5)	0.0 (0)	0.0 (0)	28.6 (2)	57.1 (4)	71.4 (5)	28.6 (2)	28.6 (2)	0.0 (0)	28.6 (2)	
Less than Two-Year Private For-Profit	22.1 (19)	31.6 (6)	5.3 (1)	5.3 (1)	21.1 (4)	68.4 (13)	31.6 (6)	15.8 (3)	42.1 (8)	0.0 (0)	10.5 (2)	
Historically Black Colleges and Universities	28.9 (13)	46.2 (6)	7.7 (1)	0.0 (0)	15.4 (2)	61.5 (8)	84.6 (11)	7.7 (1)	23.1 (3)	0.0 (0)	0.0 (0)	
Native American Colleges and Universities	28.6 (2)	50.0 (1)	0.0 (0)	0.0 (0)	0.0 (0)	50.0 (1)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)	

<sup>1</sup> Data source: Content analysis of published sexual assault policies.

<sup>2</sup> Percentages are based on the number of schools that sent any requested information (n = 1,015).

<sup>3</sup> Percentages are based on those schools within each type of school that listed off-campus resources available to those who have experienced a sexual assault (n = 456). Percentages will not sum to 100%, as schools may have mentioned more than one off-campus resource.

<sup>4</sup> Note that one school had the public defender's office listed as a resource.

<sup>5</sup> Includes local police and county sheriff's office.

<sup>6</sup> "Other Resources" include (1) human services department, (2) county services, and (3) local support groups.

#### **5.2.4 Resources for Special Populations of Students**

The campus administrator survey supplies further information on the issue of services for special populations of students, which include students living off campus; non-native English speaking students; lesbian, bisexual, gay, or transgendered students; and students who are physically challenged or who are sight or hearing impairments.

Table 5.6 reports on the issue of whether schools provide “victim related” support services to these populations. Only about one in four schools—though about 6 in 10 four-year public schools and more than 4 in 10 HBCUs—offer such services. For schools that do not provide these services, most (75–80 percent) supply them for a range of specific student populations (see Table 5.6).

Table 5.6  
Victim-Related Support Services for Specific Student Populations<sup>1</sup>

Type of School	Has at Least One Victim-Related Support Service % (n)	Specific Student Populations <sup>2</sup>						Sexual Minority <sup>3</sup> % (n)
		Physically Disabled % (n)	Hearing Impaired % (n)	Sight Impaired % (n)	Non-Native English Speaking % (n)	Students Living Off Campus % (n)		
All Schools	26.1 (261)	84.7 (221)	80.8 (211)	75.1 (196)	75.5 (197)	80.1 (209)	83.9 (219)	
Four-Year Public	59.9 (97)	86.4 (84)	82.5 (80)	76.3 (74)	76.3 (74)	75.3 (73)	90.7 (88)	
Four-Year Private Nonprofit	30.4 (55)	78.2 (43)	78.2 (43)	76.4 (42)	74.5 (41)	89.1 (49)	80.0 (44)	
Two-Year Public	22.7 (42)	92.9 (39)	90.5 (38)	83.3 (35)	76.2 (32)	69.0 (29)	78.6 (33)	
Two-Year Private Nonprofit	16.5 (16)	75.0 (12)	62.5 (10)	50.0 (8)	81.3 (13)	81.3 (13)	68.8 (11)	
Two- and Four-Year Private For-Profit	9.5 (10)	70.0 (7)	70.0 (7)	70.0 (7)	60.0 (6)	90.0 (9)	90.0 (9)	
Less than Two-Year Public and Nonprofit	17.0 (16)	93.8 (15)	93.8 (15)	93.8 (15)	100.0 (16)	93.8 (15)	93.8 (15)	
Less than Two-Year Private For-Profit	4.9 (6)	50.0 (3)	33.3 (2)	33.3 (2)	66.7 (4)	83.3 (5)	83.3 (5)	
Historically Black Colleges and Universities	43.2 (19)	94.7 (18)	84.2 (16)	68.4 (13)	57.9 (11)	84.2 (16)	73.7 (14)	
Native American Colleges and Universities	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)	

<sup>1</sup> Data source: Survey of campus administrators.

<sup>2</sup> Percentages are based on the number of schools that listed at least one victim-related service for specific student populations (n = 261). Percentages may not sum to 100%, because schools may have had victim-related support services for more than one type of specific student population.

<sup>3</sup> 'Sexual Minorities' includes (1) bisexual, (2) lesbian, (3) gay, and (4) transgendered students.

**Chapter 6**  
**POLICIES AND PROCEDURES FOR THE INVESTIGATION,  
ADJUDICATION, AND SANCTIONING OF  
SEXUAL ASSAULT ON CAMPUS**

**6.1 INTRODUCTION**

This chapter addresses the processes and procedures that institutions use when a student has allegedly perpetrated a sexual assault: the campus adjudication or disciplinary process, the procedures surrounding the submission of a complaint, the procedures involved in any informal or formal responses to the allegation, any hearing that might take place, issues of due process and proof, and the sanctions that could be imposed on a student who is judged to have violated a school's code of conduct.

**6.2 ISSUE VIII: PROCEDURES FOR INVESTING A REPORT OF SEXUAL ASSAULT AND DISCIPLINING THE PERPETRATOR**

Our review of the campus documentation we obtained revealed that just over 7 in 10 schools mentioned having “disciplinary procedures,” “judicial systems,” “grievance procedures,” or some similarly named process (e.g., “conduct policy”). The existence of such procedures, however, was not as apparent in for-profit schools and in less-than-two-year schools (see Table 6.1). As Table 6.1 also shows, less than half the schools that had some form of disciplinary process provided in their documentation a written description of the hearing process, although 7 in 10 four-year public institutions did so. Of schools possessing a disciplinary process of some kind, about 6 in 10 listed in their materials that there was an appeals process. Of this group of schools, 57 percent listed the reasons for an appeal (e.g., new evidence available, bias in the original process), and 64.6 percent described the appeal process (see Table 6.1). The existence and these features of the appeals process were most commonly found in the policies of four-year public and private schools, two-year public schools, and HBCUs.

Table 6.1  
Judicial/Disciplinary Process<sup>1</sup>

Type of School	Disciplinary Procedures % (n)	Existence of Procedures <sup>2</sup>			Hearing Written Description of Hearing Process <sup>4</sup> % (n)	Appeals Process			
		Judicial System % (n)	Both Disciplinary and Judicial Terms Used % (n)	Grievance Procedure % (n)		Other Term Used <sup>3</sup> % (n)	Existence of Appeal Process % (n)	Reasons for Appeal Listed <sup>5</sup> % (n)	Description of Appeal Process <sup>5</sup> % (n)
All Schools	46.1 (468)	8.0 (81)	10.7 (109)	3.0 (30)	4.1 (42)	45.8 (374)	62.3 (509)	57.0 (290)	64.6 (329)
Four-Year Public	53.4 (141)	14.4 (38)	20.8 (55)	0.8 (2)	1.5 (4)	72.2 (174)	81.7 (197)	65.5 (129)	73.1 (144)
Four-Year Private Nonprofit	39.8 (78)	15.3 (30)	17.3 (34)	6.6 (13)	5.1 (10)	48.2 (80)	74.7 (124)	66.9 (83)	57.3 (71)
Two-Year Public	69.0 (129)	3.2 (6)	4.8 (9)	2.7 (5)	4.8 (9)	53.1 (85)	73.1 (117)	42.7 (50)	65.0 (76)
Two-Year Private Nonprofit	39.0 (30)	2.6 (2)	1.3 (1)	6.5 (5)	9.1 (7)	13.0 (6)	32.6 (15)	40.0 (6)	60.0 (9)
Two- and Four-Year Private For-Profit	33.8 (24)	1.4 (1)	0.0 (0)	1.4 (1)	1.4 (1)	5.3 (3)	12.3 (7)	14.3 (1)	42.9 (3)
Less than Two-Year Public and Nonprofit	23.2 (19)	1.2 (1)	0.0 (0)	0.0 (0)	6.1 (5)	1.8 (1)	16.1 (9)	1.1 (1)	55.6 (5)
Less than Two-Year Private For-Profit	29.1 (25)	0.0 (0)	0.0 (0)	1.2 (1)	3.5 (3)	2.0 (1)	14.3 (7)	28.6 (2)	42.9 (3)
Historically Black Colleges and Universities	42.2 (19)	6.7 (3)	22.2 (10)	2.2 (1)	2.2 (1)	65.7 (23)	82.9 (29)	58.6 (17)	62.1 (18)
Native American Colleges and Universities	42.9 (3)	0.0 (0)	0.0 (0)	28.6 (2)	28.6 (2)	14.3 (1)	57.1 (4)	25.0 (1)	0.0 (0)

<sup>1</sup> Data source: Content analysis of published sexual assault materials.

<sup>2</sup> Note that 87 schools implied having a judicial/disciplinary system and then only listed available sanctions (e.g., suspension, probation, fines).

<sup>3</sup> "Other Terms" include (1) conduct policy, (2) lifestyle standards, (3) due process, (4) complaint procedures, (5) honor code, and (6) disciplinary-grievance procedures.

<sup>4</sup> Percentages are based on the number of schools that mention having a judicial system and/or disciplinary procedures (n = 817).

<sup>5</sup> Percentages are based on the number of schools that mentioned having an appeal process (n = 509).

### 6.2.1 Filing a Written Complaint

Table 6.2 presents information on whether a school's published materials note the existence of a process that a student could use to file a written complaint concerning an alleged sexual assault. As can be seen, almost 6 in 10 schools mention such a process, and those most likely to do so are four-year public and private nonprofit schools, HBCUs, and Native American colleges and universities.

Table 6.3 presents information on the office where, or the person on campus to whom, a complaint is filed. Just over half the schools (54.3 percent) mention where a written complaint is to be filed. Most often, for schools mentioning the filing of a complaint, those most listed as recipients of written complaints are the dean or director of Students (54.7 percent) and the office of judicial or disciplinary affairs (32 percent). Again, this finding is significant because the failure to clearly specify in published materials where complaints are to be directed can potentially inhibit the reporting of sexual assaults.

Table 6.4 contains a final set of information about the complaint process, focusing on whether the complainant and the accused are notified of what will transpire once a written complaint is filed. Although more common at four-year public and private nonprofit institutions, only 52.6 percent of the schools' materials mention that the complainant will be notified of the procedures that will be used in, and the outcome of, the hearing process. Among these schools, 9 in 10 state that they notify complainants of both procedures and outcomes. In Table 6.4, it can also be seen that about 6 in 10 of the schools with a disciplinary process notified the accused when a written complaint is filed and describe the nature of the complaint. Seven in 10 mention that they notify the accused of the procedures that will be followed in the disciplinary process and/or the outcomes of the process. Of these, nearly all notify the accused of both procedures and outcomes.

Table 6.2  
Student Complaint Procedures<sup>1</sup>

Type of School	Has Process to File a Written Complaint <sup>3</sup> % (n)	Where a Written Complaint Gets Filed <sup>2</sup>										Accused Notified of Written Complaint <sup>7</sup> % (n)
		Judicial/Disciplinary Office % (n)	Student Legal Counsel % (n)	Student Affairs Office % (n)	Campus Law Enforcement % (n)	Dean/Director of Students % (n)	Office of Student Life <sup>4</sup> % (n)	Generic Administrative Office <sup>5</sup> % (n)	Other Office <sup>6</sup> % (n)			
All Schools	58.1 (475)	32.0 (142)	0.9 (4)	8.6 (38)	14.2 (63)	54.7 (243)	6.3 (28)	5.4 (24)	5.2 (23)	61.9 (506)		
Four-Year Public	77.6 (187)	46.9 (84)	0.6 (1)	10.1 (18)	18.4 (33)	46.9 (84)	5.0 (9)	2.8 (5)	2.2 (4)	87.6 (211)		
Four-Year Private Nonprofit	72.9 (121)	28.9 (33)	0.9 (1)	11.4 (13)	11.4 (13)	53.5 (61)	9.6 (11)	6.1 (7)	7.9 (9)	69.9 (116)		
Two-Year Public	58.8 (94)	14.6 (12)	1.2 (1)	6.1 (5)	7.3 (6)	69.5 (57)	4.9 (4)	4.9 (4)	3.7 (3)	69.4 (111)		
Two-Year Private Nonprofit	43.5 (20)	15.8 (3)	5.3 (1)	0.0 (0)	5.3 (1)	36.8 (7)	15.8 (3)	10.5 (2)	21.1 (4)	32.6 (15)		
Two- and Four-Year Private For-Profit	14.0 (8)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)	100.0 (9)	0.0 (0)	11.1 (1)	0.0 (0)	12.3 (7)		
Less than Two-Year Public and Nonprofit	10.7 (6)	16.7 (1)	0.0 (0)	0.0 (0)	16.7 (1)	33.3 (2)	0.0 (0)	33.3 (2)	16.7 (1)	10.7 (6)		
Less than Two-Year Private For-Profit	16.3 (8)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)	100.0 (7)	0.0 (0)	42.9 (3)	0.0 (0)	10.2 (5)		
Historically Black Colleges and Universities	74.3 (26)	34.8 (8)	0.0 (0)	4.3 (1)	30.4 (7)	60.9 (14)	4.3 (1)	0.0 (0)	4.3 (1)	85.7 (30)		
Native American Colleges and Universities	71.4 (5)	20.0 (1)	0.0 (0)	20.0 (1)	40.0 (2)	20.0 (1)	0.0 (0)	0.0 (0)	20.0 (1)	71.4 (5)		

<sup>1</sup> Data source: Content analysis of published sexual assault materials.

<sup>2</sup> Percentages are based on those schools that described where to file a written complaint (n = 444); percentages will not sum to 100% because schools could have mentioned more than one place to file a complaint.

<sup>3</sup> There were no specific persons listed to contact within the Office of Student Life.

<sup>4</sup> "Generic Administration" included (1) any administrator, (2) administrative offices, and (3) the provost.

<sup>5</sup> "Other Offices" included (1) university housing, (2) faculty or staff, (3) academic advisors, and (4) human resources.

<sup>6</sup> Percentages are based on those schools that mentioned having a judicial system and/or disciplinary procedures (n = 817).

Table 6.3  
Place Where a Written Complaint Is Filed<sup>1</sup>

Type of School	Mention of Where a Written Complaint Gets Filed <sup>2</sup> % (n)	Specific Place Where a Written Complaint Is Filed <sup>3</sup>									
		Judicial or Disciplinary Affairs Office % (n)	Student Affairs Office % (n)	Campus Law Enforcement % (n)	Dean or Director of Students % (n)	Generic Administration <sup>4</sup> % (n)	Office of Student Life % (n)	Human Resources % (n)	Faculty or Staff % (n)	Other <sup>5</sup> % (n)	
All Schools	54.3 (444)	32.0 (142)	8.6 (38)	14.2 (63)	54.7 (243)	5.4 (24)	6.3 (28)	1.8 (8)	1.6 (7)	2.7 (12)	
Four-Year Public	74.3 (179)	46.9 (84)	10.1 (18)	18.4 (33)	47.2 (85)	2.8 (5)	5.0 (9)	0.6 (1)	0.6 (1)	1.7 (3)	
Four-Year Private Nonprofit	68.7 (114)	28.9 (33)	11.4 (13)	11.4 (13)	53.5 (61)	6.1 (7)	9.6 (11)	3.5 (4)	1.8 (2)	3.5 (4)	
Two-Year Public	51.3 (82)	14.6 (12)	6.1 (5)	7.3 (6)	69.5 (57)	43.9 (4)	4.9 (4)	1.2 (1)	1.2 (1)	2.4 (2)	
Two-Year Private Nonprofit	41.3 (19)	15.8 (3)	0.0 (0)	5.3 (1)	36.8 (7)	10.5 (2)	15.8 (3)	0.0 (0)	10.5 (2)	15.8 (3)	
Two- and Four-Year Private For-Profit	15.8 (9)	0.0 (0)	0.0 (0)	0.0 (0)	100.0 (9)	11.1 (1)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)	
Less than Two-Year Public and Nonprofit	10.7 (6)	16.7 (1)	0.0 (0)	16.7 (1)	33.3 (2)	33.3 (2)	0.0 (0)	16.7 (1)	0.0 (0)	0.0 (0)	
Less than Two-Year Private For-Profit	14.3 (7)	0.0 (0)	0.0 (0)	0.0 (0)	100.0 (7)	42.9 (3)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)	
Historically Black Colleges and Universities	65.7 (23)	34.8 (8)	4.3 (1)	30.4 (7)	63.6 (14)	0.0 (0)	4.3 (1)	4.3 (1)	0.0 (0)	0.0 (0)	
Native American Colleges and Universities	71.4 (5)	20.0 (1)	20.0 (1)	40.0 (2)	20.0 (1)	0.0 (0)	0.0 (0)	0.0 (0)	20.0 (1)	0.0 (0)	

<sup>1</sup> Data source: Content analysis of published sexual assault materials.

<sup>2</sup> Percentages are based on the number of schools that mentioned having a judicial or disciplinary process (n = 817).

<sup>3</sup> Percentages are based on the number of schools that mentioned where a written complaint gets filed (n = 444). Percentages will not sum to 100% because schools could have listed more than one place to file a written complaint.

<sup>4</sup> "Generic Administration" included (1) administrative offices and (2) any administrator.

<sup>5</sup> The "Other" category included (1) student attorney/legal counsel and (2) student housing office.

Table 6.4  
Notification of Complainant and Accused After a Written Complaint is Filed<sup>1</sup>

Type of School	Complainant			Accused						
	Mention of Complainant Being Notified of Procedures and/or Outcome <sup>2</sup> % (n)	Only Notified of Procedures <sup>3</sup> % (n)	Only Notified of Outcomes <sup>3</sup> % (n)	Notified of Both Procedures and Outcomes <sup>3</sup> % (n)	Accused Notified of Written Complaint <sup>2</sup> % (n)	Accused Notified of Nature of Complaint <sup>2</sup> % (n)	Mention of Accused Being Notified of Procedures and/or Outcomes <sup>2</sup> % (n)	Only Notified of Procedures <sup>4</sup> % (n)	Only Notified of Outcomes <sup>4</sup> % (n)	Notified of Both Procedures and Outcomes <sup>4</sup> % (n)
All Schools	52.6 (430)	3.3 (14)	5.8 (25)	90.9 (391)	61.9 (506)	61.2 (500)	71.4 (583)	0.3 (2)	2.4 (14)	97.3 (567)
Four-Year Public	78.8 (190)	2.6 (5)	4.7 (9)	92.6 (176)	87.6 (211)	87.6 (211)	92.1 (222)	0.5 (1)	0.9 (2)	98.6 (219)
Four-Year Private Nonprofit	61.4 (102)	2.9 (3)	1.0 (1)	96.1 (98)	69.9 (116)	66.9 (111)	77.1 (128)	0.0 (0)	0.8 (1)	99.2 (127)
Two-Year Public	40.0 (64)	4.7 (3)	9.4 (6)	85.9 (55)	69.4 (111)	68.8 (110)	77.5 (124)	0.0 (0)	3.2 (4)	96.8 (120)
Two-Year Private Nonprofit	32.6 (15)	0.0 (0)	0.0 (0)	100.0 (15)	32.6 (15)	32.6 (15)	47.8 (22)	0.0 (0)	0.0 (0)	100.0 (22)
Two- and Four-Year Private For-Profit	26.3 (15)	0.0 (0)	20.0 (3)	80.0 (12)	12.3 (7)	12.3 (7)	33.3 (19)	0.0 (0)	10.5 (2)	89.5 (17)
Less than Two-Year Public and Nonprofit	8.9 (5)	0.0 (0)	20.0 (1)	80.0 (4)	10.7 (6)	10.7 (6)	16.1 (9)	0.0 (0)	0.0 (0)	100.0 (9)
Less than Two-Year Private For-Profit	38.8 (19)	5.3 (1)	21.1 (4)	73.7 (14)	10.2 (5)	10.2 (5)	44.9 (22)	0.0 (0)	18.2 (4)	81.8 (18)
Historically Black Colleges and Universities	48.6 (17)	1.8 (2)	5.9 (1)	82.4 (14)	85.7 (30)	85.7 (30)	91.4 (32)	3.1 (1)	3.1 (1)	93.8 (30)
Native American Colleges and Universities	42.9 (3)	0.0 (0)	0.0 (0)	100.0 (3)	71.4 (5)	71.4 (5)	71.4 (5)	0.0 (0)	0.0 (0)	100.0 (5)

<sup>1</sup> Data source: Content analysis of published sexual assault materials.

<sup>2</sup> Percentages are based on the number of schools that mentioned having a judicial or disciplinary process (n = 817).

<sup>3</sup> Percentages are based on the number of schools that mentioned notifying the complainant of procedures and/or outcomes (n = 430).

<sup>4</sup> Percentages are based on the number of schools that mentioned notifying the accused of procedures and/or outcomes (n = 583).

### **6.2.2 Campus Efforts to Investigate a Sexual Assault Complaint**

Table 6.5 examines whether schools' materials make note of an "investigation stage"—that is, a stage in the process that provides for the gathering of information to determine if there is sufficient evidence to decide whether a code violation has occurred. In a sense, this is the point at which enough evidence has been gathered to "charge" the person accused of the violation, or to dismiss the allegation as unfounded due to lack of evidence. Almost half of four-year public schools mention such a stage. Across all schools, however, only about one in four institutions demarcate an investigation stage. For those schools who mention this stage, most often they note that the person who makes the decision as to whether a violation has occurred and the case should proceed is a representative of the Dean of Students' Office (50.7 percent) or a judicial/disciplinary officer or advisor (36.3 percent).

Table 6.5  
Investigation Stage<sup>1</sup>

Type of School	Mention of Stage to Determine if Sufficient Evidence of Violation Occurred <sup>2</sup> % (n)	Person Who Determines if there is Sufficient Evidence to Show a Violation Occurred <sup>3</sup>					
		Judicial or Disciplinary Officer or Advisor % (n)	Representative from Dean of Students' Office % (n)	Representative from Student Life Office % (n)	Combination of Campus Reps. in Consultation with One Another <sup>4</sup> % (n)	Director or Manager of School % (n)	Other <sup>5</sup> % (n)
All Schools	26.3 (215)	36.3 (78)	50.7 (109)	3.3 (7)	2.3 (5)	0.9 (2)	5.6 (12)
Four-Year Public	46.9 (113)	42.5 (48)	48.7 (55)	3.5 (4)	1.8 (2)	0.9 (1)	1.8 (2)
Four-Year Private Nonprofit	27.1 (45)	40.0 (18)	44.4 (20)	4.4 (2)	4.4 (2)	0.0 (0)	4.4 (2)
Two-Year Public	22.5 (36)	22.2 (8)	63.9 (23)	2.8 (1)	0.0 (0)	0.0 (0)	11.1 (4)
Two-Year Private Nonprofit	10.9 (5)	20.0 (1)	60.0 (3)	0.0 (0)	0.0 (0)	0.0 (0)	20.0 (1)
Two- and Four-Year Private For-Profit	3.5 (2)	0.0 (0)	100.0 (2)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)
Less than Two-Year Public and Nonprofit	1.8 (1)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)	100.0 (1)	0.0 (0)
Less than Two-Year Private For-Profit	2.0 (1)	0.0 (0)	100.0 (1)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)
Historically Black Colleges and Universities	31.4 (11)	27.3 (3)	45.5 (5)	0.0 (0)	9.1 (1)	0.0 (0)	18.2 (2)
Native American Colleges and Universities	14.3 (1)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)	100.0 (1)

<sup>1</sup> Data source: Content analysis of published sexual assault materials.

<sup>2</sup> Percentages are based on the number of schools that mentioned having a judicial or disciplinary process (n = 817).

<sup>3</sup> Percentages are based on the number of schools that mentioned having a stage to determine if there is sufficient evidence that violation of the student code of conduct occurred (n = 215).

<sup>4</sup> "Campus Representatives" include personnel from (1) Student Life, (2) Dean of Students' Office, and/or (3) Judicial or Disciplinary Office.

<sup>5</sup> The "Other" category included (1) student attorney or legal counsel, (2) an appointed committee, and (3) faculty and staff serving on the judicial board.

### 6.2.3 Campus and Local Law Enforcement Coordination of Investigation Efforts

The survey of campus administrators provides additional details about another factor that could potentially affect the investigation and, ultimately, the adjudication of victims' complaints: whether written protocols exist between campus and local law enforcement agencies for responding to sexual assault cases. These protocols are potentially significant for a number of reasons. First, they may facilitate a coordinated effort between law enforcement agencies when a victimization is reported, thus better serving the victim. Second, as the victimization of college students can occur in both on- and off-campus locations, regardless of where the victim resides, victims and offenders may thus cross campus and local jurisdictions, taking evidence relevant to cases with them. Finally, such protocols might also assist enforcement officials in assessing the extent of sexual victimization in their jurisdictions and in developing cooperative crime prevention strategies (e.g., mapping where victimizations take place).

As can be seen in Table 6.6, however, only about one in four administrators state that their campuses have such protocols. The figure is about twice as high for four-year public schools and HBCUs, but even here, only about half these institutions have protocols for law enforcement agencies. When protocols are developed, they cover common areas. In 7 of 10 protocols, there is a written guideline for referring victims to support services. In a similar proportion, there are procedures for *Campus Security Act* reporting (consistent with the *Clery Act*). Less often (in 4 of 10 protocols), there are standards for UCR reporting. Two of every 3 protocols require campus officials to report sexual assault incidents to local law enforcement agencies; by contrast, only 4 in 10 have procedures for dual or cross-reporting of incidents. The protocols also outline investigative responsibility (62.8 percent of the time), information sharing (58.7 percent), and resource sharing (44.6 percent). A future area of research would involve exploring whether such protocols—and if so, which of their features—increase the quality and success of sexual assault investigations and adjudications.

Table 6.6  
Existence of Written Protocols Between Campus and Local Law Enforcement Agencies for Responding to Sexual Assault Cases<sup>1</sup>

Type of School	Written Protocol Exists % (n)	Type of Written Protocol										Don't Know % (n)
		Report Incident to Local Law Enforcement % (n)	Procedures for Dual or Cross-Reporting % (n)	Procedures for UCR Reporting % (n)	Procedures for Campus Security Act Reporting % (n)	Investigative Responsibility % (n)	Information Sharing % (n)	Resource Sharing <sup>3</sup> % (n)	Victim Support Service Referrals % (n)	Other % (n)		
All Schools	24.2 (242)	65.3 (158)	39.7 (96)	40.1 (97)	68.2 (165)	62.8 (152)	58.7 (142)	44.6 (108)	70.2 (170)	11.6 (28)	2.5 (6)	
Four-Year Public	46.3 (75)	58.7 (44)	57.3 (43)	69.3 (52)	85.3 (64)	77.3 (58)	74.7 (56)	64.0 (48)	85.3 (64)	8.0 (6)	0.0 (0)	
Four-Year Private Nonprofit	26.5 (48)	56.3 (27)	33.3 (16)	33.3 (16)	75.0 (36)	64.6 (31)	56.3 (27)	47.9 (23)	77.1 (37)	18.8 (9)	6.3 (3)	
Two-Year Public	26.5 (49)	71.4 (35)	40.8 (20)	28.6 (14)	67.3 (33)	59.2 (29)	55.1 (27)	34.7 (17)	59.2 (29)	10.2 (5)	0.0 (0)	
Two-Year Private Nonprofit	25.5 (21)	81.0 (17)	14.3 (3)	19.0 (4)	42.9 (9)	47.6 (10)	38.1 (8)	38.1 (8)	66.7 (14)	4.8 (1)	4.8 (1)	
Two- and Four-Year Private For-Profit	5.7 (6)	66.7 (4)	33.3 (2)	0.0 (0)	33.3 (2)	50.0 (3)	33.3 (2)	0.0 (0)	50.0 (3)	0.0 (0)	33.3 (2)	
Less than Two-Year Public and Nonprofit	16.0 (15)	80.0 (12)	26.7 (4)	0.0 (0)	33.3 (5)	33.3 (5)	46.7 (7)	13.3 (2)	40.0 (6)	20.0 (3)	0.0 (0)	
Less than Two-Year Private For-Profit	4.9 (6)	83.3 (5)	16.7 (1)	16.7 (1)	50.0 (3)	33.3 (2)	50.0 (3)	33.3 (2)	33.3 (2)	0.0 (0)	0.0 (0)	
Historically Black Colleges and Universities	50.0 (22)	63.6 (14)	31.8 (7)	45.5 (10)	59.1 (13)	63.6 (14)	54.5 (12)	36.4 (8)	68.2 (15)	18.2 (4)	0.0 (0)	
Native American Colleges and Universities	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)	

<sup>1</sup> Data source: Survey of campus administrators.

<sup>2</sup> Percentages are based on the number of schools that have written protocols between campus law enforcement and local law enforcement agencies for responding to sexual assault cases (n = 242). Percentages may not sum to 100% because schools may have had more than one type of written protocol.

<sup>3</sup> An example of resource sharing is shared medical facilities.

#### 6.2.4 Campus Adjudication Procedures

The next set of tables assess the extent to which the documentation of schools provides information on key features of the disciplinary hearing. Across these issues, the schools most likely to specify the nature of the hearing in their materials are four-year public and private nonprofit institutions, two-year public institutions, and HBCUs.

As Table 6.7 reveals, of the schools with a disciplinary procedure, only half (51.2 percent) mention the “composition” of the hearing board—that is, who will be on the board and conduct the hearing. When the composition is mentioned, those most likely to be designated to hear complaints are students (80.4 percent of schools) and faculty members (75.8 percent). About one in five schools also mention including on the hearing board the dean or director of students, a member of the administration, and a judicial or disciplinary officer.

In Table 6.8, we see that less than half the schools list how many members, at minimum, must be on a disciplinary board to hear a complaint. For those that mention a number, the range was between 1 and 24. The most commonly cited figures were five participants (31.6 percent) and three participants (19.5 percent). Table 6.9 reveals whether schools’ materials specify various procedures of the disciplinary hearing process. Thus, we can see that between 37.2 and 52.9 percent of the schools that provided a written description of their hearing processes mentioned in their materials that (1) the accuser and the accused could have others present in the hearing, (2) evidence would be presented, testimony would be given, (4) witnesses would be called, and (5) cross-examination was a possibility. In contrast, few schools mentioned that hearing participants might be subject to training or education concerning violence against women. Further, fewer than 1 in 10 schools mentioned the existence of a “rape shield” provision—that is, a procedure that protects victims from the irrelevant use in a hearing of their past sexual history.

Across all the schools, the schools most likely to provide a written description of what happens in the hearing process, mention that the accuser and the accused could have others present in the hearing, mention evidence being presented, mention testimony being given, mention the calling of witnesses, and mention the possibility of cross-examination were four-year public, four-year private nonprofit, and two-year public schools, and HBCUs. The materials from the four-year public and private nonprofit schools were most likely to mention rape shield provisions.

Although twice as likely at four-year public schools, only 13.2 percent of the institutions stated in their policy materials that a disciplinary hearing was “open to the public” (see Table 6.10). Some schools place restrictions on when a hearing can be open. Most commonly, a hearing is open when the accused requests that it be open (37 percent) or when the complainant grants the accused person’s request for an open hearing (38.9 percent).

Table 6.7  
Hearing Composition<sup>1</sup>

Type of School	Mention of the Composition of the Judicial or Disciplinary Hearing <sup>2</sup>	Composition of Hearing Board <sup>3</sup>										
		Dean or Director of Students % (n)	Generic Administration % (n)	Faculty Members % (n)	Students (Undergraduate or Graduate) % (n)	Judicial or Disciplinary Officer % (n)	Rep(s) from Student Life Office % (n)	Non-Faculty Employees % (n)	Alumni % (n)	Board of Trustees % (n)	Police Officers % (n)	
All Schools	51.2 (418)	22.5 (94)	20.6 (86)	75.8 (317)	80.4 (336)	19.9 (83)	3.8 (16)	12.7 (53)	0.2 (1)	0.2 (1)	0.2 (1)	
Four-Year Public	66.4 (160)	15.0 (24)	17.5 (28)	71.9 (115)	81.3 (130)	34.4 (55)	1.9 (3)	7.5 (12)	0.0 (0)	0.0 (0)	0.0 (0)	
Four-Year Private Nonprofit	61.4 (102)	25.5 (26)	11.8 (12)	79.4 (81)	77.5 (79)	14.7 (15)	3.9 (4)	10.8 (11)	1.0 (1)	1.0 (1)	0.0 (0)	
Two-Year Public	60.0 (96)	20.8 (20)	31.3 (30)	81.3 (78)	88.5 (85)	7.3 (7)	6.3 (6)	17.7 (17)	0.0 (0)	0.0 (0)	1.0 (1)	
Two-Year Private Nonprofit	37.0 (17)	70.6 (12)	23.5 (4)	76.5 (13)	64.7 (11)	5.9 (1)	5.9 (1)	29.4 (5)	0.0 (0)	0.0 (0)	0.0 (0)	
Two- and Four-Year Private For-Profit	12.3 (7)	71.4 (5)	42.9 (3)	57.1 (4)	57.1 (4)	0.0 (0)	0.0 (0)	14.3 (1)	0.0 (0)	0.0 (0)	0.0 (0)	
Less than Two-Year Public and Nonprofit	8.9 (5)	20.0 (1)	0.0 (0)	40.0 (2)	60.0 (3)	20.0 (1)	0.0 (0)	20.0 (1)	0.0 (0)	0.0 (0)	0.0 (0)	
Less than Two-Year Private For-Profit	10.2 (5)	40.0 (2)	60.0 (3)	40.0 (2)	20.0 (1)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)	
Historically Black Colleges and Universities	65.7 (23)	13.0 (3)	17.4 (4)	82.6 (19)	91.3 (21)	17.4 (4)	8.7 (2)	26.1 (6)	0.0 (0)	0.0 (0)	0.0 (0)	
Native American Colleges and Universities	42.9 (3)	33.3 (1)	66.7 (2)	100.0 (3)	66.7 (2)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)	

<sup>1</sup> Data source: Content analysis of published sexual assault materials.

<sup>2</sup> Percentages are based on the number of schools that mentioned having a judicial or disciplinary process (n = 817).

<sup>3</sup> Percentages are based on the number of schools that mentioned the composition of the judicial or disciplinary hearing (n = 418). Percentages will not sum to 100% because schools may have listed more than one participant.

Table 6.8  
Minimum Number of Judicial or Disciplinary Hearing Participants Required to Hear a Case<sup>1</sup>

Type of School	Mention of How Many Members Hear a Case <sup>2</sup> % (n)	Minimum Number of Hearing Participants Required <sup>3,4</sup>												
		One	Two	Three	Four	Five	Six	Seven	Eight	Nine	Ten	Twelve	Twenty	Twenty-Four
		% (n)	% (n)	% (n)	% (n)	% (n)	% (n)	% (n)	% (n)	% (n)	% (n)	% (n)	% (n)	% (n)
All Schools	45.8 (374)	11.2 (42)	1.9 (7)	19.5 (73)	9.4 (35)	31.6 (118)	11.2 (42)	5.6 (21)	3.2 (12)	2.4 (9)	1.9 (7)	1.6 (6)	0.3 (1)	0.3 (1)
Four-Year Public	55.2 (133)	9.8 (13)	0.0 (0)	21.9 (29)	13.5 (18)	33.1 (44)	9.0 (12)	5.3 (7)	0.8 (1)	0.0 (0)	2.3 (3)	3.8 (5)	0.8 (1)	0.0 (0)
Four-Year Private Nonprofit	56.0 (93)	11.8 (11)	4.3 (4)	22.6 (21)	7.5 (7)	32.3 (30)	7.5 (7)	2.2 (2)	2.2 (2)	6.5 (6)	2.2 (2)	0.0 (0)	0.0 (0)	1.1 (1)
Two-Year Public	59.4 (95)	11.6 (11)	0.0 (0)	12.6 (12)	7.4 (7)	28.4 (27)	23.2 (22)	8.4 (8)	6.3 (6)	1.1 (1)	1.1 (1)	0.0 (0)	0.0 (0)	0.0 (0)
Two-Year Private Nonprofit	26.1 (12)	25.0 (3)	0.0 (0)	16.7 (2)	16.7 (2)	25.0 (3)	8.3 (1)	0.0 (0)	8.3 (1)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)
Two- and Four-Year Private For-Profit	12.3 (7)	14.3 (1)	14.3 (1)	28.6 (2)	0.0 (0)	28.6 (2)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)	14.3 (1)	0.0 (0)	0.0 (0)
Less than Two-Year Public and Nonprofit	7.1 (4)	0.0 (0)	0.0 (0)	75.0 (3)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)	25.0 (1)	0.0 (0)	0.0 (0)	0.0 (0)
Less than Two-Year Private For-Profit	10.2 (5)	40.0 (2)	20.0 (1)	20.0 (1)	0.0 (0)	0.0 (0)	0.0 (0)	20.0 (1)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)
Historically Black Colleges and Universities	62.9 (22)	4.5 (1)	4.5 (1)	13.6 (3)	4.5 (1)	45.5 (10)	0.0 (0)	9.1 (2)	9.1 (2)	9.1 (2)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)
Native American Colleges and Universities	42.9 (3)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)	66.7 (2)	0.0 (0)	33.3 (1)	3.2 (12)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)

<sup>1</sup> Data source: Content analysis of published sexual assault materials.

<sup>2</sup> Percentages are based on the number of schools that mentioned having a judicial or disciplinary process (n = 817).

<sup>3</sup> There may be a higher number of hearing participants. The numbers presented are the minimum number required to hear a case.

<sup>4</sup> Percentages are based on the number of schools that mentioned how many members are required to hear a case (n = 374).

Table 6.9  
The Nature of the Judicial or Disciplinary Hearing Process<sup>1, 2</sup>

Type of School	Provided a Written Description of the Hearing Process % (n)	Statement that Accuser and Accused Are Entitled to Same Opportunities to Have Others Present During Hearing % (n)	Mention of Evidence Being Presented % (n)	Mention of Testimony Being Given % (n)	Mention of Witnesses Being Called and Testifying % (n)	Mention of a Cross Exam % (n)	Mention of Rape Shield Provisions <sup>3</sup> % (n)	Mention Hearing Participants Subject to Training or Education Concerning Violence Against Women % (n)
All Schools	45.8 (374)	37.2 (304)	47.4 (387)	48.3 (395)	52.9 (432)	39.7 (324)	8.7 (71)	3.4 (28)
Four-Year Public	72.2 (174)	56.0 (135)	73.0 (176)	73.4 (177)	80.5 (194)	68.5 (165)	18.7 (45)	3.7 (9)
Four-Year Private Nonprofit	48.2 (80)	43.4 (72)	49.4 (82)	54.8 (91)	56.6 (94)	31.3 (52)	10.2 (17)	10.2 (17)
Two-Year Public	53.1 (85)	28.8 (46)	56.3 (90)	55.0 (88)	61.3 (98)	47.5 (76)	2.5 (4)	0.6 (1)
Two-Year Private Nonprofit	13.0 (6)	32.6 (15)	13.0 (6)	13.0 (6)	15.2 (7)	10.9 (5)	6.5 (3)	0.0 (0)
Two- and Four-Year Private For-Profit	5.3 (3)	19.3 (11)	5.3 (3)	7.0 (4)	5.3 (3)	1.8 (1)	0.0 (0)	0.0 (0)
Less than Two-Year Public and Nonprofit	1.8 (1)	3.6 (2)	3.6 (2)	3.6 (2)	8.9 (5)	3.6 (2)	0.0 (0)	0.0 (0)
Less than Two-Year Private For-Profit	2.0 (1)	28.6 (14)	6.1 (3)	4.1 (2)	4.1 (2)	2.0 (1)	0.0 (0)	0.0 (0)
Historically Black Colleges and Universities	65.7 (23)	22.9 (8)	68.6 (24)	68.6 (24)	77.1 (27)	57.1 (20)	5.7 (2)	2.9 (1)
Native American Colleges and Universities	14.3 (1)	14.3 (1)	14.3 (1)	14.3 (1)	28.6 (2)	28.6 (2)	0.0 (0)	0.0 (0)

<sup>1</sup> Data source: Content analysis of published sexual assault materials.

<sup>2</sup> Percentages are based on the number of schools that mentioned having a judicial or disciplinary process (n = 817).

<sup>3</sup> This includes a procedure to determine whether evidence about complainant's prior sexual behavior will be admissible into the disciplinary or judicial procedure.

Table 6.10  
Judicial or Disciplinary Hearings Open to the Public<sup>1</sup>

Type of School	Mention of Hearing Being Open to Public <sup>2</sup> % (n)	Condition of Hearings Being Open <sup>3</sup>			
		Open Unless Hearing Officer Says Otherwise % (n)	Open Only if Accused Requests an Open Hearing % (n)	Open if Accused Requests and Complainant Grants Permission % (n)	Open Unless Accused or Complainant Requests It Not Be % (n)
All Schools	13.2 (108)	13.9 (15)	37.0 (4)	38.9 (42)	10.2 (11)
Four-Year Public	27.0 (65)	12.3 (8)	24.6 (16)	50.8 (33)	12.3 (8)
Four-Year Private Nonprofit	7.2 (12)	16.7 (2)	16.7 (2)	66.7 (8)	0.0 (0)
Two-Year Public	15.0 (24)	8.3 (2)	7.2 (19)	4.2 (1)	8.3 (2)
Two-Year Private Nonprofit	2.2 (1)	100.0 (1)	0.0 (0)	0.0 (0)	0.0 (0)
Two- and Four-Year Private For-Profit	1.8 (1)	100.0 (1)	0.0 (0)	0.0 (0)	0.0 (0)
Less than Two-Year Public and Nonprofit	3.6 (2)	50.0 (1)	50.0 (1)	0.0 (0)	0.0 (0)
Less than Two-Year Private For-Profit	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)
Historically Black Colleges and Universities	8.6 (3)	0.0 (0)	66.7 (2)	0.0 (0)	33.3 (1)
Native American Colleges and Universities	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)

Data source: Content analysis of published sexual assault materials.

<sup>2</sup> Percentages are based on the number of schools that mentioned having a judicial or disciplinary process (n = 817).

<sup>3</sup> Percentages are based on the number of schools that mentioned judicial or disciplinary hearings being open (n = 108).

Table 6.11 reports on who decides if the accused has violated a student code of conduct. In more than 6 in 10 schools with a disciplinary process, the person making this decision is noted. Most often—in 8 of 10 of these schools—the members of the hearing or disciplinary board render the decision. In a majority of the four-year public, four-year private nonprofit, two-year public, and two-year private nonprofit schools and HBCUs’ materials there was mention of who decides if the accused has violated a student code of conduct.

In Table 6.12, we see that only about one in five schools with a disciplinary process mention in their materials the level of “burden of proof” used in a hearing. When this legal issue is addressed, the standard of guilt is (in 8 of 10 schools) the “preponderance of evidence”—a standard that is used in civil courts. Only 3.3 percent of schools used the standard of guilt in criminal courts (i.e., “beyond a reasonable doubt”).

### **6.3 ISSUE IX: SANCTIONS**

Tables 6.13 and 6.14 provide information on the sanctioning process used in disciplinary hearings. As can be seen in Table 6.13, 56.1 percent of schools with a disciplinary process mention in their documentation who decides what sanction will be imposed on an accused person who is found guilty. The figures are higher for four-year public and private nonprofit schools, two-year public schools, and HBCUs. Table 6.13 also shows that among those schools that state who will impose sanctions, they most often say that the sanction will be decided by the judicial/disciplinary hearing committee (52.4 percent) or the dean or director of students (25.1 percent).

Table 6.14 notes the kinds of sanctions that may be imposed on those found responsible for violating the school’s sexual mis/conduct policy in a hearing process, which 9 in 10 schools with a disciplinary process mention in their materials. Some of the most common sanctions are expulsion (84.3 percent), suspension (77.3 percent), probation (63.1 percent), censure (56.3 percent), restitution (47.8 percent), and loss of privileges (35.7 percent).

Table 6.11  
Who Decides If the Accused Has Violated the Student Code of Conduct<sup>1</sup>

Type of School	Mention of Who Decides If the Accused Has Violated Student Code of Conduct <sup>2</sup> % (n)	Who Decides if the Accused has Violated the Student Code of Conduct <sup>2</sup>				
		Dean or Director of Students % (n)	Generic Administration <sup>4</sup> % (n)	Judicial or Disciplinary Hearing Members % (n)	Judicial or Disciplinary Officer % (n)	Other <sup>5</sup> % (n)
All Schools	63.9 (522)	8.2 (43)	1.9 (10)	81.6 (426)	7.5 (39)	0.8 (4)
Four-Year Public	84.2 (203)	4.9 (10)	0.0 (0)	82.3 (167)	12.3 (25)	0.5 (1)
Four-Year Private Nonprofit	75.9 (126)	11.1 (14)	0.0 (0)	85.7 (108)	3.2 (4)	0.0 (0)
Two-Year Public	74.4 (119)	6.7 (8)	4.2 (5)	80.7 (96)	6.7 (8)	1.7 (2)
Two-Year Private Nonprofit	50.0 (23)	17.4 (4)	8.7 (2)	69.6 (16)	0.0 (0)	0.0 (0)
Two- and Four-Year Private For-Profit	17.5 (10)	20.0 (2)	20.0 (2)	60.0 (6)	0.0 (0)	4.3 (1)
Less than Two-Year Public and Nonprofit	16.1 (9)	33.3 (3)	11.1 (1)	55.6 (5)	0.0 (0)	0.0 (0)
Less than Two-Year Private For-Profit	12.2 (6)	33.3 (2)	0.0 (0)	66.7 (4)	0.0 (0)	0.0 (0)
Historically Black Colleges and Universities	68.6 (24)	0.0 (0)	0.0 (0)	91.7 (22)	8.3 (2)	0.0 (0)
Native American Colleges and Universities	28.6 (2)	0.0 (0)	0.0 (0)	100.0 (2)	0.0 (0)	0.0 (0)

<sup>1</sup> Data source: Content analysis of published sexual assault materials.

<sup>2</sup> Percentages are based on the number of schools that mentioned having a judicial or disciplinary process (n = 817).

<sup>3</sup> Percentages are based on the number of schools that mentioned who decides if the accused has violated the student code of conduct (n = 522).

<sup>4</sup> The “Generic Administration” category included (1) an administrator and (2) a member of upper administration.

<sup>5</sup> The “Other” category included (1) the school attorney or legal counsel, (2) the chancellor, and (3) investigators.

Table 6.12  
Burden of Proof and Type of Vote Used in Judicial or Disciplinary Hearings<sup>1</sup>

Type of School	Mention of Burden of Proof Used in Judicial or Disciplinary Hearing <sup>2</sup>		Burden of Proof Used in Hearing <sup>3</sup>			Mention of Type of Vote Used in Judicial or Disciplinary Hearing <sup>2</sup>		Type of Vote Used in Hearing <sup>4</sup>	
	% (n)	% (n)	Beyond a Reasonable Doubt % (n)	Preponderance of Evidence % (n)	Other % (n)	% (n)	% (n)	Majority Rule % (n)	Unanimous % (n)
All Schools	22.4 (183)	3.3 (6)	81.4 (149)	15.3 (28)	22.2 (181)	91.7 (166)	0.6 (1)	7.7 (14)	
Four-Year Public	44.8 (108)	2.8 (3)	78.7 (85)	18.5 (20)	30.7 (74)	94.6 (70)	1.4 (1)	4.1 (3)	
Four-Year Private Nonprofit	28.9 (48)	4.2 (2)	83.3 (40)	12.5 (6)	29.5 (49)	85.7 (42)	0.0 (0)	14.3 (7)	
Two-Year Public	11.3 (18)	5.6 (1)	83.3 (15)	11.1 (2)	26.9 (43)	90.7 (39)	0.0 (0)	9.3 (4)	
Two-Year Private Nonprofit	4.3 (2)	0.0 (0)	100.0 (2)	0.0 (0)	8.7 (4)	100.0 (4)	0.0 (0)	0.0 (0)	
Two- and Four-Year Private For-Profit	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)	1.8 (1)	100.0 (1)	0.0 (0)	0.0 (0)	
Less than Two-Year Public and Nonprofit	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)	1.8 (1)	100.0 (1)	0.0 (0)	0.0 (0)	
Less than Two-Year Private For-Profit	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)	2.0 (1)	100.0 (1)	0.0 (0)	0.0 (0)	
Historically Black Colleges and Universities	20.0 (7)	0.0 (0)	100.0 (7)	0.0 (0)	22.9 (8)	100.0 (8)	0.0 (0)	0.0 (0)	
Native American Colleges and Universities	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)	

<sup>1</sup> Data source: Content analysis of published sexual assault materials.

<sup>2</sup> Percentages are based on the number of schools that mentioned having a judicial or disciplinary process (n = 817).

<sup>3</sup> Percentages are based on the number of schools that mentioned the burden of proof used in the judicial or disciplinary hearing (n = 183).

<sup>4</sup> Percentages are based on the number of schools that mentioned the type of vote used in the judicial or disciplinary hearing (n = 181).

Table 6.13  
Who Decides What Sanctions Will Be Imposed<sup>1</sup>

Type of School	Mention of Who Decides What Sanctions Will Be Imposed <sup>2</sup> % (n)	Who Decides What Sanctions Will Be Imposed <sup>3</sup>						
		Judicial or Disciplinary Hearing Committee % (n)	Judicial or Disciplinary Officer % (n)	Dean or Director of Students % (n)	School President % (n)	Generic Administration <sup>4</sup> % (n)	Representative from Student Life Office % (n)	
All Schools	56.1 (458)	52.4 (240)	12.2 (56)	25.1 (115)	7.4 (34)	2.4 (11)	0.4 (2)	
Four-Year Public	76.3 (184)	54.3 (100)	13.0 (24)	27.7 (51)	4.3 (8)	0.0 (0)	0.5 (1)	
Four-Year Private Nonprofit	67.5 (112)	53.6 (60)	8.9 (10)	33.9 (38)	3.6 (4)	0.0 (0)	0.0 (0)	
Two-Year Public	61.9 (99)	49.5 (49)	16.2 (16)	15.2 (15)	16.2 (16)	2.0 (2)	1.0 (1)	
Two-Year Private Nonprofit	30.4 (14)	50.0 (7)	0.0 (0)	35.7 (5)	7.1 (1)	7.1 (1)	0.0 (0)	
Two- and Four-Year Private For-Profit	12.3 (7)	57.1 (4)	0.0 (0)	14.3 (1)	0.0 (0)	28.6 (2)	0.0 (0)	
Less than Two-Year Public and Nonprofit	12.5 (7)	42.9 (3)	14.3 (1)	0.0 (0)	0.0 (0)	42.9 (3)	0.0 (0)	
Less than Two-Year Private For-Profit	18.4 (9)	44.4 (4)	0.0 (0)	11.1 (1)	22.2 (2)	22.2 (2)	0.0 (0)	
Historically Black Colleges and Universities	71.4 (25)	48.0 (12)	20.0 (5)	16.0 (4)	12.0 (3)	4.0 (1)	0.0 (0)	
Native American Colleges and Universities	14.3 (1)	100.0 (1)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)	

<sup>1</sup> Data source: Content analysis of published sexual assault materials.

<sup>2</sup> Percentages are based on the number of schools that mentioned having a judicial or disciplinary process (n = 817).

<sup>3</sup> Percentages are based on the number of schools that mentioned who decides what sanctions will be imposed (n = 458).

<sup>4</sup> The “Generic Administration” category included (1) an administrator, (2) a representative from administration, and (3) the chancellor.

Table 6.14  
Sanctions for Violating Student Code of Conduct and/or Sexual Misconduct Rules

Type of School	Available Sanctions <sup>3</sup>										A Combination of Sanctions May Be Used % (n)
	Parental Notification % (n)	Withhold Grades and/or Transcripts % (n)	Attend a Class or Workshop % (n)	Complete an Educational Project % (n)	Community Service % (n)	Arrest % (n)	Referral to Outside Agencies % (n)	Other <sup>5</sup> % (n)			
All Schools	4.9 (36)	7.8 (58)	6.5 (48)	21.1 (156)	6.2 (46)	0.8 (6)	0.9 (7)	2.6 (19)	28.0 (207)		
Four-Year Public	5.3 (12)	15.4 (35)	9.7 (22)	29.5 (67)	10.1 (23)	0.9 (2)	0.0 (0)	3.5 (8)	38.3 (87)		
Four-Year Private Nonprofit	9.0 (13)	6.9 (10)	11.1 (16)	34.0 (49)	4.9 (7)	0.7 (1)	0.7 (1)	1.4 (2)	35.4 (51)		
Two-Year Public	2.1 (3)	7.5 (11)	3.4 (5)	15.8 (23)	6.2 (9)	0.0 (0)	2.1 (3)	2.1 (3)	24.7 (36)		
Two-Year Private Nonprofit	13.9 (5)	0.0 (0)	5.6 (2)	16.7 (6)	2.8 (1)	0.0 (0)	0.0 (0)	5.6 (2)	25.0 (9)		
Two- and Four-Year Private For-Profit	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)	2.0 (1)	0.0 (0)		
Less than Two-Year Public and Nonprofit	4.0 (2)	0.0 (0)	0.0 (0)	2.0 (1)	0.0 (0)	6.0 (3)	4.0 (2)	0.0 (0)	12.0 (6)		
Less than Two-Year Private For-Profit	0.0 (0)	2.1 (1)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)	2.1 (1)	0.0 (0)	2.1 (1)		
Historically Black Colleges and Universities	3.0 (1)	3.0 (1)	9.1 (3)	27.3 (9)	18.2 (6)	0.0 (0)	0.0 (0)	6.1 (2)	45.5 (15)		
Native American Colleges and Universities	0.0 (0)	0.0 (0)	0.0 (0)	16.7 (1)	0.0 (0)	0.0 (0)	0.0 (0)	16.7 (1)	33.3 (2)		

<sup>1</sup> Data source: Content analysis of published sexual assault materials

<sup>2</sup> Percentages are based on the number of schools that mentioned having a judicial or disciplinary process (n = 817).

<sup>3</sup> Percentages are based on the number of schools that mentioned having sanctions (n = 739). Percentages will not sum to 100% because schools may have mentioned more than one sanction.

<sup>4</sup> Schools in this category mentioned having sanctions but did not specifically list them.

<sup>5</sup> The "Other" category included (1) change classes, (2) apologize, (3) behavioral contract, (4) change housing, (5) criminal trespass, (6) lose credits, (7) incident marked in file and/or transcript, and (8) no-contact order.

## Chapter 7

### BASIC AND PROMISING PRACTICES

*“If sexual assault and rape aren’t issues discussed on campus, it sends a message that it’s not OK to talk about it when it happens.”*

—Gail Abarbanel, director, Rape Treatment Center  
Santa Monica–UCLA Medical Center

#### 7.1 INTRODUCTION

Given the wide variety of sexual assault response and reporting policies in use on campuses across the nation, this chapter addresses fundamental and innovative practices utilized primarily at traditional four-year public and private colleges and universities and HBCUs. Practices at these schools were identified through our analysis of their policy materials and campus administrator surveys, and further explored through field research.<sup>9</sup> The schools at which we identified such practices are as follows:

- Central Washington University (CWU), Ellensburg, Washington
- Lafayette College in Easton, Pennsylvania
- Lewis & Clark College in Portland, Oregon
- Metropolitan Community College (MCC), Omaha, Nebraska
- Oklahoma State University (OSU), Stillwater, Oklahoma
- University of California, Los Angeles (UCLA)
- University of California, Santa Cruz (UCSC)
- West Virginia State College (VW State), Institute, West Virginia

#### 7.2 PREVENTION EFFORTS

How the problem is defined is implicitly encoded into programs designed to educate, prevent, and respond to rape and sexual assault on postsecondary campuses of higher education. Sexual abuse perpetrated by acquaintances, friends, and intimates, as opposed to strangers, is the

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<sup>9</sup> See Chapter 2, Section 2.3.4 for a detailed discussion regarding the selection process for the field research schools. Please note that although these schools were chosen on the basis of criteria thought in the field to

more serious sexual abuse problem facing IHEs today. As such, the problem lies within the student body and its immediate circles, and not from unconnected outsiders—although such crime does exist and does warrant attention. Prevention efforts therefore need to explicitly address non-stranger forms of rape: date rape, acquaintance rape, and rape committed by an intimate (e.g., domestic violence).

### **7.2.1 Proactive Stance**

Rape and sexual assault are issues that naturally cause anxiety for people, including school administrators. As more national-level research documents the high levels of victimization for which female students, in particular, are at risk, administrators are responding more proactively to the issue. A proactive administrative stance acknowledges the reality of the sexual victimization of college-aged students by their acquaintances while providing comprehensive prevention and response policies. Furthermore, a proactive stance by an institution is created through buy-in among high-ranking campus administrators, starting with the president or chancellor. As Jon Eldridge, dean of students at Lewis & Clark College, explained during an interview, “When parents ask if we have a problem with sexual assault on our campus because we talk about it, I tell them that we talk about it because we *don’t* want it to become a problem on our campus.”

As discussed in previous chapters, students have a difficult time understanding, acknowledging, naming, and coming forward to report the crime and access victim services. It is widely believed that part of the reason victims have difficulty reporting is the high level of shame associated with not being able to protect oneself from grave violation—especially when the victim was violated by someone he or she knew and quite possibly trusted. This shame is fostered by silence. When sexual assault is acknowledged and talked about by respected administrators, it creates the space for individuals to talk about their own personal experiences. “We live less on myth and more on the reality that sexual assault and sexual harassment do exist on this campus,” states Gail Heit, associate vice-chancellor of student affairs at UCSC, “and work from there.”

### **7.2.2 Wide-Reaching Education Programs**

Comprehensive education regarding rape myths, common circumstances under which the crime occurs, rapist characteristics, prevention strategies, rape trauma responses and the healing process, and campus policies and support services should all be included in a comprehensive education program on campus sexual assault. In order to reach the entire student body, these messages should be disseminated in multiple venues, for example, via new student orientation,

curriculum infusion, resource center trainings, campus-wide events, interactive presentations, and passive information campaigns.

“Lafayette is the first college I’ve ever worked at where campus residence life takes the sexual misconduct policy out to students in what, for lack of better words, would be described as a ‘road show,’ so students hear about it where they live and learn that it happens here, too,” explains Annette Diorio, assistant dean of students, at Lafayette College in Easton Pennsylvania. This is a particularly good approach for a small, liberal arts college where the Greek system or other tightly-knit communities play a significant part of the campus social scene.

Among its many education programs, UCSC, a large public university, produces and posts flyers at more than 100 locations on campus each week. This passive education program informs students waiting for the bus, standing in line at a dining hall, and lounging in their dormitories about an array of sexual-assault related issues. Rita Walker, the UCSC Title IX officer in charge of the program, believes the passive approach, combined with other prevention strategies, is effective for a student population uninterested in the issue until it happens to someone they know.

### **7.2.3 Peer Educators and Advocates**

Peer educators and advocates were consistently noted to be “enthusiastically received” by students on field research campuses. These prevention programs typically use an interactive approach to peer education. Characteristically, a variety of scenarios involving risky yet consensual sex, coercive sex, and rape are provided (via a videotaped or live dramatization) to mixed-sex student audiences and then analyzed through a facilitated discussion. The presentations are structured to address myths through different readings of the scenes presented, and to spark critical thinking through discussions among the student audience immediately after each scenario, guided by a trained facilitator. What the scenarios illustrated (e.g., rape of a person too intoxicated to make an informed decision about sexual intercourse), how and why the school’s policy was or was not violated, the sanctions that would be imposed if the scenario actually occurred on campus and was reported to the administration; and, finally, the ways that the scenarios could be changed to alter the outcomes are all discussed.

CWU, UCSC, and Lafayette and Lewis & Clark colleges have active, institutionally supported peer education and/or advocacy programs. The Center for Student Empowerment at CWU coordinates peer-led student panels to discuss dating and sexual violence and its relationship to broader gender issues. UCSC’s student-run *Growing up Male and Female* program provides mixed-sex student audiences with a facilitated interactive forum built around videotaped scenarios of sexual coercion and acquaintance rape. Lafayette College has a number of student-run peer

education programs supervised by the part-time peer education coordinator: The Coalition on Relationships and Rape Education, Real Men of Lafayette, Questioning Everyone's Sexual Taboos Program, and a peer education drama group that presents *Played Out*, a copyrighted play designed for peer educators.

#### **7.2.4 Programs Targeting All-Male Groups**

Increasingly, campus prevention and intervention programs are addressing all-male groups, such as male student athletes, fraternity brothers, and male campus ROTC members. These prevention efforts stress male culpability for committing the vast majority of sex crimes, men's individual and collective responsibility for helping to prevent these crimes, and the attitudes men may hold that foster the crimes. One of the re-defined attitudes present in this type of programming was summed up by Jon Eldridge at Lewis & Clark in regard to a recent case adjudicated on the campus: "He was taking advantage when he should have been taking care."

UCSC funds a part-time men's program coordinator, located in the newly renamed Center for Women & Men (formerly The Women's Center). After trying a number of programs with mixed results, the school has been using Jackson Katz's MVP (Mentors in Violence Prevention) Program in all-male student groups. Katz, a former professional football player with an undergraduate degree in Women's Studies, developed this program using violence prevention expert Ron Slaby's bystander model (Slaby, Wilson-Brewer, & Dash, 1994). As opposed to traditional approaches that divide the listening audience into having to identify with either the victim or the aggressor—or tune out altogether, rather than make such an uncomfortable choice—Slaby's approach introduces a third position into the dynamic: that of the bystander. The MVP Program is based on visualization techniques and a "play book" of strategies men can use to interrupt their peers' behavior when they believe it to be edging toward, if not outright, criminal. Men are often familiar with this type of approach through prior involvement with organized athletics.

#### **7.2.5 Integrated Risk Messages**

Mainstream approaches to rape prevention education are often based on risk reduction models common to alcohol and other drug and HIV prevention efforts. Applying this risk-reduction model to rape prevention has been critiqued as potentially victim-blaming, as these approaches are frequently aimed at changing women's behavior in order to avoid sexual assault, rather than addressing men's behavior in perpetrating it. Nevertheless, integrating risk messages has the potential to be very effective—provided that the messages retain a dual focus on changing

the high-risk behavior of both sexes. Repetition and consistency are key; students are far more apt to hear the message regarding the high-risk association of drinking and sexual assault when repeated during trainings by their coaches, RAs, HIV peer educators, sexual assault response coordinators, and campus safety offices, rather than only hearing it once or twice.

### **7.3 SEXUAL ASSAULT POLICY**

The official policy should be a written statement of the school's definition of and expectations regarding sexual misconduct. This statement should include the following (also see Adams & Abarbanel, 1988):

- Clear operational definitions of what acts constitute a sexual assault
- The prevalence of acquaintance sexual assault
- The circumstances in which sexual assault most commonly occurs
- What to do if you or someone you know is sexually assaulted
- A listing of resources on campus and in the local community
- The name(s) of a specific person or office to contact when an assault occurs (preferably available 24/7) and when and where to file a complaint
- A statement strongly encouraging victims to report the crime to campus authorities and to the local criminal justice system
- A listing of reporting options, (preferably including an anonymous report option)
- A statement prohibiting retaliation against individuals who bring forth reports of rape or sexual assault and the school's disciplinary actions for retaliation attempts
- A statement exploring that reporting, investigating the report, informal administrative actions (e.g., issuing a no-contact or no-trespass order), formal adjudication on campus and criminal justice prosecution are all separate actions
- Sanctions for violating the sexual misconduct policy

#### **7.3.1 Accessibility of Policy**

The IHE's policy should be highly accessible to students, staff, and faculty through multiple venues, such as the school's Web site, a brochure that provides a blueprint of the policy in terms of reporting a crime and accessing support services, pamphlets highlighting certain components of the policy, and/or posters.

The documents should also be “user friendly.” For example, documents written in legalese are difficult for students to decipher, particularly in a time of crisis. Colorful documents with well-designed graphics on high-quality paper encourage a wider audience, as opposed to unattractive, cumbersome documents on newspaper-print that students must wade through to glean the information they need. Informational materials should be available in multiple languages, and TTY and Web accessible.

Lafayette College publishes and circulates two such pamphlets. The handsome, succinct *Sexual Misconduct* pamphlet provides a blueprint of the school’s response and reporting policy. *The Sexual Assault, Sexual Harassment Resource Guide for Students* lays out the steps students can take to report a rape, a sexual assault, or sexual harassment, and the types of services the school provides on campus or can refer the student to within the local community.

### **7.3.2 Definitions of Sexual Misconduct**

Definitions of the various forms of sexual misconduct, including forms of sexual violence, should be provided to the student in the student code of conduct and/or the student handbook. For example, the Lewis & Clark *College Sexual Conduct Policy* prohibits and defines “rape,” and “sexual assault,” and very recently added the category of “sexual exploitation” as a form of sexual misconduct after students advocated for its inclusion. Definitions should be consistent throughout all documents published by the IHE. As such, Lewis & Clark includes these definitions in both of the brochures it distributes to all incoming students as part of their orientation packets, as well as in the student code of conduct and on the school’s Web site.

It is critical for schools to define and illustrate actions that constitute gaining consent for mutually agreed upon sexual activity as well as sexual misconduct. As such, Lewis & Clark defines consent as follows: “Consent is informed, freely and actively given, mutually understandable words or actions that indicate a willingness to participate in mutually agreed upon sexual activity.” Furthermore, the policy explains the circumstances under which consent may be given: “Consent that is obtained through the use of force (actual or implied, immediate or future), whether that force be physical force, threats, intimidation, or coercion, is invalid consent.” Finally, the education materials highlight that “silence, previous sexual relationships, and/or a current relationship with the perpetrator may not be taken as an indication of consent. The perpetrator’s use of drugs or alcohol is not an excuse for violation of the sexual conduct policy.”

### 7.3.3 Behavioral Illustrations of Definitions

Pamphlets and other educational efforts, such as facilitated plays, that provide behavioral scenarios to illustrate the meaning of a school's definition of sexual misconduct function in three ways. First, behavioral definitions help to translate abstract legal concepts into behaviors understandable to an audience of young adults. Second, this form of education is particularly powerful within settings where facilitators provide male and female students with an opportunity to talk about—and listen to—how others perceive certain behaviors and how behaviors and definitions relate to one another. Since interpretations of behaviors are always laden with gender and other cultural norms of perception, it is important to illustrate definitions in forums where students have the opportunity to voice their understandings, and misunderstandings, regarding sexual appropriate behavior. Finally, behavioral illustrations enable students to identify their own prejudices and/or misinformation regarding rape.

### 7.3.4 Victim-Centered Approach

Reporting and response policies that make a priority of the victim's need to control the pace of the process and be in charge of making decisions as she or he moves through the campus and/or community law enforcement system were found to be a promising practice.

OSU employs such an approach. The school informs students of the related but distinct steps in the reporting and adjudication processes. As such, the school's Office of Student Conduct emphasizes to student victims that “[r]eporting an incident and choosing to prosecute, filing a complaint through the University disciplinary process, or filing a civil action are separate steps.” Filing a report with the police or with the university's Office of Student Conduct does not obligate the victim to continue with the legal proceedings or university disciplinary action. The *Responding to Incidents of Sexual Assault* document states that reporting an assault and allowing investigation “does not commit you to prosecute but will allow the gathering of information and evidence.” The document continues:

The information and evidence maintain future options regarding criminal prosecution, University disciplinary actions, and/or civil actions against the perpetrator. Your information can be helpful in supporting other reports and/or preventing further rapes (even anonymous reports are somewhat useful). Names of rape victims are not voluntarily released to the media.

Student victims may choose whether to move to the next step in the process and are made aware of the consequences of each action they may take, what to expect, and how their confidentiality will be maintained.

### **7.3.5 Dedicated Officer/Office**

A full- or part-time dedicated advocate or office to coordinate the school's response to disclosures of sexual assault is another encouraging practice. The acute phase immediately after an assault is a difficult time for many victims to make informed decisions about formally reporting their experience, yet there is a maximum 72-hour time limit in terms of forensic evidence collection. A designated sexual assault response coordinator can provide a centralized response to disclosures of rape. These coordinators function as a central contact person for all staff, faculty, and students to notify of disclosures or rumors of sexual assault on campus. Furthermore, coordinators can guide the victim through the process of obtaining medical treatment and undergoing a sexual assault examination to collect evidence while providing the victim with support and much-needed information about advocacy services, the importance of reporting the incident, and the ways their confidentiality will—and will not—be maintained. Often, these individuals coordinate the school's education and prevention efforts, provide staff and faculty training on the school's response and reporting policies, and coordinate a campus-wide response network.

The natural tensions between campus departments—for example, campus judicial affairs, campus law enforcement, and resident life—are balanced within one dedicated office where all reports are made. Many field research campuses report that instituting this office/officer has increased the reporting of campus sexual assault. This increase is regarded as an indicator that the system is working—that students trust the system and know their options—rather than a negative indication that the campus is more dangerous. Most importantly, such an office coordinates reports, provides a clear access point for the system, and ensures a professional and informed response.

### **7.3.6 Assessment of Policy**

Given the numerous changes in Federal law and state statutes in the area of sexual assault, it is important to have the school's policy regularly assessed for its compliance to legal mandates, victims' needs, and the school's overall mission.

For example, Lafayette College's Presidential Oversight Committee (POC) is charged with a semi-annual review of the institution's policy, procedures, and implementation of education and prevention programs, and recommending revisions necessary to comply with Federal and state mandates, as well as aligning the policy and practices with the school's mission. Chaired by the school's legal counsel, POC membership includes students, faculty, and staff appointed by the college president.

## **7.4 REPORTING POLICY AND PROTOCOLS**

### **7.4.1 Multiple Reporting Options**

Consistent with national-level survey research, the most salient issue with regard to reporting rape and sexual assault to campus authorities identified through field research is the problem of underreporting by the victims themselves. As Tina Oakland, the coordinator of the UCLA Sexual Assault Response Team, explains, “It’s difficult for the women themselves to define what happened to them as assault. They need help to understand it.”

In order to address the compound problem of lack of recognition and underreporting, the UCSC Title IX/Sexual Harassment Office (TIX/SHO) requires only that the student believes an unwanted behavior has something to do with her or his sex. The TIX/SHO officer, Rita Walker, discusses the issue with the complainant to explore whether or not the offensive behavior may be a violation of the school’s sexual misconduct policy in terms of sexual harassment, under which rape falls as the most extreme form.

UCSC, similar to all of the field research schools, offers students a variety of options to file a report: anonymous, confidential, and third party. An anonymous report is filed without the inclusion of the victim’s name. Some basic information about the circumstances is collected in order to distinguish the incident from any others without identifying the victim by name. The use of an anonymous reporting option is widely credited by administrators as increasing the reports of assault that are included in the school’s annual security report statistics.

The use of an anonymous option provides victims with the opportunity to seek out professional services while ensuring them that their confidentiality will be protected. This enables care providers and others to link the victim with counseling services—which are crucial to long-term recovery—and to give the victim information about the process of formally reporting and following through with an investigation. Even more crucially, it may enable the victim to come forward to get a sexual assault examination for time-sensitive evidence collection before she or he makes the decision to move further along in the reporting and adjudication process, which are confidential but not anonymous.

### **7.4.2 Written Response Protocols**

Written protocols ensure a coordinated, consistent, victim-sensitive response to reports of sexual assault on campus. Written protocols are necessary to explicate (1) who will be notified after a formal report is filed, (2) what procedures will be implemented, (3) how confidentiality will

be ensured, and (4) what the rights of the victim and the accused are and how they will be protected once a report of a rape or a sexual assault of a student on campus is made. As protocols are developed in collaboration with multiple offices on campus (e.g., law enforcement, dean of students, judicial services, counseling centers, women's center, residential life, etc.), all relevant staff should be trained in their responsibilities for carrying them out. Protocols specific to campus police and/or security officers, night proctors, faculty and staff, student health providers, and mental health counselors should exist, in addition to the school's standard response policy, once a report, or even a disclosure, is made. Furthermore, protocols should be easily accessible and reviewed regularly.

## **7.5 INVESTIGATION PROTOCOLS AND PRACTICES**

### **7.5.1 Information Sharing**

Protocols help to ensure the protection of the victim's confidentiality during the investigation stage after filing a formal complaint and are an important component of a comprehensive sexual assault and reporting policy. Such agreements between agencies explicitly define the responsibilities and jurisdictions so investigations can be conducted promptly. Furthermore, victims of sexual assault are often traumatized and embarrassed by what has happened to them. Protocols surrounding the shared collection and use of information eliminate the need for the victim to repeat her or his experience multiple times to multiple individuals. Finally, clear, consistent, information-sharing policies allow victim advocates to provide reliable information to victims regarding the expected response of multidisciplinary personnel once a case is filed.

### **7.5.2 Evidence Collection and Preservation**

One of the most important promising practices is access to the services of a trained, certified Sexual Assault Nurse Examiner (SANE). SANE practitioners provide compassionate, state-of-the-art rape trauma treatment and forensic evidence collection, generally from a hospital or comprehensive hospital-based rape treatment center (Little, 2001). Particularly in non-stranger sexual assault cases, thorough documentation of the evidence corroborating a victim's account of the crime, especially by establishing lack of consent, has led to more successful prosecutions (Little, 2001).

These intensive examinations average five to seven hours in length and take place in dedicated examination rooms designed to reduce environmental stress. Community-based sexual assault victim advocates provide support and information during the initial medical-legal response

to victims—for instance, talking with a police officer—as examinations are often contingent on filing a police report. During the examination, SANE practitioners perform a physical exam to inspect and evaluate the body of the victim; collect and preserve forensic evidence, using, among other technologies, a digital colposcope, when available, to corroborate the victim’s testimony; document the chain of evidence; treat and/or refer the victim for more serious medical evaluation and treatment, if warranted; refer the victim to psychological counseling services; and provide the victim with prophylactic medications for the treatment of sexually transmitted diseases and pregnancy that may result from the crime (Little, 2001). As the victim’s clothing is evidence, a change of clothing is often, but not always, provided for the victim.

The Rape Treatment Center (RTC) at Santa Monica–UCLA Medical Center has recently begun to indefinitely store all evidence collected in the event that a victim may want to press charges and prosecute at a later date. RTC is also somewhat unique in that it performs the examination without first requiring the victim to file a police report. Director Gail Abarbanel says that after seeing the evidence, which corroborates their account of non-consent, victims almost always file a police report of the crime. In jurisdictions that require a formal police report prior to law enforcement authorizing the forensic examination, victims may choose to forgo the examination if they are unsure at the time of how they want to proceed.

## **7.6 ADJUDICATION PROTOCOLS AND PRACTICES**

Colleges and universities, in particular, because they have maintained their *in loco parentis* role by providing disciplinary procedures for sexual misconduct cases and because they use a preponderance of evidence standard rather than a “beyond a reasonable doubt” criminal standard, provide acquaintance rape victims with alternative to the criminal justice system. Victims of sexual assault have said that they want to feel like their complaints are heard and taken seriously by their schools. In response, many schools offer a range of options, from informal administrative actions that do not require a formal complaint of sexual misconduct, to a formal adjudication board hearing.

### **7.6.1 Formal Adjudication Proceedings**

Firmly established, documented, and consistent proceedings that balance the rights of the complainant and the accused are a key element of this basic practice. Complainants and accused students involved with these proceeding should be made aware of what to expect and how to ensure that their rights are protected. Schools should then follow their own procedural rules fairly and consistently. (Recent court challenges of campus adjudication board hearings have been raised

on the grounds that due process of the accused was not provided and/or that the institution's adjudication proceedings were either vague or inconsistently followed.)

Sexual misconduct adjudication boards are not criminal proceedings and should not be confused in their missions and jurisdiction. The purpose of these hearing is simply to establish whether the accused is *responsible* for violating the IHE's sexual (mis)conduct policy, rather than to determine the *guilt* or innocence of the accused.

In terms of the composition of the board, IHEs should seek to eliminate conflicts of interest and should have written provisions for procedures to ensure an unbiased empanelment of adjudication board members. Procedures should be in place for both the complainant and the accused to challenge the board composition on the ground of bias.

Schools should provide mandatory education and training to adjudication board members regarding the special circumstances of rape (e.g., issues of confidentiality are of extreme importance to the victims, as well as perpetrators), the myths surrounding rape, particularly acquaintance rape (e.g., accepting an invitation to go to a young man's dormitory room and drink alcohol does not constitute consent to having sexual relations), and other dynamics of sexual assault such as rape trauma syndrome and rape-related post-traumatic stress syndrome.

## **7.7 VICTIM SUPPORT SERVICES**

### **7.7.1 Coordinated Referral Network**

A coordinated network of referrals, providing access to a comprehensive set of victim support services on campus and within the local community has the potential to be very effective in responding to campus sexual assaults. RTC Director Gail Abarbanel stresses, "It's important to have partnerships between colleges and communities because some students want the option of going off campus [for rape trauma services]." Student rape victims have a variety of needs: medical, psychological, advocacy, safety, and legal. A comprehensive and coordinated referral network enables the victim to access this range of necessary services to meet her or his many needs for healing and justice after surviving the trauma of sexual assault.

## Chapter 8

### CONCLUSIONS AND RECOMMENDATIONS

The impetus for student-victim-oriented Congressional legislation throughout the 1990s, such as the *Clery Act*, was to ensure that IHEs employ strategies to prevent and respond to reports of sexual assault on campus in a proactive manner and to provide current and prospective students and their parents with an accurate idea of the level of violence on campuses. Both national studies and smaller-scale research have consistently found that one in five female students suffer rape and/or rape attempts during their college years, most frequently at the hands of their peers. As such, prevention, response, and reporting policies should be built on definitions of sexual assault that make it clear that this crime is most frequently committed by people known to the victim.

A key issue confronted by postsecondary institutions is that the vast majority of students who experience sexual assaults—on and off campus—do not report them to campus or law enforcement officials. The reasons for not reporting victimizations, as discussed in this report, are complex and unlikely to be fully overcome (Fisher et al., forthcoming). The college community is affected by this underreporting in at least two significant ways. First, victims of sexual assault are unlikely to secure the counseling and support they need to cope with and heal from this potentially traumatic event in their lives making it more probable that they will engage in “self-blame,” self-medication (e.g., disordered eating and excessive drinking) and other self-destructive behaviors. The friends they disclose their experience to are also likely to be affected, having their own feelings of anger, fear, and/or helplessness. In this way, one sexual assault can have a ripple effect. Second, unless sexual assaults are reported, students who sexually assault their classmates will not be subjected to appropriate sanctions and counseling. The possibility that they will continue to victimize others is thus increased.

Based on this research, we offer two types of recommendations: those aimed at providing support to IHEs and in creating comprehensive sexual assault policies that are specific to their school type, and those that suggest areas in need of further examination.

## **8.1 DESIGN POLICIES AND PROTOCOLS THAT PRORITIZE VICTIMS' NEEDS**

Protocols for reporting sexual assault and rape should first consider the needs of victims themselves in terms of their healing process. A couple of strategies are suggested.

First, response and reporting policies should be designed to allow victims as much decision-making authority in the process as possible. Victims fear losing control over the reporting and adjudication processes, which is a barrier to their coming forth and making the initial reports. Policies should be designed to allow victims to make the decision about moving forward, stopping, or slowing down the pace at each juncture of the disclosure, reporting, and adjudication process. Explicit information regarding the policy and its different components—and the decisions to be made at each juncture—should be provided to the victim to inform her or his decisions. Also, victims should be informed of how each juncture in the process effects their confidentiality.

Second, adjudication hearings should be fair. Victims of campus crime often seek acknowledgment of and justice for their experience; they seek respect within the campus system. One way to ensure that respect is to provide campus adjudication hearings that are fair to both parties. Operational rules and responsibilities should be explicit, unbiased, communicated to both parties, and adhered to. Current litigation instigated by students found responsible for sexual misconduct often centers on due process rights not being consistently applied. As these suits threaten the validity of the board's determination of responsibility, the needs of student victims are also compromised.

Third, response and reporting policies and policy materials should be gender-neutral and refer to the person who has experienced an assault as a "survivor," the term used by many victims of sexual assault in an effort to reclaim their lives. This term connotes the strength of living through and beyond the traumatic experience as opposed to focusing on the implied weakness in not being able to adequately protect oneself. Response policies should provide strategies to empower victims, rather than revictimize them by taking choices away or withholding information.

Fourth, protocols and policies should be widely distributed, written in lay terms, and explicitly supported by administration so that all students are aware of their rights and options before they need the system.

## **8.2 DEVELOP A MODEL SEXUAL ASSAULT POLICY MANUAL**

After analyzing the materials schools provided on their sexual assault policies, we came to three conclusions. First, many institutions either did not have such policies or could not provide

them to us. Second, many institutions that had policies had them scattered about various documents, rather than in one easily accessible document. Third, only a few institutions had well-developed sexual assault policy statements that adequately defined sexual assault, listed services available to victims, clearly specified how victims could report an assault, and demarcated in detail the disciplinary process and procedures that would be used when a complaint of sexual assault was made. Four-year public and private nonprofit institutions, and, to a lesser extent, two-year public institutions and HBCUs, tended to have more complete policy statements. Even here, however, there was considerable variation in the clarity and thoroughness of the sexual assault policies.

In this context, a major recommendation of this research is that an effort be made to develop a Model Sexual Assault Policy Manual that would provide separate prototypes for several types of institution: traditional four-year public or private non-residential and residential institutions, two-year non-residential public or private schools, and less-than-two-year institutions. These prototypes would provide schools with a template for developing sexual assault policies that make sense given the varying specifications of campus types. Although individual institutions may wish to add features to their policies, a model manual would provide clear guidance on “state of the art” practices in this area and for their school type. A model manual would assist the institutions that do not have the personnel or expertise to design an effective policy manual of their own; it would also mean that not every institution would have to “reinvent the wheel.”

Once this *Model Sexual Assault Policy Manual* were developed, it could be placed on the Internet so that schools could download and modify it, as needed. Focus groups of college and university personnel involved in preventing and responding to sexual assaults—and especially students—could be used as part of the development of the model manual. This document could ultimately be an evolving manual that would be assessed and revised as its use became more prevalent in the United States.

In short, it is unlikely that responsible systematic sexual assault policies will be implemented across America’s diverse postsecondary institutions without these institutions being given concrete guidance. The proposed *Model Sexual Assault Policy Manual* is one step—albeit a potentially salient step—in this direction.

### **8.3 DEVELOP A MODEL SEXUAL ASSAULT EDUCATION PAMPHLET FOR STUDENTS**

The bewildering array of policies and procedures—many of which are buried in institutional documents that are hard to interpret and gain access to—make it unlikely that many students are well-informed about the sexual assault policies at their institutions. To help overcome

this problem, we recommend that a pamphlet—perhaps called “Educating Students About Sexual Assault: What Is It? What to Do?”—be developed. Ideally, this pamphlet would be tied to the *Model Sexual Assault Policy Manual*, so that its guidance about sexual assault was consistent with its institution’s policies and practices.

Regardless, even a general pamphlet would be useful in helping to instruct students about the nature of the sexual assaults that occur on- and off-campus and about what to do when a sexual assault occurs. Existing pamphlets at institutions would form a starting point for the development of an educational document that would have applicability nationwide.

In this document, special attention should be paid not only to victims of sexual assault but also to students to whom victims disclose their sexual victimization. As discussed, friends are most often the people that victims confide in when they are sexually assaulted. At present, there is little information for students, on how to assist friends who disclose a sexual assault.

Finally, this model educational pamphlet should be placed on the Internet, perhaps as part of a more comprehensive Web site on campus sexual victimization.

#### **8.4 DEVELOP A SET OF MODEL SERVICES FOR VICTIMS OF CAMPUS SEXUAL ASSAULT**

Most institutions provide access to services—either on campus or within the local community—to students who have been victimized. Still, the extent and nature of these services differs markedly across and within types of institutions. These services are furthermore highly dependent on the type of IHE. For example, while a dedicated sexual assault response coordinator may be very useful within a large residential university setting, this type of response would be nonsensical at a small, non-residential campus. It would be useful, therefore, to develop a set of “model services” or “best practices” that have been shown empirically to assist victims of sexual assault as appropriate for different school types. Descriptions of these programs could be developed and made available both in document form and on the Internet.

Further research is recommended to ensure evidence-based decision making with regard to effective programming. As such, effective prevention efforts, response policies and practices, facilitators to reporting, and adjudication practices should be investigated.

#### **8.5 DEVELOP GUIDELINES FOR MEETING *CLERY ACT* REPORTING MANDATES**

There is much confusion among the nation’s IHEs regarding the exact data the *Clery Act* seeks to capture in ASRs. We recommend that a formalized classification system with explicit

definitions of sexual offenses, definitions of “campus,” etc. be developed. Again, this classification system could be placed on the Internet—perhaps as part of a more comprehensive Web site on campus sexual victimization.

Our investigation suggests that the quality of the ASR data is dependent on the specific campus personnel required to submit data for the report. Similarly, IHE’s reliance on particular types of campus security and/or law enforcement also appears to affect reporting, reporting policies, and student utilization of law enforcement and/or legal services. These issues need further examination.

Also needed is a systematic approach to collecting data on the use of “date rape drugs” such as Rohypnol, as identified in this research. This issue too warrants further scientific attention before policies and laws are developed to address it.

## **8.6 EVALUATE POLICIES PERCEIVED TO BE BARRIERS OR FACILITATORS TO REPORTING**

Campus administrators and rape trauma professionals offered opinions regarding their perceptions of particular policies and practices they felt functioned as barriers and facilitators to reporting in this research. Policies identified through survey and field research should be formally investigated. For instance, does offering an anonymous reporting option increase reporting as it is perceived to? Does it increase the use of the school’s sexual assault response services?

Regrettably, the present research included only a limited victim perspective in terms of the data that was collected and analyzed. (Few victims were willing to come forward and be interviewed during site visits to colleges, although a few interviews with student victims were conducted.) Victims’ perspective is greatly necessary and needs to be incorporated into the evaluation of reporting policies and practices.

The perspectives of the general population of students similarly need to be investigated, particularly as they relate to the filing of third-party reports of campus sexual assault. As under-reporting by victims themselves is a significant obstacle to obtaining accurate statistics on campus, the use of third party reports can be extremely useful.

## **8.7 INVESTIGATE BARRIERS AND FACILITATORS TO VICTIM’S ABILITY TO IDENTIFY RAPE AS A CRIME**

Underreporting by victims is a substantial problem with many contributory factors that need to be understood and addressed. As discussed, in order for a victim of a sexual assault to come

forward and report the crime, she or he first has to identify that the experience that they have lived through is a crime worthy of a report to campus and local law enforcement authorities. Factors which have been noted in the research literature to contribute to a victim's ability to identify the experience they lived through as a criminal felony include: the adoption of stranger-rape myths, the relationship of the victim to their assailant, the use of alcohol before the assault, and the responses victims receive when initially disclose their (traumatic yet possibly unnamed) experience to friends. More investigation of these and other contributory factors is needed to inform education and prevention programs aimed at students; this research should amply include students and student victims.

## **8.8 INVESTIGATE ETHNIC AND OTHER CULTURAL FACTORS IN CAMPUS SEXUAL ASSAULT**

Little is known about the role of ethnic and other cultural differences in the area of campus sexual assault. National-level research using general population samples has reported that prevalence rape, forms of rape suffered, and post-assault consequences differ significantly among ethnic groups. As such, the questions arise as to whether or not these patterns are operative within college campuses. Effective prevention strategies, particularly for HBCUs and Native American tribal schools, are contingent on this currently limited knowledge. Furthermore, research as to the rates and experiences of lesbian, bisexual and transgendered women is virtually absent. Our final recommendation is that much-needed research effort be applied to investigation of ethnic, sexuality, and other cultural differences regarding sexual assault and reporting policies, and the issue of underreporting among student victims.

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**CAMPUS SEXUAL ASSAULT:  
HOW AMERICA'S INSTITUTIONS OF HIGHER  
EDUCATION RESPOND**  
*APPENDICES*

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Citation: Karjane, H.K., Fisher, B.S., & Cullen, F.T. (2002). *Campus Sexual Assault: How America's Institutions of Higher Education Respond*. Final Report, NIJ Grant # 1999-WA-VX-0008. Newton, MA: Education Development Center, Inc.

This project was supported by Grant No. 1999-WA-VX-0008 awarded by the National Institute of Justice, Office of Justice Programs, U.S. Department of Justice. Points of view in this document are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Justice.

**CAMPUS SEXUAL ASSAULT:  
HOW AMERICA’S INSTITUTIONS OF HIGHER EDUCATION  
RESPOND**

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**APPENDIX A**

***THE STUDENT RIGHT-TO-KNOW ACT AND  
CAMPUS SECURITY ACT OF 1990***

**Appendix A:**

***The Student Right-to-Know Act and the Campus Security Act of 1990***

Title II of Public Law 101-542, *The Student Right-to-Know Act and the Campus Security Act of 1990*, also known as the “Clery Bill” in memory of Jeannie Clery, enacted by Congress and signed into law on November 8, 1990, amended section 485 of the Higher Education Act of 1965 by adding campus crime statistics and security reporting provisions for colleges and universities.

***20 U.S.C. Section 1092***

- (f) Disclosure of campus security policy and campus crime statistics—
- (1) Each eligible institution participating in any program under this title shall on August 1, 1991, begin to collect the following information with respect to campus crime statistics and campus security policies of that institution, and beginning September 1, 1992, and each year thereafter, prepare, publish, and distribute, through appropriate publications or mailings, to all current students and employees, and to any applicant for the enrollment or employment upon request, an annual security report containing at least the following information with respect to campus security policies and campus crime statistics of that institution:
- (A) A statement of current policies regarding procedures and facilities for students and others to report criminal actions or other emergencies occurring on campus and policies concerning the institution’s response to such reports.
  - (B) A statement of current policies concerning security and access to campus facilities, including campus residences, and security considerations used in the maintenance of campus facilities.
  - (C) A statement of current policies concerning campus law enforcement, including—
    - (i) the enforcement authority of security personnel, including their working relationship with the state and local police agencies; and
    - (ii) policies which encourage accurate and prompt recording of all crimes to the campus police and the appropriate police agencies.
  - (D) A description of the type and frequency of the programs designed to inform students and employees about campus security procedures and practices and to encourage students and employees to be responsible for their own security and the security of others.
  - (E) A description of the programs designed to inform students and employees about the prevention of crimes.
  - (F) Statistics concerning the occurrence on campus, during the most recent calendar year, and during the 2 preceding calendar years for which the data are available, of the following criminal offenses reported to campus security authorities or local police agencies—
    - (i) murder;
    - (ii) sex offenses, forcible and nonforcible;
    - (iii) robbery;
    - (iv) aggravated assault;
    - (v) burglary; and
    - (vi) motor vehicle theft.

- (G) A statement of policy concerning the monitoring and recording through local police agencies of criminal activity at off-campus student organizations which are recognized by the institution and that are engaged in by students attending the institution, including those student organizations with off-campus housing facilities.
- (H) Statistics concerning the number of arrests for the following crimes occurring on campus:
  - (i) liquor law violations;
  - (ii) drug abuse violations; and
  - (iii) weapons possession.
- (I) A statement of policy regarding the possession, use, and sale of alcoholic beverages and enforcement of state underage drinking laws and a statement of policy regarding possession, use, and sale of any illegal drugs and enforcement of Federal and state drug laws and a description of any drug or alcohol abuse education programs as required under section 1145g of this title.

**APPENDIX B**

***CAMPUS SEXUAL ASSAULT VICTIM'S  
BILL OF RIGHTS (1992)***

## Appendix B:

### *Campus Sexual Assault Victim's Bill of Rights (1992)*

The security provisions of the *Student Right-to-Know Act and the Campus Security Act of 1990* were amended in 1992 by the *Campus Sexual Assault Victim's Bill of Rights* to require that schools develop policies to deal with sexual assault on campus and provide certain assurances to victims.

#### **20 U.S.C. 1092**

(7)(A) Each institution of higher education participating in any program under this subchapter and part C of subchapter I Chapter 34 of title 42 shall develop and distribute as part of the report described in paragraph

(1) a statement of policy regarding—

- (i) Such institution's campus sexual assault programs, which shall be aimed at prevention of sex offenses; and
- (ii) The procedures followed once an offense has occurred.

(B) The policy described in subparagraph (A) shall address the following areas:

- (i) Education programs to promote the awareness of rape, acquaintance rape, and other sex offenses.
- (ii) Possible sanctions to be imposed following the final determination of an on-campus disciplinary procedure regarding rape, acquaintance rape, or other sex offenses, forcible or nonforcible.
- (iii) Procedures students should follow if a sex offense occurs, including who should be contacted, the importance of preserving evidence as may be necessary to the proof of a criminal assault, and to whom the alleged offense should be reported.
- (iv) Procedures for on-campus disciplinary action in cases of alleged sexual assault, which shall include a clear statement that—
  - (I) The accuser and the accused are entitled to the same opportunities to have others present during a campus disciplinary proceeding, and
  - (II) Both the accuser and the accused shall be informed of the outcome of any disciplinary proceeding brought alleging a sexual assault.
- (v) Informing students of their options to notify the proper law enforcement authorities, including on-campus and local police, and the option to be assisted by campus authorities in notifying such authorities, if the student chooses.
- (vi) Notification of students of existing counseling, mental health, or student services for victims of sexual assault, both on campus and in the community.
- (vii) Notification of students' options for, and available assistance in, changing academic and living situations after an alleged sexual assault incident, if so requested by the victim and if such changes are reasonably available.

(C) Nothing in this paragraph shall be construed to confer a right of action upon any person to enforce the provisions of this paragraph.

In summary:

The security policies released pursuant to the Campus Security Act shall specifically address sex offense prevention and include the following provisions in cases of alleged sexual assault:

- Accuser and accused must have same opportunity to have others present.
- Both parties shall be informed of the outcome of any disciplinary proceeding.
- Survivors shall be informed of their options to notify law enforcement
- Survivors shall be notified of counseling services.
- Survivors shall be notified of options for changing academic and living situations.

## **APPENDIX C**

### **MATRIX OF RESEARCH ISSUES AND METHODOLOGY**

Appendix C:

**MATRIX OF RESEARCH ISSUES AND METHODS** (p. 1 of 5)

Mandated Issue	Questions Need to Address	Source(s) Of Data	Data Collection Strategy(ies)	Type of Analysis
<p>I. Existence and publication of the institution of higher education's and State's definition of sexual assault;</p> <p>(a) Existence and publication of a state-level campus sexual assault reporting law.</p>	<p>1. Do institutions provide a definition(s) for sexual assault(s)?</p> <p>2. Does this definition include both forcible and nonforcible offenses as per the FBI's Uniform Crime Report? Is stalking included? Is sexual harassment included?</p> <p>3. Does this definition include state-level sexual assault definition mandates?</p> <p>4. From which source(s) is this available to students?</p> <p>5. How do definitions of sexual assault vary among institutions?</p> <p>(a) How do institutions' definition compare to their respective State's definition of sexual assault?</p> <p>(b) How do institutions' definitions compare to their respective state-level campus crime mandates for defining sexual assault?</p>	<p>1. Annual Security Report (ASR) as per Student Right-to-Know and Campus Security Act (CSA) (currently forcible and nonforcible sexual offenses as per UCR definitions) (see Higher Education Act of 1965, 20 USC 1092, section (f)(F);</p> <p>2. Student Handbook/Code of Conduct/University Rules;</p> <p>3. The Internet;</p> <p>4. University personnel (see data collection strategy);</p> <p>5. State statutes</p>	<p>1. Request via US mail ASR and Codes of Conduct/ Student Handbook to Campus Law Enforcement and Vice President of Students/Student Affairs;</p> <p>(a) Check school's homepage linked to campus security and/or student life for information;</p> <p>(b) Follow-up telephone request and/or interview with or mail or Internet survey to Vice President/ Dean of Student Affairs (VPSA)/ Chief Operating Officer (CEO);</p> <p>2. Lexis for legal statutes.</p>	<p>1. Content analysis of ASR and interview info: develop a scoring scheme and score accordingly; create a quantitative database for bivariate and multivariate analyses;</p> <p>2. Content analysis of State-level statutes--develop a coding scheme and code accordingly;</p> <p>3. Compare schools' sexual assault definitions to those required by CSA and any state law.</p>
<p>II. Existence and publication of the institution's policy for campus sexual assaults.</p>	<p>1. What is content of policy? Are the goals of policy stated? What types of sexual offenses are included and what are their respective definitions (see issue 1)? What are the education programs listed? What procedures, if any, are outlined (e.g., seek medical attention, call police, etc.)? Are the disciplinary action and sanctions described? Are</p>	<p>1. ASR as per Student Right-to-Know and Campus Security Act (currently forcible and nonforcible sexual offenses as per UCR definitions) (see 20 USC 1092, section (f)(A)(i and ii)(B)(i-vii);</p> <p>2. Student Handbook/Code of Conduct/University Rules;</p> <p>3. The Internet;</p> <p>4. University personnel (see data collection strategy);</p>	<p>1. Request for policy materials (see Issue 1, point 1).</p> <p>2. Surveys of campus administrators (i.e., owner/ president, dean of students, or director of campus safety).</p>	<p>1. Content analysis of written material and interview information (see above, issue 1, point 1)</p>

Mandated Issue	Questions Need to Address	Source(s) Of Data	Data Collection Strategy(ies)	Type of Analysis
	<p>survivor services described? Is notification of student options for dealing with sexual assault noted, etc? </p> <p>2. Is there a distinction made in the policy for the location of incident (e.g., on-campus, off-campus)?</p> <p>3. How is this information disseminated to students?</p>			
<p>III. The individuals to whom reports of sexual assaults are most often given, and how, the extent to which these individuals are trained to respond to the reports.</p>	<p>1. Who do college student survivors tell if they have been sexually assaulted?</p> <p>2. What types of training do these individuals receive?</p> <p>3. Are they mandated to formally report all disclosures of sexual assault to campus law enforcement officials?</p>	<p>1. Campus Law Enforcement/ Public Safety personnel</p> <p>2. Director of Resident Life;</p> <p>3. Director of Counseling;</p> <p>4. Director of Health Services.</p>	<p>1. On-line focus groups among Directors of Campus Law Enforcement/ Public Safety, Directors of Student/Resident Life, and Directors of Mental/ Health Services;</p> <p>2. Request for surveys (see Issue II, point 2).</p>	<p>1. Qualitative analysis of focus groups--develop coding scheme, code, summarize major themes.</p> <p>2. Quantitative analysis of surveys: develop coding scheme, code, develop database, and analyze data.</p>
<p>IV. The reporting and procedure options that are articulated to the survivor;</p> <p>(a) Considerations for survivors with disabilities (e.g., hearing impaired, visually impaired, physically impaired);</p> <p>(b) Considerations for international students w English language difficulties.</p>	<p>1. What are the on- and off-campus options?</p> <p>2. Are these options the same for students living in university-operated housing?</p> <p>3. Does the school use the Internet as a means of reporting? If so, how?</p> <p>4. Has the school implemented third-party/ proxy reporting procedures? If so, what are they?</p> <p>5. What considerations have been implemented to deal w survivors that are disabled or international students?</p>	<p>1. ASR (as per Student Right-to-Know and Campus Security Act 20 USC 1092 (f)(8)(B)(iii and v));</p> <p>2. Student Handbook/Code of Conduct/University Rules;</p> <p>3. The Internet;</p> <p>4. Campus Administrators (e.g., Dean of Students, Judicial Affairs Director, Advisor to Greek Life);</p> <p>5. Campus and Local Law Enforcement Officers;</p> <p>6. Representatives of on- and off-campus medical treatment centers;</p> <p>7. Students (including student survivors).</p>	<p>1. Request for policy material (see Issue I, point 1).</p> <p>2. Request for surveys (see Issue II, point 2).</p> <p>3. Field research at 8 campuses: extensive, in-depth interviews.</p>	<p>1. Content analysis of written materials (see issue I, point 1);</p> <p>2. Quantitative of surveys (see issue III, point 2).</p> <p>3. Quantitative analysis to determine schools exhibiting “promising practices” with regard to their sexual assault and reporting policies, protocols and procedures; qualitative analysis of interview data--develop coding scheme, code, summarize major themes.</p>

<b>Mandated Issue</b>	<b>Questions Need to Address</b>	<b>Source(s) Of Data</b>	<b>Data Collection Strategy(ies)</b>	<b>Type of Analysis</b>
<p>V. The resources available on campus and within the community for survivors' safety, support, medical health, confidentiality, including how well the resources are articulated both specifically to the survivor of sexual assault and generally to the campus at large, and the security of the resources in terms of confidentiality or reputation.</p>	<ol style="list-style-type: none"> <li>1. What services are offered? What programs are offered?</li> <li>2. What campus office(s) is responsible for these services?</li> <li>3. How do survivors get information about services and programs? How does general campus population get this information?</li> <li>4. How do survivors get access to these resources? When are they available?</li> <li>5. How is survivor confidentiality maintained?</li> <li>6. What campus-specific awareness events (e.g. Sexual Assault Awareness Day, The Vagina Monologues) are held? How often?</li> </ol>	<ol style="list-style-type: none"> <li>1. Annual Security Report(as per Student Right-to-Know and Campus Security Act sections (D), (E), (8)(A)(i), (B)(i through vii));</li> <li>2. Campus Administrators (e.g., Dean of Students, Judicial Affairs Director, Advisor to Greek Life);</li> <li>3. Campus and Local Law Enforcement Officers;</li> <li>4. Representatives of on- and off-campus medical treatment centers;</li> <li>5. Students (including student survivors).</li> </ol>	<ol style="list-style-type: none"> <li>1. Request for policy materials (see Issue I, point 1).</li> <li>2. Request for surveys (see Issue II, point 2).</li> <li>3. Field research (see Issue IV, point 3).</li> </ol>	<ol style="list-style-type: none"> <li>1. Quantitative of policy materials and surveys--number and types of resources (e.g., education, risk reduction, medical/public health, legal, advocacy), and means of dissemination.</li> <li>2. Qualitative analysis of field research interviews.</li> </ol>
<p>VI. Policies and practices that may prevent or discourage the reporting if campus sexual assaults to local crime authorities, or that may otherwise obstruct or interfere with the prosecution of perpetrators of campus sexual assaults</p> <p>(a) Considerations for survivors w disabilities (e.g., hearing impaired, visually impaired, physically impaired);</p> <p>(b) Considerations for international students w English language difficulties</p>	<ol style="list-style-type: none"> <li>1. How do the current policies discourage reporting or interfere with prosecution? For those who are hearing impaired, visually impaired, physically impaired or those with a English language difficulty from reporting?</li> <li>2. Why don't students report on-campus/ off-campus sexual assaults?</li> </ol>	<ol style="list-style-type: none"> <li>1. ASR (as per Student Right-to-Know and Campus Security Act sections (f)(C) and (f)(G));</li> <li>2. Campus Administrators (e.g., Dean of Students, Judicial Affairs Director, Advisor to Greek Life);</li> <li>3. Campus and Local Law Enforcement Officers;</li> <li>4. Representatives of on- and off-campus medical treatment centers;</li> <li>5. Students (including student survivors).</li> </ol>	<ol style="list-style-type: none"> <li>1. Request for surveys (see Issue II, point 2);</li> <li>2. Field research (see Issue IV, point 3);</li> <li>3. On-line focus groups (see Issue III, point 1).</li> </ol>	<ol style="list-style-type: none"> <li>1. Quantitative analysis of survey data;</li> <li>2. Qualitative analysis of focus group data and interviews from field research.</li> </ol>
<p>VII. Policies and practice found successful in aiding the report and any ensuring investigation or prosecution of a campus sexual assault;</p>	<ol style="list-style-type: none"> <li>1. How do current policies encourage reporting and support investigation and prosecution?</li> <li>2. Why do students report campus sexual assaults?</li> </ol>	<ol style="list-style-type: none"> <li>1. See Issue VI.</li> </ol>	<ol style="list-style-type: none"> <li>1. See Issue VI.</li> </ol>	<ol style="list-style-type: none"> <li>1. See Issue VI.</li> </ol>

<b>Mandated Issue</b>	<b>Questions Need to Address</b>	<b>Source(s) Of Data</b>	<b>Data Collection Strategy(ies)</b>	<b>Type of Analysis</b>
<p>VIII. On campus procedures for investigation and disciplining the perpetrator of a sexual assault, including the format for collecting evidence, and the format of the investigation and disciplinary proceeding, including the faculty responsible for running the disciplinary procedure, and the persons allowed to attend the disciplinary procedure; and</p> <p>(a) Violence against women education/ training for discipline board/ committee members</p>	<ol style="list-style-type: none"> <li>1. How does the campus law enforcement investigate a reported sexual assault? What are its powers in terms of arrest and investigation?</li> <li>2. What informal disciplinary procedures (e.g., mediation, no-contact orders) does the school offer in the case of a sexual assault?</li> <li>3. What is official disciplinary process? What are the stages in proceedings?</li> <li>4. Who are people involved (e.g., membership of disciplinary board?)</li> <li>5. How closely does disciplinary process follow criminal justice process (e.g., attorneys, use of evidence, types of evidence, testimony, etc.)</li> <li>6. Is disciplinary process open to the public/study body or is it limited to those involved?</li> <li>7. How is confidentiality of disciplinary hearings records maintained?</li> <li>8. What are possible outcomes (e.g., dismissal), and sanctions (e.g., probation, termination of housing agreement, dismissal)?</li> <li>9. Is outcome communicated to accused and accuser? How? When?</li> <li>10. Is there an appeal process? What is the process? Can both survivors and the accused appeal the board determination?</li> <li>11. What, if any, violence against women educ/ training do board members receive?</li> </ol>	<ol style="list-style-type: none"> <li>1. Annual Security Report (ASR) as per Student Right-to-Know and Campus Security Act (CSA) (see Higher Education Act of 1965, 20 USC 1092, section (f)(B)(ii and iv);</li> <li>2. Student Handbook/ Code of Conduct/ University Rules;</li> <li>3. The Internet;</li> <li>4. University personnel (see data collection strategy);</li> <li>5. Directors of Campus Law Enforcement.</li> </ol>	<ol style="list-style-type: none"> <li>1. Request for policy materials (see Issue I, point 1).</li> <li>2. Request for surveys (see Issue II, point 2);</li> <li>3. Field research (see Issue IV, point 3).</li> </ol>	<ol style="list-style-type: none"> <li>1. Content analysis of written material and interview information (see above, issue I, point 1);</li> <li>2. Quantitative analysis of survey data.</li> </ol>

Mandated Issue	Questions Need to Address	Source(s) Of Data	Data Collection Strategy(ies)	Type of Analysis
<p>IX. What types of cases are directed outside the institution for processing (e.g., civil action, criminal action)?</p>	<ol style="list-style-type: none"> <li>1. What is the official disciplinary process?</li> <li>2. Who are the people involved (e.g., membership of disciplinary board?)</li> <li>3. How closely does the disciplinary process follow the criminal justice process (e.g., attorneys, use of evidence, types of evidence, testimony, etc.)</li> <li>4. What are the possible outcomes/sanctions (e.g., probation, termination of housing agreement, dismissal, no action).</li> <li>5. How is the outcome communicated to the accused?</li> </ol>	<ol style="list-style-type: none"> <li>1. ASR (as per the Student Right-to-Know and Campus Security Act section (8)(B)(I through vii);</li> <li>2. Student Code of Conduct</li> <li>3. Director of Student Judicial Affairs; IHEs Legal Attorney</li> <li>4. Directors of Campus Law Enforcement.</li> </ol>	<ol style="list-style-type: none"> <li>1. See Issue VIII.</li> </ol>	<ol style="list-style-type: none"> <li>1. See Issue 8.</li> </ol>

**APPENDIX D**

**CODING INSTRUMENT**

**FOR CAMPUS SEXUAL ASSAULT POLICY MATERIAL**

**CODING INSTRUMENT FOR  
PUBLISHED SEXUAL ASSAULT MATERIALS**

Developed by Bonnie Fisher, University of Cincinnati

SECTION 1

Sexual offenses crime statistics as per *The Jeanne Clery Disclosure of  
Campus Security Policy and Campus Crime Statistics Act*

**1. Did the school send us their annual security report as mandated in the Jeanne Clery Act? Clery Act (b)**

0 = No, the school did not send us a document/material labeled "ANNUAL SECURITY REPORT"

1 = Yes, the school did send us their "ANNUAL SECURITY REPORT"

2 = School sent communication that school does not have an annual security report

**2. Did the school send us their reported crime statistics as per the Jeanne Clery Act? Clery Act (b)**

0 = No → Skip to Section 2, question 1 on page XX

1 = Yes, as part of their annual security report

2 = Yes, but not as part of their annual security report (e.g., in a letter, on a sheet of letterhead paper, etc).

3 = Retrieved from DOE web site (only used if school sent us materials but did not include crime statistics)

**3. Do the reported crime statistics include the three most recent calendar years (should be 1997, 1998, and 1999 but could be 1996 thru 1998 if school sent us their 1999 materials—check material for date materials issued or printed; this is typically on the cover of the annual security report )? Clery Act (b)(11)(c)(1)**

1= 1 year

2= 2 years

3 = 3 years

**4. What is the last year of reported crime statistics?**

96 = 1996

97 = 1997

98 = 1998

99 = 1999

20 = 2000

**5. What is the publication year of the annual security report?**

00 = Date not provided on the written materials school sent to us

96 = 1996

97 = 1997

98 = 1998

99 = 1999

20 = 2000

**6. Do the reported crime statistics include forcible and nonforcible offense statistics? Clery Act (b)(11)(c)(ii) \*\*Relates only to crime statistics.**

- 0 = No → Skip to Section 2, question 1 on page XX
- 1 = Only forcible (rape, sodomy, sexual assault with an object, and forcible fondling)
- 2 = Only nonforcible (incest and statutory rape)
- 3 = Both forcible and nonforcible as separate categories
- 4 = Only Rape
- 5 = Something else: (write in) \_\_\_\_\_

**7. Are the offenses listed in question 6 defined or identified in the annual security report? Related to Issue 1.2**

- 0 = No
- 1 = [was yes, but is no longer a valid code]
- 2 = Yes, identified different types of offenses (e.g., listed out)
- 3 = Yes, provided a definition for the offenses
- 4 = Yes, both identified and defined each offense

**8. Are the locations of where the offenses took place broken down as per the Clery Act? Multiple record—more than one code per school—each category will be a variable in the SPSS file. Clery Act (c)(11)(c)(4)**

- 0 = OFFENSES NOT BROKEN DOWN BY LOCATION
- 1 = on campus only
- 2 = on campus in dorms only
- 3 = on or in a noncampus building only
- 4 = on public property only
- 5 = some other way only
- 6 = all four locations (that is, on campus only, on campus in dorms only, on or in a noncampus building only, AND on public property only) are reported separately as per the Clery Act
- 7 = all four locations are reported but they are clustered together and not reported separately (e.g., 1 and 2; 3 and 4)
- 8 = all applicable locations (only applies to 1, 3, and 4) are reported separately as per the Clery Act
- 9 = all applicable locations (only applies to 1, 3, and 4) are reported but they are clustered together and not reported separately

**9. Does the school have on- campus housing?**

- 0 = No
- 1 = Yes
- 2 = Cannot be determined from the materials that the school sent us

## SECTION 2 SEXUAL ASSAULT POLICY ISSUES

**1. Does school have a written sexual assault policy that is labeled “SEXUAL ASSAULT POLICY” or with a similar title (e.g., SEXUAL OFFENSES POLICY, SEXUAL MISCONDUCT POLICY) (DO NOT include policy labeled “sexual harassment policy” or “stalking policy”)? *Issue 1.1 and Clery Act (b)(11)***

0 = No → Skip to Section 2, question 7 on page XX (note code 3)

1 = Yes, school has a sexual assault policy

2 = Sent communication that school does not have a sexual assault policy  
→ Skip to Section 2, Question 7 on page X

**2. Are the goals of the policy stated (e.g., overall of what the sexual assault/offenses policy is all about--the school will not tolerate, committed to maintaining an environment which is free from physical and emotional threat of sexual assault, the school will pursue disciplinary action)? *Clery Act 2.1***

0 = No

1 = Yes

**3. How does the sexual assault policy refer to the person who has experienced a sexual offense?**

0 = Generic term (e.g., “those who have experienced...,” “a person who”)

1 = Victim

2 = Survivor

3 = Both victim and survivor

**4. Whom does the policy cover?**

0 = POLICY DOES NOT STATE WHO IS COVERED

1 = Students only

2 = Faculty and staff only

3 = Students, faculty and staff

**5. What types of sexual assault are noted/mentioned/listed in the sexual assault policy? Multiple record—more than one code per school—each category will be a variable in the SPSS file. *Issue 1.2 and Issue 2.2***

1 = Generic terms used—not specific types noted/mentioned/listed: sexual assault, sexual offense

2. = Penile-Vaginal Rape—sexual intercourse (i.e., penile-vaginal) that is perpetrated against the will of the victim or occurs when she/he is unable to give consent and may involve physical violence, coercion, or threat of harm to the victim

3. = Other forms of vaginal intercourse—mouth, tongue, hand, or the introduction of a foreign object into the genitals of another person

4. = Other forms of sexual intercourse—anal or oral penetration with penis, mouth, tongue, hand, fingers, or the introduction of a foreign object

5. = Acquaintance rape—rape by a non-stranger which could include a friend, acquaintance, family member, neighbor, or co-worker

- 6. = Date rape—rape by someone the victim has been or is dating
- 7. = Gang acquaintance /date rape—rape by more than one person, at least one of whom is known to the victim
- 8. = Sexual contact/Forcible fondling/Sexual battery--unwanted touching of intimate body parts
- 9. = Incest
- 10 = Other types of sexual offenses—e.g., voyeurism, indecent exposure

**CODERS NOTE: THIS IS NOT A MUTALLY EXCLUSIVE LIST. BE SURE TO NOTE ADDITIONAL TYPES OF SEXUAL ASSAULT SHOULD YOU FIND THEM IN SCHOOL MATERIALS**

**6. Is stalking included/mentioned in the sexual assault policy? *Issue 1.2***

- 0 = No
- 1 = Yes
- 2= Separate stalking policy

**7. Is sexual harassment included/mentioned in the sexual assault policy? *Issue 1.2***

- 0 = No (If Section 2, question 1 = 0 or 2, Skip to section 3, question 1)
- 1 = Yes
- 2= Separate sexual harassment policy
- 3 = School only sent us their sexual harassment policy and NOT their sexual assault policy → Skip to Section 3, question 1 on page XX

**8. Are the types of sexual assault noted in question 5 defined/does the institution tell the reader of the policy the meaning of the term “sexual assault” or meaning of the different types of sexual assault? *Issue 1.1 and Issue 2.1***

- 0 = No
- 1 = Yes

**9. What is the source of the sexual assault policy? That is, where is the sexual assault policy found/printed? *Issue 1.4 and Issue 2.4***

**CODERS NOTE: ALWAYS CODE HIGHEST CATEGORY**

- 0 = CAN NOT IDENTIFY WHAT THE SOURCE IS FROM 4THE MATERIALS SCHOOL SENT TO US
- 1 = Student handbook or code of conduct
- 2 = Annual security report
- 3 = Both 1 and 2
- 4 = Attachment to cover letter in response to our request letter
- 5 = Other
- 6 = Internet (only used when information was obtained from the Internet and could not determine source)

SECTION 3  
EXISTENCE AND PUBLICATION OF SCHOOL'S POLICY  
FOR CAMPUS SEXUAL ASSAULT

**1. What are the specific educational programs to promote the awareness of rape, acquaintance rape, and other forcible and nonforcible sexual offenses that are available to the students? Multiple record—more than one code per school—each category will be a variable in the SPSS file. Issue 2.1 and Issue 5.1**

0= NO EDUCATIONAL PROGRAMS MENTIONED → Skip to section 3, question 3 on page XX

1 = General/generic mention of sexual assault/offenses educational programs/presentations to promote the awareness of rape, etc.

2 = General/generic mention of personal safety programs/presentations but does not specifically say to promote the awareness of rape, etc.

3 = New student orientation programs educational programs/presentations to promote the awareness of rape, etc.

4 = New student orientation safety programs/presentations but does not specifically say to promote the awareness of rape, etc.

5 = Rape aggressive defense (RAD) program—self-defense skill training

6 = Date rape/acquaintance rape prevention programs

7 = Student Advocate programs (e.g., student advocates against sexual violence, students against violence against women, etc.)

8 = Printed sexual assault, sexual offenses, rape, or date rape, prevention materials

9 = Other \_\_\_\_\_

**CODERS NOTE: THIS IS NOT A MUTALLY EXCLUSIVE LIST. BE SURE TO NOTE ADDITIONAL TYPES OF PROGRAMS SHOULD YOU FIND THEM IN SCHOOL MATERIALS**

**2. Does the school provide a description from these educational programs? *Clergy Act (b)(11)(i)***

0 = NO, A DESCRIPTION IS NOT PROVIDED

1 = Yes, a description is provided

**3. What are other types of safety and security features/programs/services that are provided by the school? Multiple record—more than one code per school—each category will be a variable in the SPSS file. Issue 2.1 and Issue 5.1**

0 = NO MENTION OF OTHER TYPES OF SAFETY AND SECURITY FEATURES

1 = Van/bus escort service

2 = Walking escort service

3 = Emergency blue light phones

4 = Free phone calls on campus--cellular phone calls (i.e., no charge to press \*### and get connected to police), free campus phones (e.g., the on-campus phones in the student union)

5 = Electronic alarm campus-wide system to monitor intrusions into campus buildings/property

- 6 = Surveillance cameras for buildings/parking lots
- 7 = Lighting and grounds surveys/standards
- 8 = Architectural design standards/routine maintenance of buildings
- 9 = Adopt a COPP (campus oriented police program)—police presence in residence halls
- 10 = Alcohol and drug education programs
- 11 = Resident assistant safety and security training
- 12 = Key card or key access to buildings
- 13 = Residential hall security personnel on duty (e.g., 24 hours front desk services, hall and door monitors in residence halls)
- 14 = Registration of overnight guests in residence halls
- 15 = Generic escort service (i.e., no mention of type of service as in codes 1 and 2)
- 16 = Access restrictions to campus buildings and/or property

CODERS NOTE: THIS IS NOT A MUTALLY EXCLUSIVE LIST. BE SURE TO NOTE ADDITIONAL TYPES OF PROGRAMS SHOULD YOU FIND THEM IN SCHOOL MATERIALS

**4. What are the sources of these educational safety and security features/programs/services information and education programs? Multiple record—more than one code per school—each category will be a variable in the SPSS file. Issue 2.1 and Issue 5.3**

- 0 = NOT IDENTIFIED → Skip to section 4, question 1
- 1 = Security reports published in student newspaper
- 2 = Printed materials--safety brochures, posters, flyers, bookmarks
- 3 = Internet/WWW URL
- 4 = Special alerts
- 5 = Annual security report
- 6 = Student handbook or code of conduct
- 7 = Police Log

CODERS NOTE: THIS IS NOT A MUTALLY EXCLUSIVE LIST. BE SURE TO NOTE ADDITIONAL TYPES OF PROGRAMS SHOULD YOU FIND THEM IN SCHOOL MATERIALS

SECTION 4  
REPORTING AND PROCEDURES OPTIONS THAT  
ARE ARTICULATED TO THE VICTIM

**1. Who should/can be contacted (i.e., let know, notify) when a sex offense happens? This DOES NOT mean to file a police report. Multiple record—more than one code per school—each category will be a variable in the SPSS file. *Issue 4.1***

0 = NO MENTION OF WHO TO CONTACT → Skip to section 4, question 3 on page XX

1 = University police department/security office

2 = Local police department

3 = Police (general/generic mention)

4 = Office of the Dean of Students/VP for Student Affairs

5 = Department of Student Housing and Residential Education, Resident Assistant, Area Director, or Assistant Area Director

6 = Department of Athletics

7 = Student/University Health Services

8 = University Counseling Centre

9 = Academic Advisor

10 = Sexual Assault or Harassment Officer/Coordinator

11 = Victim Assistance/Victim Advocacy services

12 = Campus Ministries

13 = Ombudsman

14 = Director/manager of school

15 = Other Authorities (general/generic term used)

16 = Other \_\_\_\_\_

CODERS NOTE: THIS IS NOT A MUTALLY EXCLUSIVE LIST. BE SURE TO NOTE ADDITIONAL TYPES OF PROGRAMS SHOULD YOU FIND THEM IN SCHOOL MATERIALS

**2. Does school have procedures concerning who should be contacted when a sexual offense happens? Multiple record—more than one code per school—each category will be a variable in the SPSS file. *Issue 2.2***

0 = NO MENTION OF PROCEDURES

1 = Telephone numbers given

2 = 24 hours statement for contact

3 = Address of contact office/person given

CODERS NOTE: THIS IS NOT A MUTALLY EXCLUSIVE LIST. BE SURE TO NOTE ADDITIONAL TYPES OF PROGRAMS SHOULD YOU FIND THEM IN SCHOOL MATERIALS

**3. Does school have procedures for providing medical care? *Issue 2.2***

0 = NO MENTION OF PROCEDURES

1 = Yes

**4. Does school have procedures for reporting to on-campus police? Issue 2.2**

0 = NO MENTION OF PROCEDURES

1 = Yes

**5. Does school have procedures for reporting to off-campus police? Issue 2.2**

0 = NO MENTION OF PROCEDURES

1 = Yes

**6. Does school have procedures for seeking counseling? Issue 2.2**

0 = NO MENTION OF PROCEDURES

1 = Yes

**7. Does the school provide legal support (e.g., legal services, lawyer, law student clinic) for those who have experienced a sexual offense? Issue 2.2**

0 = NO MENTION OF PROVIDING LEGAL SUPPORT

1 = Yes

**8. Is there a statement concerning the importance of obtaining a medical examination? Issue 2.2**

0 = NO MENTION OF OBTAINING A MEDICAL EXAMINATION

1 = Yes

**9. Is there a statement concerning the importance of preserving evidence? Clery Act (b)(11)(ii)**

0 = NO MENTION OF IMPORTANCE OF HOW TO PRESERVE EVIDENCE

1 = Yes, statement concerning the importance of preserving evidence

**10. Does the school detail/provide steps on how to preserve evidence? Clery Act (b)(11)(ii)**

0 = NO STEPS PROVIDED/DETAILED

1 = General/generic statement—"urge the preservation of any physical evidence of the sexual assault"

2 = Specific steps to take detailed—"1) Do not clear area or alter in any way prior to police arrival, 2) Do not bathe, shower, or douche, 3) Do not change clothes, 4) Do not apply or take any medication"

**11. To whom can an alleged on-campus sexual assault be reported? This means as in filing an official report so that the incident is included in any crime statistics, is the first stage of the criminal justice process, etc. Multiple record—more than one code per school—each category will be a variable in the SPSS file. Issue 4.1 and Clery Act (b)(11)(iii)**

- 0 = NO MENTION TO WHOM TO REPORT
- 1 = University police department/security office
- 2 = Local police department
- 3 = County police/Local or County sheriff
- 4 = Office of the Dean of Students/VP for Student Affairs
- 5 = Department of Student Housing and Residential Education, Resident Assistant, Area Director, or Assistant Area Director
- 6 = Department of Athletics
- 7 = Student/University Health Services
- 8 = University Counseling Centre
- 9 = Academic Advisor
- 10 = Sexual Harassment Officer/Coordinator
- 11 = Victim Assistance/Victim Advocacy Services/Victim Centre
- 12 = Campus Ministries
- 13 = Ombudsman
- 14 = Director/manager of school
- 15 = Other Authorities (general/generic term used)

**CODERS NOTE: THIS IS NOT A MUTALLY EXCLUSIVE LIST. BE SURE TO NOTE ADDITIONAL TYPES OF PROGRAMS SHOULD YOU FIND THEM IN SCHOOL MATERIALS**

**12. Does the school have a policy to allow witnesses or third parties to report a sexual assault?**

- 0 = NO THIRD PARTY REPORTING STATEMENT EXISTS
- 1 = Yes, there is a third-party reporting statement
- 2 = Yes, there is a third-party reporting statement and a description of policy/procedures for such reporting

**13. Does the school have a statement notifying the student that he/she has the OPTION of notifying the appropriate law enforcement authorities? Issue 5 and Clery Act (b)(11)(iv).**

- 0 = NO MENTION OF NOTIFYING STATEMENT
- 1 = Yes, school has such a statement

**14. Does the school include a statement that institutional personnel will assist the student in notifying the authorities, if the student requests the assistance of these personnel? Issue 4.1 and Clery Act (b)(11)(iii)**

- 0 = NO MENTION OF ASSISTANCE STATEMENT
- 1 = Yes, this statement is communicated in the respective school's policy

**15. Does the school include a statement of the legal and disciplinary system options available to student? Multiple record—more than one code per school—each category will be a variable in the SPSS file. Issue 2.2 and Issue 4.1**

0 = NO MENTION OF LEGAL AND DISCIPLINARY SYSTEM OPTIONS

1 = File criminal charges in the outside courts

2 = File civil charges in the outside courts

3 = File a complaint which will be heard through the internal campus judicial system

4 = Decide not to file charges

**CODERS NOTE: THIS IS NOT A MUTALLY EXCLUSIVE LIST. BE SURE TO NOTE ADDITIONAL TYPES OF PROGRAMS SHOULD YOU FIND THEM IN SCHOOL MATERIALS**

**16. Does the school include a statement that reporting a sexual offense does not obligate the victim/survivor to pursue criminal prosecution or campus judicial proceedings?**

0 = NO SUCH STATEMENT IS INCLUDED

1 = Yes, there is such a statement

SECTION 5  
RESOURCES AVAILABLE ON CAMPUS AND WITHIN THE COMMUNITY  
FOR VICTIM'S SAFETY, MEDICAL, HEALTH, CONFIDENTIALITY

**1. Does the school notify students of existing on-campus and off-campus counseling, mental health, or other student services for the person who has experienced a sexual assault/offense? *Issue 5***

0 = NO NOTIFICATION GIVEN TO STUDENTS→ Skip to section 5, question 5 on page XX

1 = Yes, notification to students of existing on campus services

2 = Yes, notification to students of existing off campus/local services→ Skip to Section 5, question 4 on page XX

3 = Yes, notification to students of existing on and off campus services.

**2. What are the on-campus resources available for counseling, mental health, or other student services for those who have experienced a sexual assault/offense? Multiple record—more than one code per school—each category will be a variable in the SPSS file. *Issue 5.1***

0= NO RESOURCES OR SERVICES MENTIONED

1 = Campus Law Enforcement

2 = Student Health Services

3 = Student Counseling and Psychological Services

4 = Dean of Student's Office/VP of Student Affairs

5 = Sexual Assault Prevention Officer/Coordinator

6 = Self-help groups (e.g., Survivors of Sexual Assault)

7 = Academic Assistance

8 = Student's Attorney General/Legal Counsel Office

9 = Residential Life, Department of Residential Housing, Resident Assistant, Area Director, or Assistant Area Director

10 = University Sexual Harassment Office/Officer

11 = Transportation services

12 = Women's Centre

13 = Human Resources

14 = campus ministries

15= Ombudsman

16= Off-campus references/referrals

17= Director/manager of school (includes "program director")

**3. What are the options for the person who has experienced a sexual assault/offense in terms of the school's response? Multiple record—more than one code per school—each category will be a variable in the SPSS file. *Issue 5.1 and Clery Act (b)(11)(v)***

0 = NO MENTION OF OPTIONS

1 = Relocate with regard to the victim's on-campus residence assignment

- 2 = Temporary/short-term housing for off-campus student who has experienced a sexual assault victimization
- 3 = Change class schedule
- 4 = General mention of changing living situation
- 5 = General mention of changing academic and/or work situation

CODERS NOTE: THIS IS NOT A MUTALLY EXCLUSIVE LIST. BE SURE TO NOTE ADDITIONAL TYPES OF SERVICES SHOULD YOU FIND THEM IN SCHOOL MATERIALS

**4. What are the off-campus resources available to the person who has experienced a sexual assault/offense? Multiple record—more than one code per school—each category will be a variable in the SPSS file. *Issue 5.1***

- 0 = NONE MENTIONED
- 1 = Rape Crisis Centre
- 2 = Local Police
- 3 = County Police/Local or County Sheriff
- 4 = Clergy/ministry
- 5 = Women's Centre
- 6 = District Attorney/Prosecutor's Office
- 7 = Public Defender's Office
- 8 = Local Attorneys (private)
- 9 = Local Mental Health Center
- 10 = Local Emergency Room/Hospital
- 11 = Local Psychiatric Services
- 12 = Victim Advocacy Office
- 13 = Other \_\_\_\_\_

CODERS NOTE: THIS IS NOT A MUTALLY EXCLUSIVE LIST. BE SURE TO NOTE ADDITIONAL TYPES OF SERVICES SHOULD YOU FIND THEM IN SCHOOL MATERIALS

**5. What on-campus services are offered to the accused? Multiple record—more than one code per school—each category will be a variable in the SPSS file. *Issue5.1***

- 0 = NONE MENTIONED
- 1 = Campus Law Enforcement
- 2 = Student Health Services
- 3 = Student Counseling and Psychological Services
- 4 = Dean of Student's Office/VP of Student Affairs
- 5 = Sexual Assault Prevention Officer/Coordinator
- 6 = Judicial Programs Officer/Disciplinary Officer
- 7 = Academic Assistance
- 8 = Student's Attorney General/Legal Counsel Office
- 9 = Department of Residential Housing
- 10 = University Sexual Harassment Office/Officer
- 11 = Transportation services
- 12 = Referrals

- 13 = Help with contact to referrals in 1
- 14 = School attorney/legal counsel
- 15 = Other \_\_\_\_\_

CODERS NOTE: THIS IS NOT A MUTALLY EXCLUSIVE LIST. BE SURE TO NOTE ADDITIONAL TYPES OF SERVICES SHOULD YOU FIND THEM IN SCHOOL MATERIALS

**6. What off-campus services are offered to the accused? Multiple record—more than one code per school—each category will be a variable in the SPSS file. *Issue***

**5.1**

- 0 = NONE MENTIONED
- 1 = Rape Crisis Centre
- 2 = Local Police
- 3 = County Police/Local or County Sheriff
- 4 = Women's Centre
- 5 = District Attorney/Prosecutor's Office
- 6 = Public Defender's Office
- 7 = Local Mental Health Center
- 8 = Local Emergency Room/Hospital
- 9 = Local Psychiatric Services
- 10 = Referrals
- 11 = Help with contact to referrals
- 12 = Other \_\_\_\_\_

CODERS NOTE: THIS IS NOT A MUTALLY EXCLUSIVE LIST. BE SURE TO NOTE ADDITIONAL TYPES OF SERVICES SHOULD YOU FIND THEM IN SCHOOL MATERIALS

**7. Is there a statement that a reported sexual assault is kept confidential? *Issue***

**5.5**

- 0 = NO MENTION OF CONFIDENTIALITY
- 1 = Yes, only a confidential policy statement included
- 2 = Yes, confidential policy statement included AND a description of this policy is given

SECTION 6  
STUDENT JUDICIAL SYSTEM/DISCIPLINARY PROCEDURES

**1. Does the school have student judicial system or disciplinary procedures?**

***Issues 2.2 and Issue 8***

0 = NO MENTION OF STUDENT JUDICIAL SYSTEM/DISCIPLINARY PROCEDURES→ End of Coding

1 = Yes, mention of having disciplinary procedures/process

2 = Yes, mention of having a judicial system/process

3 = Both terms in codes 1 and 2 are used in school's materials

4 = Yes, mention of having a grievance procedure

5 = Yes, mention of having a disciplinary-grievance procedure

6 = Yes, other: \_\_\_\_\_

***Complaint filed stage-- Issue 8.4***

**2. Does the school have a process to file a written complaint concerning alleged sexual assault?**

0 = NO MENTION OF FILING A COMPLAINT

1 = Yes, mention of filing a complaint

**3. In which office or to whom on campus does a written complaint get filed?**

**Multiple record—more than one code per school—each category will be a variable in the SPSS file.**

0 = NO MENTION OF WHERE A COMPLAINT GETS FILED

1 = Judicial programs/affairs office/officer, Disciplinary office/officer, or Grievance office or officer

2 = Student attorney general/legal counsel

3 = Student Affairs office/officer

4 = Campus law enforcement/security office

5 = Dean of Students/VP of Students/Affairs

6 = Office of Student Life

7 = Director/manager of school (includes "program director")

8 = Other \_\_\_\_\_

CODERS NOTE: THIS IS NOT A MUTALLY EXCLUSIVE LIST. BE SURE TO NOTE ADDITIONAL TYPES OF PROGRAMS SHOULD YOU FIND THEM IN SCHOOL MATERIALS

***Notification stage-- Issue 8.4***

**4. Is the complainant notified of the specific procedures that will be used and the outcomes?**

0 = NO MENTION OF COMPLAINANT BEING NOTIFIED

1 = Only told about procedures

2 = Only told about outcomes

3 = Told about both

**5. Is there a statement that says that there is communication with the accused (e.g., a letter) notifying him/her that a written complaint has been filed?**

0 = NO MENTION OF COMMUNICATION WITH THE ACCUSED

1 =Mention that communication is made with the accused

**6. Is there a statement that the nature of the complaint will be made to the accused? That is does the school provide an explanation of the allegations made to the accused?**

0 = NO SUCH STATEMENT

1 = Yes such a statement

**7. Is the accused notified of the specific procedures that will be used and the outcomes after the written complaint has been filed?**

0 = NO MENTION OF ACCUSED BEING NOTIFIED

1 = Only told about procedures

2 = Only told about outcomes

3 = Told about both

***Investigation stage-- Issue 8.4***

**8. Is there a stage where it is determined whether there is sufficient evidence to show that a violation of the Code of Student Conduct probably occurred (that is, is there enough evidence to “charge” the accused)?**

0 = NO MENTION OF THIS STAGE

1 = Yes, this stage exists

**9. Who determines if there is sufficient evidence to show that a violation of the Code of Student Conduct probably occurred?**

0 = NO MENTION OF THIS

1 = Judicial program office/officer/advisor, Disciplinary office/officer/advisor, or grievance office/officer

2 = School Attorney/Legal counsel

3 = Student attorney general/Legal counsel

4 = Representative from Deans Office/VP of Student Affairs

5 = Representative from Student Life Office

6 = Some combination of above in consultation with each other

7 = Director/manager of school (includes “program director”)

8 = Other \_\_\_\_\_

**10. Does the school have “rape shield” provisions (e.g., procedure to determine if evidence about complainant’s prior sexual behavior will be admissible into the disciplinary hearing, the right to privacy w regard to his/her irrelevant past sexual relationship history)?**

0 = NO MENTION OF THIS PROVISION

1 = Yes, school has such a provision

***Hearing/Conference Procedures-- Issue 8.2 (note: ‘ refers to second set of questions in box under issue 8)***

**11. What is the composition of the hearing/judicial/disciplinary board members/committee members of this hearing? Multiple record—more than one code per school—each category will be a variable in the SPSS file. Issue 8.2**

0 = NO MENTION OF WHAT THE COMPOSITION IS

1 = Faculty members

2 = Students—undergraduate or graduate

3 = Judicial Officer or Disciplinary Officer

4 = Representative from Deans Office/VP of Student Affairs

5 = Representative from Student Life Office

6 = Director/manager of school (includes “program director”)

7 = Other \_\_\_\_\_

**CODERS NOTE: THIS IS NOT A MUTALLY EXCLUSIVE LIST. BE SURE TO NOTE ADDITIONAL TYPES OF PROGRAMS SHOULD YOU FIND THEM IN SCHOOL MATERIALS**

**12. How many members hear any case (including the person mentioned in question 11)?**

0 = NO MENTION OF HOW MANY MEMBERS HEAR ANY CASE

\_\_\_\_\_ (record actual numbers)

**13. Who are the possible/permissible participants in this hearing? Multiple record—more than one code per school—each category will be a variable in the SPSS file. Issue 8.2'**

- 0 = NO MENTION OF WHO THE PARTICIPANTS ARE
- 1 = Non-lawyer support personnel (e.g., friends or family of accused, complainant)
- 2 = Judicial officer, Disciplinary officer, or Grievance officer
- 3 = School attorney/Legal counsel
- 4 = Student attorney general/Legal counsel
- 5 = Accused/Defendant
- 6 = Complainant/Accuser
- 7 = Attorney/advisor for accused/defendant
- 8 = Attorney/advisor for complainant/accuser
- 9 = Recorder of hearing and proceedings (e.g., testimony given by witnesses)
- 10 = Representative from Dean of Student/VP for Students
- 11 = Representative from Office of Student Life
- 12 = Judicial body—generic/general term used
- 13 = Director/manager of school (includes "program director")
- 14 = Other \_\_\_\_\_

CODERS NOTE: THIS IS NOT A MUTALLY EXCLUSIVE LIST. BE SURE TO NOTE ADDITIONAL TYPES OF PROGRAMS SHOULD YOU FIND THEM IN SCHOOL MATERIALS

**14. Are these hearings open to the public? Issue 8.6'**

- 0 = NO MENTION OF HEARING BEING OPEN
- 1 = Yes, unless judicial or disciplinary administrator/hearing officer says "no"
- 2 = Yes, but only if the accused requests an open hearing and the complainant grants permission
- 3 = Yes, unless the accused or complainant requests it NOT to be open
- 4 = Yes, but only if the accused requests an open hearing (no mention of complainant granting permission)

**15. Is there a statement that the accuser and accused are entitled to the same opportunities to have others present during a disciplinary hearing? Clery Act (b)(11)(vi)(A)**

- 0 = NO SUCH STATEMENT MADE
- 1 = Yes, there is such a statement

**16. Is there a detailed written description of the process of this hearing/what will happen during this stage? Issue 8.2'**

- 0 = NO SUCH DESCRIPTION IS GIVEN
- 1 = Yes, a description is provided (e.g., present witnesses, cross exam, admission of evidence, etc.)

**17. Is there any mention that members are subject to training or education with respect to violence against women issues? Issue 8.7**

- 0 = NO MENTION OF TRAINING OR EDUCATION
- 1 = Yes, members are subject to training or education

***Issue 8.3'***

**18. Is there mention of evidence being presented?**

- 0 = NO MENTION
- 1 = Yes, mentioned

**19. Is there mention of testimony being given/speaking on his/her own behalf?**

- 0 = NO MENTION
- 1 = Yes, mentioned

**20. Is there mention of witnesses being called and testifying?**

- 0 = NO MENTION
- 1 = Yes, mentioned

**21. Is there mention of cross exam?**

- 0 = NO MENTION
- 1 = Yes, mentioned

***Post-hearing Outcome***

**22. Who decides whether the accused has violated the Student Code of Conduct/is guilty of the complaint filed against him/her?**

- 0 = This information is not provided in the school's materials
- 1 = Judicial officer or Disciplinary officer
- 2 = School attorney/Legal counsel
- 3 = Representative from Dean of Students/VP of Students Affairs
- 4 = Judicial/Disciplinary committee/body/hearing members—generic/general term used
- 5 = Director/manager of school (includes "program director")
- 6 = Other \_\_\_\_\_

**23. What is the burden of proof used to determine the above decision?**

- 0 = No mention of criteria
- 1 = Beyond a reasonable doubt
- 2 = Preponderance of the evidence (whether it is more likely than not)
- 3 = Other

**24. What type of vote is needed to determine whether the accused has violated the Student Code of Conduct/is guilty of the complaint filed against him/her?**

- 0 = No mention of vote
- 1 = Majority rule
- 2 = Unanimous
- 3 = Other

**25. Is there a statement that both the accuser/complainant and accused must be informed of the outcome of any institutional disciplinary proceeding brought alleging a sex offense? *Issue 8.4” and Clery Act (b)(11)(vi)(B)***

- 0 = NO SUCH STATEMENT MADE
- 1 = Yes, both must be notified
- 2 = Only the accused is notified
- 3 = Only the accuser/complainant is notified

**26. What are the available sanctions that may be imposed on the accused? Multiple record—more than one code per school—each category will be a variable in the SPSS file Issue 8.4’ and Clery Act (b)(11)(vii)**

- 0 = NO MENTION OF SANCTION(S)
- 1 = General mention/generic mention that sanctions exist; e.g., “Serious punishments”, including the “very real” possibility of suspension or expulsion from school
- 2 = Censure/Official warning
- 3 = Restitution—compensation for loss, damage, or injury paid to the complainant
- 4 = Probation—student can be a registered student but can not hold or participate in any activity in which the student would represent the school or the school recognized organizations either within or outside the school community
- 5 = Suspension—may not be a registered student for a certain length of time
- 6 = Expulsion/dismissal—student may never again be a registered student
- 7 = Eviction from student housing
- 8 = Counseling
- 9 = Loss of Privileges—denial of specified privileges for a specific period of time
- 10 = Fines—money paid to the school
- 11 = Parental notification
- 12 = Withhold grades, transcripts, etc.
- 13 = Attend a class or workshop that helps student understand why his/her behavior was inappropriate
- 14 = Educational project—student must complete a project specifically designed to help student understand why his/her behavior was inappropriate
- 12 = Combination of sanctions can be used
- 16 = Other \_\_\_\_\_

**CODERS NOTE: THIS IS NOT A MUTALLY EXCLUSIVE LIST. BE SURE TO NOTE ADDITIONAL TYPES OF PROGRAMS SHOULD YOU FIND THEM IN SCHOOL MATERIALS**

**27. Who decides what sanction(s) will be imposed ?**

- 0 = NO MENTION OF WHO DOES THIS
- 1 = President of the school after review of hearing report
- 2 = Judicial/disciplinary/hearing committee
- 3 = Judicial/disciplinary/hearing officer
- 4 = Dean of Students/VP for Student Affairs
- 5 = Other \_\_\_\_\_

***Appeals process***

**28. Does the school have an appeal process available to the accused should he/she be found “guilty”? *Issue 8.5’***

0 = NO APPEAL PROCESS MENTIONED

1 = Yes, school has an appeal process

**29. Are the reasons for appeal listed/described (e.g., introduction of new evidence, original process was biased, etc.)?**

0 = NO SUCH LIST/DESCRIPTION IS GIVEN

1 = Yes, the reasons for appeals are listed/described

**30. Is there a description of the appeal process provided?**

0 = NO DESCRIPTION IS PROVIDED

1 = Yes, a description is provided

**APPENDIX E**

**CAMPUS ADMINISTRATORS SURVEY**

## Research on Procedures of IHEs to Report Sexual Assaults QUESTIONNAIRE

### SECTION A: BACKGROUND

1. Institution Name: \_\_\_\_\_
2. Institution Address: \_\_\_\_\_  
(street address, \_\_\_\_\_ city, \_\_\_\_\_ state)
3. Which title below best describes your role at the school?
 

<input type="checkbox"/> 1. Owner/Director/President <input type="checkbox"/> 2. Dean of Students <input type="checkbox"/> 3. Residential Life Director <input type="checkbox"/> 7. Other: _____	<input type="checkbox"/> 4. Campus Security Director/Police Chief <input type="checkbox"/> 5. Student Mental Health Services <input type="checkbox"/> 6. Student Health Services Director
---	---
4. Are you responsible for completing your school's federal Annual Security Report that is distributed by the U.S. Department of Education (DOE)?
  1. Yes, I have sole responsibility (**Go to question 5.**)
  2. Yes, with input from others on campus (**Go to question 4b.**)
  3. No
- 4a. Who is responsible? Specify (**title, not name**): \_\_\_\_\_
- 4b. Is your school a residential campus?  1. Yes  2. No (**Please continue and respond to ALL questions below. If a question does not apply to your school, write "NA"--"not applicable"--to those questions.**)

### SECTION B: CAMPUS LAW ENFORCEMENT

5. How does your school provide security/law enforcement on campus? (**Check all that apply.**)
  1. Sworn law enforcement officers employed by the school
  2. Private security employed by the school
  3. Private security employed by the facility owner/landlord
  4. Rely on local (municipal, county, or special district) law enforcement agency
  5. Other (**specify**): \_\_\_\_\_
  6. Don't know
6. Are campus law enforcement/security officers required by law or institutional policy to be trained to respond to reports of sexual assault?
  1. Yes
  2. No (**Go to question 8.**)
  3. Don't know (**Go to question 8.**)

7. If special training is required, who provides the training?
- 1. Faculty/staff of the institution
  - 2. Faculty/staff of the law enforcement/security agency
  - 3. Specialized trainers under contract to the institution or law enforcement/security agency
  - 4. State training academy
  - 5. Other (*specify*): \_\_\_\_\_
  - 6. Don't know
8. Are there written protocols between campus law enforcement and local law enforcement agencies for responding to sexual assault cases?
1. Yes       2. No (*Go to question 10.*)       3. Don't know (*Go to question 10.*)
9. If protocols exist, which of the following are included? (*Check all that apply.*)
- 1. Requirement to report incident to local or nearest police agency
  - 2. Procedures for dual or cross-reporting of incidents
  - 3. Procedures for UCR reporting
  - 4. Procedures for Campus Security Act (Clery Act) reporting
  - 5. Investigative responsibility
  - 6. Information-sharing
  - 7. Resource-sharing (e.g., medical facilities)
  - 8. Referrals to victim support services
  - 9. Other (*specify*): \_\_\_\_\_
  - 10. Don't know

### SECTION C: OUTREACH & ACCESS TO INFORMATION & RESOURCES

10. Where could a student get information about what to do in the case of sexual assault? (*Check all that apply.*)
- 1. Student handbook/ Student code of conduct
  - 2. New student/ Freshman orientation
  - 3. Posted in public places (e.g., bathrooms, bulletin boards, dorm hallways)
  - 4. School's internet web page
  - 5. Annual Security Report
  - 6. Available upon request → 10a. From whom? (*specify*): \_\_\_\_\_
  - 7. By referral → 10b. From whom? (*specify*): \_\_\_\_\_
  - 8. Other (*specify*): \_\_\_\_\_
  - 9. Don't know

11. Which of the following services are available to students who are sexual assault victims?  
(**Check all that apply.**)

- |  |   |
|--|---|
| <input type="checkbox"/> 1. Campus law enforcement                           | <input type="checkbox"/> 8. Local community law enforcement                     |
| <input type="checkbox"/> 2. Campus victim assistance/<br>advocacy program(s) | <input type="checkbox"/> 9. Community victim assistance/<br>advocacy program(s) |
| <input type="checkbox"/> 3. Student health services                          | <input type="checkbox"/> 10. Community health services                          |
| <input type="checkbox"/> 4. Student mental health services                   | <input type="checkbox"/> 11. Community mental health services                   |
| <input type="checkbox"/> 5. Campus legal service counseling                  | <input type="checkbox"/> 12. Community legal services                           |
| <input type="checkbox"/> 6. Campus women's center                            | <input type="checkbox"/> 13. Community women's center                           |
| <input type="checkbox"/> 7. Other ( <i>specify</i> ): _____                  | <input type="checkbox"/> 14. Local community rape crisis hotline                |

Does your school provide educational outreach materials about sexual assault to any of the following student populations?

	Yes. <i>Please specify in box.</i>	No	Don't Know
12. Physically disabled students?	1. _____	2	3
13. Hearing impaired students?	1. _____	2	3
14. Sight impaired students?	1. _____	2	3
15. Non-native English speaking students?	1. _____	2	3
16. Students living off-campus?	1. _____	2	3
17. Sexual minority students (e.g., lesbian, gay, transgendered)?	1. _____	2	3

Does your school provide specific victim-related support services to any of the following student populations?

	Yes. <i>Please specify in box.</i>	No	Don't Know
18. Physically disabled students?	1. _____	2	3
19. Hearing impaired students?	1. _____	2	3
20. Sight impaired students?	1. _____	2	3
21. Non-native English speaking students?	1. _____	2	3
22. Students living off-campus?	1. _____	2	3
23. Sexual minority students (e.g., lesbian, gay, transgendered)?	1. _____	2	3



30. Is there a written protocol that guides the team's activities?

1. Yes       2. No (*Go to question 32.*)       3. Don't know (*Go to question 32.*)

31. If the protocol is written, who wrote it? Specify (*title, not name*): \_\_\_\_\_

32. Please rate your estimation of the overall student perception of the administration's stance regarding sexual assault on campus on the scale below. Circle one number, 1 through 5, where 1 means zero tolerance for sexual assault on campus and 5 means zero recognition of the problem. (*Circle one.*)

zero tolerance   1      2      3      4      5      zero recognition

### SECTION D: REPORTING PROCEDURES

33. Which of the following personnel are required to contribute data on sexual assault for purposes of the statistical summary included in the Annual Security Report? (*Check all that apply.*)

- |  |   |
|--|---|
| <input type="checkbox"/> 1. No required reporters                | <input type="checkbox"/> 7. Mental health counselors                |
| <input type="checkbox"/> 2. Owner or director of school          | <input type="checkbox"/> 8. Women's center staff                    |
| <input type="checkbox"/> 3. Director of campus law enforcement   | <input type="checkbox"/> 9. Staff/faculty ( <i>specify</i> ): _____ |
| <input type="checkbox"/> 4. Campus police officers               | <input type="checkbox"/> 10. Peer educators                         |
| <input type="checkbox"/> 5. Director of residential life         | <input type="checkbox"/> 11. Clergy                                 |
| <input type="checkbox"/> 6. Resident assistants                  | <input type="checkbox"/> 12. Don't know                             |
| <input type="checkbox"/> 7. Doctors, nurse practitioners, nurses | <input type="checkbox"/> 13. Other ( <i>specify</i> ): _____        |

34. Which types of reporting procedures are used at your institution? (*Check all that apply.*)

1. Confidential reporting (names not released)
2. Anonymous reporting (victim's name not released)
3. Third party or proxy reporting (reports made by direct witnesses or people to whom incident was disclosed)
4. Option to report via an internet site
5. None
6. Other (*specify*): \_\_\_\_\_

35. Does your school collect **statistical** information on the use of "date rape drugs" (e.g., Rohypnol or "roofies," GHB, etc.) for reports regarding sexual assaults?

1. Yes       2. No       3. Don't know

36. Does your school collect **anecdotal** information on the use of "date rape drugs" (e.g., Rohypnol or "roofies," GHB, etc.) for reports regarding sexual assaults?

1. Yes       2. No       3. Don't know

### SECTION E: FACILITATORS TO REPORTING

Below is a list of policies and procedures that may encourage victims to disclose and report assaults at some schools. For each item, please indicate whether it is present at your school. If the policy or procedure is present, please rate the extent to which you believe it facilitates reporting at your school.

	No effect	<i>Somewhat</i> encourages	<i>Strongly</i> encourages	Not applicable; NOT present at your school
37. Victim assistance services office on campus	1	2	3	N/A
38. Campus law enforcement protocols for responding to sexual assault on campus	1	2	3	N/A
39. Coordinated crisis response across campus and community to provide victim services	1	2	3	N/A
40. Outreach and services to underserved populations	1	2	3	N/A
41. New student orientation program including sexual assault issues	1	2	3	N/A
42. Designated mandatory reporters	1	2	3	N/A
43. Sexual assault peer educators	1	2	3	N/A
44. Infusion of sexual assault issues into the curriculum	1	2	3	N/A
45. Education programs targeted at athletes	1	2	3	N/A
46. Education programs targeted at the Greek system	1	2	3	N/A
47. Confidential reporting options	1	2	3	N/A
48. Anonymous reporting options (including internet-based and third party options)	1	2	3	N/A
49. Information and referral system for faculty and staff to readily access experts who can help victims	1	2	3	N/A
50. Campus-wide publicity of high-risk factors/past crimes on campus	1	2	3	N/A
51. Sexual assault nurse examiner program (SANE)	1	2	3	N/A

	No effect	Somewhat encourages	Strongly encourages	Not applicable; NOT present at your school
52. Emergency call boxes on campus	1	2	3	N/A
53. Centralized 24-hour hotline for victims to report incidents and connect to necessary services	1	2	3	N/A
54. Task force to annually review campus safety issues	1	2	3	N/A
55. Disclosure of victim's rights in the adjudication process	1	2	3	N/A
56. Publication of names of alleged perpetrators (such as in a campus newspaper)	1	2	3	N/A
57. Publicity on outcomes of cases adjudicated on campus	1	2	3	N/A
58. Special sexual assault awareness events	1	2	3	N/A

59. Other facilitator(s) not mentioned (*specify*): \_\_\_\_\_

60. Would you nominate your school's policy and/or procedures as a model for other schools?

1. Yes (*specify*): \_\_\_\_\_

2. No

## SECTION F: BARRIERS TO REPORTING

Below is a list of policies and procedures that may discourage victims from disclosing and reporting assaults at some schools. For each item, please indicate whether it is present at your school and the extent to which you believe it is a barrier to reporting at your school:

	No effect	Somewhat discourages	Strongly discourages	Not applicable; NOT present at your school
61. Disclosure of offender's rights in the adjudication process	1	2	3	N/A
62. Publication of names of alleged perpetrators (such as in a campus newspaper)	1	2	3	N/A

63. Publicity on outcome of cases adjudicated on campus	1	2	3	N/A
64. Requirement that victims participate in adjudication process	1	2	3	N/A
65. Designated mandatory reporters	1	2	3	N/A
66. Alcohol policy	1	2	3	N/A
67. Illegal drug use policy	1	2	3	N/A
68. Single-sex-only residence policy	1	2	3	N/A

69. Other barrier(s) not mentioned (*specify*): \_\_\_\_\_

### SECTION G: ADJUDICATION PROCESS

70. Which types of institutional judicial procedures exist at your institution? (*Check all that apply.*)

- |   |  |
|---|--|
| <input type="checkbox"/> 1. Open hearing<br><input type="checkbox"/> 2. Closed hearing<br><input type="checkbox"/> 3. Single fact-finder outcome<br><input type="checkbox"/> 4. Hearing board<br><input type="checkbox"/> 5. Written records are kept of the proceedings<br><input type="checkbox"/> 6. Audio records are kept of the proceedings | <input type="checkbox"/> 7. Defendant has a right to hearing transcripts<br><input type="checkbox"/> 8. School defers a college hearing until either civil or criminal investigations and trials are completed<br><input type="checkbox"/> 9. Victim has a right to be informed of the outcome<br><input type="checkbox"/> 10. Violations are noted on student transcripts<br><input type="checkbox"/> 11. Judicial board receives training about rape myths (i.e., it is rape if the victim is forced by someone s/he knows, or someone s/he's been with before)<br><input type="checkbox"/> 12. Don't know |
|---|--|

71. If your school uses a Hearing Board, who sits on this board? (*Check all that apply.*)

- 1. School does **not** use a hearing board
- 2. Students
- 3. Faculty
- 4. Staff
- 5. Administrators
- 6. Other (*specify*): \_\_\_\_\_
- 7. Don't know

72. Which of the following due process elements exist? (**Check all that apply.**)

- |   |  |
|---|--|
| <input type="checkbox"/> 1. Defendant is informed of rights before the hearing  | <input type="checkbox"/> 7. Defendant has a right to question and call witnesses |
| <input type="checkbox"/> 2. Defendant receives written notice of the charges prior to the hearing                                   | <input type="checkbox"/> 8. Defendant is assumed innocent until proven guilty    |
| <input type="checkbox"/> 3. Defendant may bring an adviser or lawyer  | <input type="checkbox"/> 9. Defendant has a right to an appeal                   |
| <input type="checkbox"/> 4. Victim may bring an adviser or lawyer   | <input type="checkbox"/> 10. Burden of proof is clearly articulated              |
| <input type="checkbox"/> 5. Victim is permitted to be present at the hearing  | <input type="checkbox"/> 11. Standard of proof is clearly articulated            |
| <input type="checkbox"/> 6. Defendant has the right to challenge hearing panel members concerning impartiality/conflict of interest | <input type="checkbox"/> 12. Don't know  |

73. Which standard of proof do you use? (**Check one.**)

- |   |   |
|---|---|
| <input type="checkbox"/> 1. Beyond a reasonable doubt     | <input type="checkbox"/> 3. Preponderance of the evidence   |
| <input type="checkbox"/> 2. Clear and convincing evidence | <input type="checkbox"/> 4. Don't know                      |
|   | <input type="checkbox"/> 5. Other ( <b>specify</b> ): _____ |

74. Does your school utilize any of the following evidentiary concepts in its adjudication process? (**Check all that apply.**)

- |  |
|--|
| <input type="checkbox"/> 1. Names of witnesses are made available to the opposing party prior to the hearing |
| <input type="checkbox"/> 2. Your state's rape shield laws or the equivalent are applied to the proceedings   |
| <input type="checkbox"/> 3. Hearsay evidence is <b>not</b> allowed   |
| <input type="checkbox"/> 4. Victim may make a "victim impact statement"                                      |
| <input type="checkbox"/> 5. Formal rules of evidence apply in judicial hearings                              |
| <input type="checkbox"/> 6. Don't know   |

75. Which penalties does your school impose on sexual assault offense cases? (**Check all that apply.**)

- |   |  |
|---|--|
| <input type="checkbox"/> 1. Community service | <input type="checkbox"/> 7. Expulsion                        |
| <input type="checkbox"/> 2. Counseling        | <input type="checkbox"/> 8. Fraternity sanctions             |
| <input type="checkbox"/> 3. No-contact order  | <input type="checkbox"/> 9. Athletic team sanctions          |
| <input type="checkbox"/> 4. Fine              | <input type="checkbox"/> 10. Other ( <b>specify</b> ): _____ |
| <input type="checkbox"/> 5. Restitution       | <input type="checkbox"/> 11. Don't know                      |
| <input type="checkbox"/> 6. Suspension        |  |

***Thank you for your help with this important study. Please mail it back to:  
EDC, CSA Project, 55 Chapel Street, Newton, MA 02458, or  
fax it to Heather Karjane at 617-244-3436.***

**APPENDIX F**

**FOCUS GROUP PROTOCOL**

## Research on Procedures of IHEs to Report Sexual Assaults

### Electronic Focus Group Interview Protocol

1. To whom do you think victims are most likely to report incidents of sexual assault?
2. If an assault is reported to a campus healthcare professional, what is your institution's procedure at that point?
3. What kinds of campus sexual assault policies and practices do you think make victims of sexual assault *more likely* to report an incident and follow through with charges?
4. What kinds of campus sexual assault policies and/or practices do you think make victims of sexual assault *less likely* to report an incident and follow through with charges?
5. What concerns about institutional liability play out in the development of sexual assault policies?

**APPENDIX G**

**FOCUS GROUP SUMMARIES**

**Research on Procedures of Institutions of Higher Education to  
Report Sexual Assaults  
CAMPUS HEALTHCARE FOCUS GROUP SUMMARY  
Conducted 1/6/00**

**OVERVIEW:**

**Group Composition:** There was a very large turnout for this focus group; more than 50 participants logged on to the WebBoard at some point during the discussion. Of these, sixteen respondents actually posted a comment to the chat room. Seven of the participants did most of the talking, and the other nine spoke less frequently. The composition of the group was in near-constant flux due to technical problems we had with the software, and many participants were either unable to enter the Website until the discussion was already in progress or were kicked off before the end of the focus group. It appeared, however, that most of the respondents came from a mental health perspective, and there were also several sexual assault advocates.

**Tone:** The participants were talkative and eager to share their experiences and learn from other participants' strategies and ideas. Many of the participants asked each other follow up questions and responded directly to each other's comments. The on-line format of the discussion, combined with technical difficulties and the large number of participants, made it difficult to get each person's response to each topic. Due to the very large volume of participants (the software accommodates only 50) there were quite a few technical problems, and many participants were either unable to enter the Website or were kicked off during the discussion.

**QUESTION SUMMARIES:**

1. *To whom do you think victims are most likely to report incidents of sexual assault?*

Respondents agreed that victims are most likely to tell a friend or an RA about an incident of sexual assault. In cases in which the RA is a mandated reporter, however, victims are less likely to tell an RA.

2. *If an assault is reported to a campus healthcare professional, what is your institution's procedure at that point?*

Depending on the state and the school's reporting policy, health professionals are sometimes mandated reporters and sometimes make only anonymous reports with the victim's consent. Three respondents reported that clinicians at their institutions are mandated reporters, with another three reporting that their clinicians are not mandated to report. In one instance, the respondent, a clinical social worker, said she is bound by confidentiality not to report what she hears and worries that this policy leads to an under-representation of acquaintance rape on campus.

While some of the five respondents who described anonymous reporting options on their campuses said explicitly that these anonymous reports were used by the school to gather statistics on the number of assaults on campus, but it's not clear whether these numbers are the same ones reported to the Department of Education under the *Clery Act* or whether they represent an informal tally of students who have disclosed a sexual assault. Two of the respondents described anonymous reporting in the context of using the report to connect victims to support and treatment services. In the case of these informal/non-criminal reports, it may be that the victim would still need to report directly to the campus police, Dean of Students, or (in one case) the Director of the Health Center in order to make an "official" (i.e., criminal or judicial) report. At least two schools give the victim the option of going through either the campus or the criminal judicial systems. The rules surrounding reporting also vary by location of assault. Two institutions are mandated to report if the assault occurred on campus or at a campus-sponsored event, but it's up to the victim whether s/he wants to report the assault if it occurred off-campus. At a third school, it is reported in all situations in which the assault occurred on-campus or the offender is a student.

Five of nine schools have a set reporting policy. Of those 5, one was implemented within the past six months. At least some schools make a distinction between reporting policy and sexual assault policy. Sexual assault policies include definitions, ranges of sanctions, etc., and is an awareness tool, whereas reporting policies describe mandated reporters, and (maybe) how numbers are gathered that are reported to DOE.

**3. *What kinds of campus sexual assault policies and practices do you think make victims of sexual assault more likely to report an incident and follow through with charges?***

In general, the participants were more interested in connecting victims with necessary services and facilitating a healing process than they were in getting victims to report assaults and follow through with charges. They felt that holding an offender accountable was out of their hands because the process is primarily driven by a victim's decision to provide information and participate in an investigation and because there is no guarantee that the accused will be punished or held accountable. At least one respondent described a strategy in which their rape program advocates "let the victim know that if they go for medical attention and say they were raped the police will be notified [this state has mandatory reporting]. So we have a very specific phrase to be used by the student at the health center. It lets the women's clinic staff know what to do without putting them in the position of having to report to the police." In this way, the sexual assault advocates see their role as one in which they will actually help victims not report assaults if that is what s/he chooses.

Three schools cover a victim's medical costs (rape kit) if s/he reports the assault, although only one of the respondents mentioned this policy as a strategy for encouraging victims to report.

Some respondents felt that having anonymous and/or confidential reporting procedures encouraged victims to come forward and made them feel more comfortable with pressing charges/making a formal report. Most of these respondents were clear, however, that anonymity is important not because there is a clear link between it and victims' comfort pressing charges, but because it gives victims the space to process their feelings, consider their options, and decide on a next step, one of which might be pressing charges or making a formal report.

One participant said victims are more likely to report "when given information in a confidential and neutral setting," and it is therefore better not to have a formal policy, but rather to have "a clear practice of response OUTSIDE of mental (and campus) health, law enforcement, and judicial affairs."

Two participants felt that having a clear campus response that provides support to the victim and creates an established practice of having something happen to the offender was an important means of encouraging victims to come forward. One participant cautioned, however, and said her school, in addition to providing anonymous reporting procedures, has expelled offenders in the past, but still has a big underreporting problem.

At the same time, however, the respondents did see the need for statistics in advocating for victims' services and programs.

**4. *What kinds of campus sexual assault policies and/or practices do you think make victims of sexual assault less likely to report an incident and follow through with charges?***

Relating back to the issue of anonymous reporting, most respondents mentioned that students did not really feel that there was the possibility of anonymity on campus, with the concern mentioned that "one's report to the police will appear in the 'Police Beat' column in the student newspaper." This once again brought up the conflict between not reporting to keep survivors in control of their case but the need to report so that the issue of sexual assault is not ignored.

One participant brought up that “fragmentation of services” does not allow survivors to approach one specific location, while other respondents discussed the need for groups such as health care workers to open the door to services by specifically asking questions about victimization upon intake.

A general concern, mirroring an issue present in society as a whole, is the over-response to stranger and under-response to acquaintance rape by members of the University community. Respondents felt this resulted in underreporting of acquaintance rape, with reasons ranging from the fear of stigma on campus, to survivors not realizing that what happened to them was rape and blaming themselves “especially if they have been drinking”. The issue of how alcohol factors into University policy was briefly discussed by one participant, who said that although a “victim’s drinking isn’t officially used against them”, there is the possibility that members of a hearing board might “consider a woman more culpable if she’s been drinking.”

The main underlying theme was that students need to feel they can trust University authorities, something that is not present at the time.

##### ***5. What concerns about institutional liability play out in the development of sexual assault policies?***

The two main concerns relating to liability were keeping the campus and students safe from potential assailants, while at the same time not violating the rights of alleged perpetrators. There was mention of the importance of being proactive, and also the concern that perhaps the administrators and attorneys fear of publicity and lawsuit might be related to a fear of the issue in general.

Only one participant mentioned a specific policy; said that their campus did not have a policy, a practice motivated “out of an understanding that our work as advocates can be done more efficiently and with much greater flexibility without the constraints of specific policy.”

**Research on Procedures of Institutions of Higher Education to  
Report Sexual Assaults  
RESIDENTIAL LIFE FOCUS GROUP SUMMARY  
Conducted on 1/13/00**

**OVERVIEW:**

**Participants:**

There were 3 main participants who continuously contributed:

--A college counselor, proxying for the residential life director at a small mid-western private 4 year school. The school is a five-year, primarily technical university with under 5,000 students. The campus law enforcement organization is primarily a security force that does not include sworn police officers.

--A sexual assault services coordinator, working through the campus Women's Center at a large university in the south. Campus law enforcement is made up of sworn police officers who have a working relationship with the local police.

--Associate Director of Housing, a large, public university. This school also has sworn police officers for campus law enforcement.

--The fourth participant was present for at least part of the focus group.

***Tone:***

All of the participants were knowledgeable about the sexual assault policies at their schools and willing to give us information, but not verbose. Two of the participants did most of the talking, with occasional comments/responses from a third. During the course of the focus group, two participants became more talkative and the third faded out. He returned to offer a response to one of the last questions. A fourth participant, was present for at least part of the focus group, but never identified themselves or said anything in the discussion despite being invited to participate by the facilitator. All of the participants had learned about the focus group from people who had participated in the healthcare focus group.

**QUESTION SUMMARIES:**

***1. To whom do you think victims are most likely to report incidents of sexual assault?***

Everyone agreed that victims are most likely to disclose sexual assaults to friends or resident assistants (RAs). One participant said friends often tell RAs about sexual assault incidents.

***2. If an assault is reported to a residential life professional or staff person, what is your institution's procedure at that point?***

At all three schools, once an RAs learns of a sexual assault, s/he is required to report it to a supervisor. The schools keep records of the numbers of these reports, but vary in terms of how official this report is. Two participants mentioned that the RA's report is used at their schools to get a sense of the numbers of assaults on campus and not to initiate investigations. Instead, an investigation is initiated when a student approaches campus law enforcement or the local police (local police being the preferred option). One participant elaborated, explaining that the victim can choose to "press formal charges" by reporting to the local police, but that if s/he chooses to report to campus law enforcement, the case will be adjudicated within the institution and "punishment for the perpetrator handed out by such." Sometimes the counselor or sexual assault services coordinator encourages victims to report with law enforcement, but both said they think

most students do not report. Another mentioned that the victim has the option of having the first report (initiated by the RA) be anonymous in terms of her name or the perpetrator's. At one institution, once the RA learns of an incident, s/he is required to report it to their supervisor, who then reports it to Student Judicial Affairs and DPS (campus police), who contacts the victim to see if s/he would like to file a report and/or complaint.

One participant mentioned that most large schools in her state have a mechanism for gathering information on reports made to campus personnel other than law enforcement. The facilitator followed up on this point, but the other respondents did not offer any information as to whether this was true at their schools as well.

All of the schools represented at the focus group use the same policy for handling assaults against both non-residential and residential students. Participants agreed, however, that non-residential students are less likely to report incidents to campus officials because they are less likely to have a close relationship with someone like an RA. One participant felt that if a non-residential student did approach a campus office, it would likely be counseling services or health services.

There was some confusion in the discussion as to whether "report" referred to the numbers of assaults that are publicly available or the formal report used to initiate an investigation. In two instances, the school keeps track of the numbers of assaults independent from formal reports made to initiate investigations. One of these two participants referred to a system of "tagging" the files of students who have reported sexual assault, a system the counseling center uses to keep stats on nearly every issue that comes through the center.

**3. *Do any of you feel that your reporting procedures hinder more reporting? Or encourage reporting? What, specifically?***

Both participants agreed that the procedures themselves have little to do with a victim's initial decision whether or not to report an assault. One participant felt that, while lack of confidentiality and inefficient or deficient procedures could discourage victims from reporting initially or carrying through with the process, most victims don't report because they simply want to put the experience behind them. The other participant felt that many people who experience assault while drinking, at a party, or by an acquaintance don't report because they don't identify their experiences as rape.

One participant expressed a tension between her legally-binding requirement as a counselor to keep everything said by students confidential and her obligation to report known student perpetrators to the vice president. She said she struck a balance between these differing institutional needs by strongly encouraging victims to turn in perpetrators. At the same time, she felt that putting the decision to prosecute into the victims' hands made victims more likely to report.

When probed for ideas about what policies would exist in an ideal world to encourage victims to report and follow through with charges, one participant suggested that long-term, consistent handling of cases that do come forward could make a difference. When probed for more information, this same participant said she was basing this idea on the experiences of her colleagues at other campuses that have demonstrated long-term handling of sexual assault cases. Another participant volunteered that "students who are continually encouraged to press charges and who receive consistent support throughout the entire process may be more likely to stick with it," although she didn't seem very confident.

**4. *What concerns about institutional liability play out in the development of sexual assault policies?***

All respondents agreed that liability concerns played a significant role in the development of their institutions' sexual assault policies. One participant was concerned about the collection of informal reports that list perpetrators' names. He (and the school's attorney) felt that if a student is named as a perpetrator in a report, then that person has the right to know that this information is being kept on file. His concern focused around the possibility that this person's name could be "get out," calling attention to the school. One participant said her school responded to liability concerns by doing what it could to diminish its responsibility (and liability) for assaults. She pointed out that the student handbook includes disclaimers that relieve the school of responsibility. In response to the previous question, she had said she felt that students who were consistently encouraged to report assaults and follow through on charges were more likely to do so. I wonder whether her comment about the school's liability concerns suggests that she feels her school should be addressing the issue in a more heads-on manner.

At one institution the main concern was collecting reports of assaults on campus could become a liability, but then decided last year that not collecting accurate data on the numbers of assaults was an even greater liability. In response, the school created the Sexual Assault Incident Report Form, which allows students to report assaults anonymously, without initiating an investigation. The theory is that it is better for the victim to tell someone rather than no one. One comment suggests, however, that the school decided to institute the Incident Report form more from fear of being in noncompliance with federal regulations than from fear of being sued by victims for not handling their cases well.

**Research on Procedures of Institutions of Higher Education to  
Report Sexual Assaults  
CAMPUS SECURITY FOCUS GROUP SUMMARY  
Conducted 1/12/00**

**OVERVIEW:**

**Group Composition:** This focus group was comprised of nine active participants (not including the facilitators). Of these, there were four campus security officers, one police chief, and one campus sex assault services coordinator. Participants came from a large university in the southeast, a small residential campus in the midwest, and a large university in the west. The other three participants did not specify their titles or positions, but their comments implied that they were affiliated in some way with a campus law enforcement agency.

**Tone:** The participants were cooperative and eager to share their experiences and learn from other participants' strategies and ideas. Many of the participants asked each other follow up questions and responded directly to each other's comments. The on-line format of the discussion, combined with the large number of participants, made it somewhat difficult to get each person's response to each topic.

**QUESTION SUMMARIES:**

***1. How does the campus security official usually learn of a sexual assault? (The question "To whom do you think victims are most likely to report incidents of sexual assault?" was not asked.)***

Most respondents cited rumors (spread through residence halls, sororities, and the like) as the primary source of hearing of an incident. The participants noted Resident Assistants, the clinical psychologist on staff, the student health center, and the on-campus relationship violence center as additional sources. One participant listed several sources and wrote, "last, the police."

***Are there different ways of handling a rumor versus a report?***

Overall, participants noted that someone on campus (e.g., sorority member, on-campus psychologist) is trained to follow up the rumors. Whenever possible, they initiate contact with victim to encourage her/him to report the incident. Some sites allow officers to take one of two kinds of reports—administrative (or "informational" or "blind") and criminal incident. One particular site explained that reports made to the Dean of Students are referred to the police department at the discretion of the victim. Reports made to the campus student health center are referred to our police department (mandated through state law). Victims who make reports to the campus relationship violence center are referred to both the police and/or the Dean of Students.

***Does reporting it to campus security necessarily mean filing a report? Can a report be filed by someone other than the victim/survivor? Can it be filed anonymously?***

Answers to these questions varied. One participant's department does not take third party reports and state law mandates the victims has to be the one who files the report. Another participant said that his department takes third party reports (and follows up on them). Still another said:

"At our university we document and investigate all reported sexual assault cases, even if reported by non-victims."

***Is the person to whom the sexual assault is disclosed mandated to report the crime?***

One of the participants who answered this question said that state law mandates medical providers must report cases where crimes of violence occurred. This participant noted that interpretation of the new Clery Act guidelines would influence whether others were mandated to report the incident. Other report recipients if a medical provider receives a report, s/he is mandated to yes. The other participant noted that he would have to review the housing policies, but assumed that all official parties (e.g., nurse, RA, psychologist) were required to report everything to the police.

**2. *Once a formal report is made, what are the procedures you follow on your campus?***

One site in particular used what they described as a “comprehensive collaborative approach.” Specifically, “formal reports to the police follow a protocol involving our Rape Crisis Center Advocates, Sexual Assault Resource Nurses, and investigators. Each party has a role to support the victim, collect police/evidence information, and provide counseling for follow up. The University provides immediate victim assistance via any type of academic needs, or housing relocation needs, and follow up counseling. However, this is only for students.”

***Are on-campus student-involved assaults handled differently than those that occur off campus? Have cases ever been transferred to the campus department?***

Most responded that cases were handled by law enforcement agencies located in the jurisdiction where the crime occurred. Once an initial investigation was complete and the assault was found to have occurred on campus, municipal agencies usually turn the case over to the campus law enforcement agency. From the responses, it appeared as though all of the participants worked relatively closely with surrounding departments.

“State law mandates that the agency where the crime occurs must take responsibility for the investigation. We work very closely with our police and through numerous collaborative efforts have identified problem bars or use of drugs circulating in the area.”

“If our school has a case that should have been handled by our agency then it is turned over to us and vice-verse.”

“We also work very closely with the surrounding agencies and we all will send cases to the proper jurisdiction.”

“After the initial investigation is done if it is found to have happened on campus property then it is turned over to us.”

One example of a comprehensive collaborative approach is described by information:

“As noted by others, jurisdiction is dictated by the location of the event. Our team has formal agreements that allow us to cooperate across jurisdictions--that allows us to occasionally use a SART trained officer to initiate an interview or manage a crime scene until the primary agency has someone available. The comment about collaboration is important. This is a "high maintenance" partnership among the agencies.”

An interesting point was raised by a participant:

“State law and or the interpretation of the Clery Act or FERPA prohibits any on campus disciplinary actions against a student involved in a rape off campus. Here we can only temporarily suspend a student if he/she presents a threat to our campus. Again [this is] our lawyer's interpretation.”

**3. *Do you think that involving non-police personnel in campus security encourages victims to come forward?***

Overall, participants agreed that involving non-police personnel and using a team approach encouraged victims to come forward.”

“We have found this team approach encourages reporting. In fact, we have data over the past three years indicating while our police stats have 4-6 reported rapes, our victim's center has over 40 - 70 during the same time frame.”

“The prosecution rate since we started the team approach using the Sexual Assault Resource Nurses, also referred to as SANE, has increased over 100%. This trend appears to be nation-wide and climbing. The use of these nurses trained in forensic evidence collection has increased the trust of our victims and the trust in the police. Victims are provided SANE nurses when they report to the police. This concept is not new, and has a lot of research on their success rate. In addition, the SANE nurses are excellent in providing a shoulder to cry on. [In] many cases, the victims and nurses continue their friendships after the police side is completed. Our experience to make the SANE program work, the community supplies the nurses with a cell phone and pager, and they respond 24 hours, 7 days per week

“The local hospital here has taken the lead to form a task force; they have a nurse assigned to all sexual assaults they receive. She is on-call 24/7 and comes in to do the rape kits and such. The task force consists of her, reps from area law enforcement, a rep from the local private college's security, the prosecutor's office and the Woman's Shelter.

***Can survivors just talk to you without having to report the incident?***

Again, the answers to this question varied by site. In one site, if a victim talks to the police about any type of crime, the officer generates a report. In another site, victims can talk to an advocate (located in-house) first so that they know what to expect when they talk to the police. Another participant noted that “the prosecutor isn't an idiot...if the victim doesn't want to press charges and does not wish to have the suspect interviewed... charges aren't going to be filed.” Finally, one participant said that a victim could talk to an officer without having to report the incident *per se*, and referred to this as a “blind report.”

***Are all of you using a team approach to dealing with sex assault or have you found other strategies that work for you?***

Only two people answered this question—both affirmatively—but the general consensus during the chat was that a collaborative or team approach was very important with regards to both prevention/education and response.

***How do you educate the campus community about the benefits of reporting sexual assaults to law enforcement?***

Participants listed the following methods of educating the campus community:

- floor meetings at the beginning of fall quarter where all students are made aware of characteristics of sexual assault
- show a video and talk about the pros and cons of reporting the crime to the police
- concentrate on the individual residence halls and campus meetings.
- the athletic department gets involved with the training and Student Health Services
- use peer counseling/teachers who may better relate to the campus community
- SANE
- SART (the Sexual Assault Resource Team)
- educational classes as part of the curriculum

- guest lectures in other related classes
- dorm, apartment, and Greek organizational meetings
- mall days
- media coverage (e.g., student newspaper)
- publications, pamphlets
- students can receive two hours of college credit with a grade by taking a “Caring About Rape Education” class.
- work closely with other law enforcement agencies and non-law enforcement agencies, to make sure to educate the surrounding community and non-campus students
- Rape Aggression Defense (sexual assault prevention program)
- concentrate on alcohol awareness programs to address these incidents

**4. *What are some of the barriers campus law enforcement agencies face when dealing with sexual assault?***

One participant noted that his agency used to be active in a more involved health and violence awareness program, but they were “squeezed...out of the classroom” to make room for programs that were more academic in nature. One participant noted, “Unfortunately many of us are guided by our lawyers’ interpretation of existing state and federal laws as indicated by our responses. I believe the key to success lies in our collaborative efforts with local police, crisis centers, and medical complexes.”

***What kinds of practices or strategies would work in an ideal world?***

“If we could somehow put a lid on the alcohol problem here... 95% of our acquaintance rapes would go away....”

“It seems that education will be the answer, but it always comes down to trust and [warning] someone that a date or acquaintance is untrustworthy in one on one situations is very difficult. You can only educate [them] on not getting into those situations as much as possible. “

**5. *Is there a difference between disciplinary and criminal justice adjudication procedures?***

One participant noted that the student honor court handles things in a different manner than does the criminal court. Yet another participant noted that all criminal cases are reviewed by the county prosecutor who then decides if charges will be filed. The same cases are referred to one of two campus judicial officers who “almost always...hold some type of hearing on the matter.” One participant noted that “In our state it is not considered double jeopardy to have Judicial sanctions, which are considered administrative sanctions verses the legal end which is decided by a state Prosecutor.”

***Do campus judicial systems use the same adversarial rules and procedures as the criminal justice system?***

“For one thing attorneys are not allowed in the [campus] judicial system so we don't have near the confusion as the legal system has. The rules are not as tight, therefore, questioning seems to be geared [to] finding the truth.”

“Campus Judicial is more relaxed, less structured. Attorneys are allowed, but seldom present. The burden of proof is much less. The hearings are more like discussions with an educational goal in mind...but the sanctions can still be delivered at the end which makes them effective tools in seeking compliance with the rules.”

***Do victims have to testify in the campus judicial system? If so, can they have any kind of support or advocates with them?***

Answers varied by site. In one case, the victim would not have to attend a campus judicial hearing—often just the accused and the Judicial Officer are present. In another case, victims testify and can have someone present. One participant explained that on that particular campus, “the rules for a disciplinary meeting prohibit any type of advocate. We still have to evolve to a victim friendly environment.” This participant also noted the value of the SANE/SART/SARS nurses speaking to victims prior to the trial and notes that changes in victims’ rights laws preclude defense attorneys “from prosecuting the victim over again.”

***5. In terms of the Clery Act, how are sexual assaults handled by your agency?***

The participants agreed across the board that under this act, all sexual assaults—regardless of the relationship between the victim and offender—had to be reported.

***Are there links between informally “disclosing” a sexual assault, formally reporting, following through with a trial/campus adjudication, and Clery reporting?***

Again, responses to this question varied by site:

“You have hit the confusion involving the Clery Act on the head. This is a very confusing issue and one that the [U.S.] Dept. of Education must clarify.”

“If we (the police department) does not initiate a report... the incident will not be reported in regards to Clery... whether a report is initiated usually is determined by the victim.”

“We have a Sexual Assault Awareness Team composed of Judicial, Health center, Counseling services, Campus Police and Residential Life. When a sexual assault is reported we use an anonymous report that comes to the Police and we use the statistic in both the Clery Act stats and IBR. “

“All cases are reported. We get numbers from student health, dean of students and the sexual harassment officer's office.”

**Conclusion**

The discussion was highly interactive and informative. It became clear that there still exists a wide spectrum of responses to sexual assaults on college campuses. The collaborative model seemed to stand out from the rest and it would be interesting to conduct a more in-depth analysis of that team. Apparently, some confusion also exists regarding interpretation of the *Clery Act*—hopefully this will be clarified by holding more facilitated chat groups, more publicity of the act geared towards campus officials, and the like.

**APPENDIX H**

**FIELD RESEARCH REPORTS**

**Site Visit Summary**  
**Central Washington University**  
**Ellensburg, WA**  
**Site visit conducted 20–23 February 2001**  
**by Drew Diamond, PERF**

**I. Background**

Central Washington University (CWU), one of Washington’s six public universities, was founded in 1890 as the Washington Normal School; it became Central Washington University in 1977. CWU’s main campus is located in Ellensburg. The university also has six branch campuses, located in Lynnwood, Moses Lake, SeaTac, Steilacoom, Wenatchee, and Yakima. CWU has a student population of 7,729, of which 2,000 attend the Ellensburg campus.

**II. Prevention Efforts**

CWU is committed to a proactive approach to sexual assault prevention. CWU’s strategy is described by Dr. James Pappas, vice president for student affairs, as a “holistic approach” to prevention. The university relies on collaborative problem solving and extensive internal and external networking to both prevent sexual assaults and respond to the needs of assault victims.

The existing internal network involves all the major components of student services, in particular, the following:

- Vice President for Student Affairs
- Public Safety and Police Services
- Student Health and Counseling (Wellness Center, advocacy, and medical services)
- Center for Student Empowerment
- Office of Equal Opportunity
- Athletic Director
- Campus Media

Chief Steve Rittereiser of the Department of Public Safety and Police Services (DPSPS) notes that each year his officers conduct between 60 and 75 crime prevention programs for the university community, with the majority held in the residence halls for the benefit of CWU students. These programs include personal safety, rape awareness and prevention, bicycle registration, drug and alcohol use/abuse, and related crime prevention techniques.

Environment-related prevention strategies are also used on campus. As an ongoing project of Facilities Management, the quality and effectiveness of campus lighting is surveyed periodically by the Campus Lighting Committee and maintenance and landscaping staff. Nineteen outdoor

emergency telephones have been installed at the entrances to residence halls, while other strategically located “blue light” emergency telephones are available throughout the campus. Each phone has an emergency button, which is a direct line to the Regional Dispatch Center. Police officers from the university respond to all campus emergency calls placed through the Dispatch Center.

Educational prevention strategies are also used at CWU. On request, Counseling Center psychologists and other staff members made educational presentations to students in classes and residence halls. The Counseling Center sponsors Sexual Assault Awareness Week, submits articles to the campus newspaper, and provides door hangers with relevant crisis information.

CWU has an active peer education and advocacy program through the Center for Student Empowerment. According to the center’s director, Katrina Whitney, gender issues are the focus of their efforts. The student staff coordinates and holds regular meetings and conducts special issue forums. Balanced with five females and five males, peer panels encourage discussions of sexual violence, dating violence, and sexual harassment. The center also provides free self-defense training and maintains a Web site.

### **III. Sexual Assault Policy and Procedures for Reporting**

#### *Highlights of the Policy*

- It is a proactive approach with buy-in from high-level university administrators.
- Students have multiple options for reporting rape and sexual assault, all of which are recognized by the university.
- A centralized, dedicated Sexual Assault Response Office responds to reports and councils, advocates for, and supports sexual assault victims through various options within the university disciplinary and local law enforcement systems, once the assault is disclosed and the victim has sought help.
- A rape crisis center is located on campus for students, faculty, and staff.
- Prevention efforts stress male culpability for committing the crime of rape, as well as their responsibility for preventing it.

CWU has in place a comprehensive sexual assault response and reporting policy, which is widely disseminated through the campus student services network. The policy provides guidance in reporting sexual assaults and delineates the various reporting options (i.e., the campus police, local police, student affairs, counseling services, and sexual assault response coordinator). The policy also suggests resources for survivors and provides contact information to access services.

#### *Sexual Assault Response Coordinator*

CWU’s sexual assault response coordinator is a staff counselor position in the Wildcat Wellness Center (home of CWU’s campus Rape Crisis Center). The center operates under the auspices of the CWU Health and Counseling Center. CWU Wellness Center Director Gail Farmer emphasizes the level of autonomy the Wellness Center maintains through its physical location on the campus (i.e., separate from the Health and Counseling Center). Ms. Farmer is also proud of the center’s program activities, designed to enhance access and ensure survivor confidentiality. The

coordinator collaborates with Student Affairs, the Health and Counseling Center, Public Safety, and ASPEN (Abuse Support and Prevention Now—the regional domestic violence and sexual assault advocacy center). CWU’s sexual assault response coordinator has an extensive and well-defined role set out in the university’s Sexual Assault Response Policy. The core responsibilities are centered on immediate survivor support and referral to medical and mental health services. The coordinator also provides sexual assault educational services for students and faculty, including programs on male responsibility and personal safety planning.

Additional student involvement is coordinated with Students for an Assault-Free Environment (SAFE) and the Center for Student Empowerment. These organizations, along with the Health and Counseling Center and the Wildcat Wellness Center, provide written material and peer education regarding sexual assault, safe dating, and available services (such as after-hours transportation and escorts).

### *Definitions*

“Safety Awareness Issues & Solutions at Central Washington University,” which contains CWU’s Sexual Assault Response Policy, defines prohibited sexual contact as follows:

“For the purposes of this policy, in addition to the ordinary definition of intercourse, sexual assault also means any unwanted touching of the sexual or other parts of a person done for the purpose of gratifying sexual desire or either party. The University considers sexual assault a form of sexual harassment and, therefore, sex discrimination. The CWU Student Judicial Code already addresses physical, emotional, and psychological abuse.”

## **IV. Investigation and Disciplinary Procedures**

### *Investigation*

CWU’s DPSPS employs 12 armed police officers. As State of Washington Commissioned officers, CWU police have the same arrest and investigative authority as other law enforcement officers in the state. All of the officers are graduates of the 720-hour Washington State Criminal Justice Training Commission’s Basic Academy, and each has numerous hours of annual specialized police training. The majority of the officers hold B.A. degrees in law and justice or a related field of study. The department is primarily responsible for law enforcement on CWU’s campus and works closely with all other law enforcement agencies. Commissioned officers patrol the campus 24 hours a day, with an emphasis on crime prevention and education. In addition to the commissioned officers, the department employs two parking enforcement officers, a secretarial staff, a switchboard operator, and a staff of student dispatchers. The department encourages the reporting of all crimes.

### *Reporting Statistics*

Central’s annual security report (ASR) is available at the CWU Web site. The ASR contains information regarding crime prevention programs, the law enforcement authority of the university police, policies concerning the reporting of crime, crime statistics for the most recent three-year period and other information about security that is required by law. A paper copy of the information is also available on request.

Ellensburg Police Chief Bob Richey describes the working relationship between the Ellensburg

Police Department and CWU police as close and mutually supportive. There is open sharing of information between the two agencies. The Ellensburg Police Department sends all incident reports on any contact with CWU students directly to the CWU police. They also provide support, as requested, on campus sexual assault investigations and engage in joint sexual assault training sessions. Both agencies utilize the Washington State Patrol Crime Lab and work with the Kittitas County Prosecutors Office on pursuing evidence and criminal charges.

Chief Richey attends bi-monthly meetings of the Kittitas County Sexual Assault Interagency Coalition with the department heads from the Kittitas County Sheriff's Department, the CWU police, the County Prosecutor's Office, and ASPEN to coordinate domestic violence and sexual assault responses. Gregory Zempel, Kittitas County Prosecuting Attorney, credits this coalition with the development and implementation of both adult and child sexual assault protocols. The coalition participates in CWU Stop Violence Campaigns and other educational programs. The prosecutor's victim coordinator supports the coordinated sexual assault response effort. The victim coordinator assists survivors with service referrals and appearances in court.

### *Campus Adjudication*

The policy includes a section on the pursuit of disciplinary action in instances where there is sufficient evidence to believe that the university's prohibition against sexual assault has been violated. Action is taken in accordance with the CWU Student Rights and Responsibilities Policy administered through the vice president for student affairs.

The campus judicial council is the principal campus-wide student disciplinary body, with jurisdiction over all graduate and undergraduate students. The council consists of three faculty members and eight students. The vice president for student affairs or the campus judicial council may impose disciplinary sanctions, ranging from a warning to expulsion. The vice president for student affairs may also summarily suspend any student, pending the completion of an investigation. This action is guided by summary suspension proceedings set forth in the student judicial code, which contains provisions for notification, hearings within 36 hours, and readmission requirements. Keith Champagne, vice president for student affairs, reports that the campus judicial system is an integral mechanism for the support of CWU's Code of Ethics and the university's high expectations regarding proper student behavior.

### *Due Process*

When proceedings are conducted on-campus in cases of alleged sexual assault, the complainant and the accused are entitled to the same opportunity to have an advocate present and to be informed of the outcome of the proceeding.

### *Campus Media*

The student newspaper has printed stories related to campus sexual assault issues, including stories on male accountability, physical safety matters, personal safety awareness, and crime activities. The student newspaper also seems sensitive to victims' rights. Lois Breedlove, faculty media advisor, states, "No names of survivors of any crimes are printed without their permission." Student media outlets appear to have good access to campus informational sources, including the campus police.

## **V. Victim Support Services**

### *Health and Counseling Center*

Dr. Robert Trumpy, CWU's director of health services, views the center's role as pivotal in CWU's response to sexual assault. The center deals with medical, counseling, advocacy, and wellness issues. Services include support for persons with disabilities and other special needs. The director represents the center as a member of the university's problem-solving committee to ensure the high quality of student support services.

Professionally trained counselors and psychologists staff the center and work with students individually and in groups. Services are available Monday through Friday. Counselors, who are on call and available during evenings and weekends for emergencies, can be reached through the residence hall staff, Police Services, or the community crisis line. Counselors provide individual and group counseling for survivors of crime and other trauma. Groups for anger management, survivors of childhood sexual abuse, sexual assault, assertiveness training, and stress management are offered regularly.

Client satisfaction surveys are conducted twice a year, reports Dr. Rhonda McKinney, director of the Health and Counseling Center. The most recent survey recorded a 97 percent satisfaction rate.

Health services are available at the center's multi-service medical facility, including treatment for minor emergencies, follow-up care, and general medical aid. Additional support for sexual assault victims is provided by the Kittitas Valley Hospital. The hospital has on staff a physician assistant (PA) for sexual assault. The current PA, also the rape examiner, does the intake of sexual assault victims. She is responsible for coordination with ASPEN, CWU, and the campus police.

### *Abuse Support and Prevention Now (ASPEN)*

ASPEN is the region's domestic violence and sexual assault advocacy organization. Staff and volunteers provide a 24-hour shelter, advocacy, legal services, and counseling for victims of sexual assault and domestic violence. All services are free and confidential. ASPEN is an integral part of CWU's coordinated response to sexual assault.

## **VI. Conclusion**

CWU maintains a campus life environment aimed at affirming respect, responsibility, and caring among all persons within the community. CWU has developed and is enforcing sexual assault policies that encourage reporting by and support for victims. The university is cognizant of the rights and responsibilities of all students, staff, and faculty.

**Site Visit Report  
Lafayette College  
Easton, PA**

**Site visit conducted 21–23 February 2001  
by Heather Karjane**

*“Lafayette is the first college I’ve worked at where campus residence life takes the sexual misconduct policy out to students in what, for lack of better words, would be described as a road show so students hear about it where they live, and learn that it happens here, too.”—Annette Diorio, assistant dean of students, student residence*

*“Lafayette College is a microcosm of society where people get stigmatized for reporting [sexual assault].”  
—Tracy Garnick, assistant dean of students and advisor to fraternities and sororities*

## **I. Background**

Situated in stately buildings on a hilltop above downtown Easton, Pennsylvania, an old mill settlement, Lafayette College was founded in 1826 by the town citizens as an all-male liberal arts institution. The college began coeducational instruction in 1970. Today, Lafayette is home to a student body of 2,100 full-time middle- and upper-middle-class young women (48 percent) and men (52 percent). Virtually all full-time students reside on campus in college residence halls, sorority houses, or fraternity houses.

A private liberal arts and engineering college without a graduate program, Lafayette College is known for its academic rigor, athletic programming, and devotion to Greek life. The college offers a full range of baccalaureate degrees: Bachelor of Arts degrees in 25 humanities and social science fields, and Bachelor of Science degrees in 9 fields of science and 4 fields of engineering. In recent years, a third of the school’s engineering degrees have been awarded to female students—an unusually high percentage. Lafayette’s success in attracting, retaining, and training future women engineers prompted the American Society for Engineering Education to feature the school as a cover story in its monthly magazine, *The ASEE Prism*.

Although the institution does not offer athletic scholarships, the school boasts a Division I athletics program with 23 varsity sports, as well as an active club sport program. A full quarter of the student body participates in varsity-level sports. Furthermore, more than a third of the student body is formally involved in Greek life as a member of one of the six sororities or nine fraternities on campus. Of these 735 Greek-involved students, almost all reside in facilities maintained by their charter organizations. The result, observes Tracy Garnick, associate dean of students and advisor to fraternities and sororities, is that “social life at Lafayette is Greek-life-oriented.”

## **II. Prevention Efforts**

Lafayette offers a variety of sexual assault education and prevention programming on campus. The college’s sexual assault counseling and education (SACE) coordinator directs these college-wide efforts, including new student orientation, and training programs for counselors, student life staff,

group leaders, and members of living groups (e.g., residence halls, fraternity and sorority houses). Peer programming also plays a significant role on the Lafayette campus. The SACE coordinator works closely with the peer education coordinator and student leaders to integrate peer programming into the sexual assault education and rape prevention curriculum at every opportunity.

Lafayette has a number of student-run peer-education programs supervised by the peer education coordinator. The Coalition on Relationships and Rape Education (CORRE), the Real Men of Lafayette Program, the Questioning Everyone's Sexual Taboos Program (QUEST), and a student theater group all provide students with an array of interactive opportunities to learn about attitudes that underlie and behaviors that constitute sexual assault, coercion, consent, and autonomy.

Each year, the peer education drama group presents *Played Out* during Freshman Orientation, and at all Greek houses if they do not provide their own alternative sexual assault awareness and prevention programming. *Played Out* is a series of scenarios involving risky yet consensual sex, coercive sex, and (acquaintance) rape. Structured to facilitate different readings of the scenes, the presentation is designed to spark critical thinking and talk among students in a facilitated forum immediately after each scene.

Among other activities, CORRE provides an interesting take on a passive information campaign in college residence halls by creating and posting topic-oriented bulletin boards to hang in the hallways. These bulletin boards contain information regarding myths surrounding sexual assault, the college's response and reporting policy, and other sensitive information students may not seek out proactively. In order to dovetail risk-related information, CORRE cosponsors workshops with Lafayette Education on Alcohol and Drugs and with QUEST, a group that includes safer sex information in its workshops.

CORRE also coordinates with Student Affairs to run sexual misconduct programs in dormitories, fraternities, and sororities, as well as the most visible program on campus, Real Men of Lafayette. These men are nominated by their sports coaches, resident assistants, and faculty, sometimes and themselves, for being committed, on some level, to sexual assault prevention efforts. CORRE chooses among the candidates, then creates and circulates posters with the images and descriptions of the Real Men. The program is in its fifth year and strongly supported by the student body.

While peer education is strong at Lafayette, feminist thought on the subject of sexual assault is not significantly integrated into the curriculum on this campus known for its engineering program and conservative student body. The formal curriculum was augmented in spring 2001 by a violence-against-women-related speaker series entitled "Sex and the Law." Nationally renowned guest speakers were invited to campus in an effort to "expose members of the Lafayette community to recent thought on the morally complex issues that arise at the intersection of sex and the law," explained the coordinator, Professor George Panichas, chair of the Philosophy Department, in a newspaper interview. Vicki Schultz kicked off the series with a talk on "Sexual Harassment in the Workplace: What's Sex Got to Do with It?", followed by "Feminism, Pornography, and Censorship: Where Are We Now?" by Lori Gruen, and "Rape, Sexual Assault, and the Twilight Zone: When Sex Is Unwanted but Not Unlawful" by Stephen Schulhofer.

### **III. Sexual Assault Policy and Procedures for Reporting**

The 1990s witnessed a shift in the climate surrounding campus sexual assault policies, and

reporting policies, increasingly understanding that “colleges and universities need to be equally responsible for violations of the law.” This response has been largely prompted by highly publicized alcohol- and sexual abuse-related incidents—and their ensuing legal battles—within the nation’s postsecondary institutions, as well as by Federal mandates such as the Student Right to Know Act and the Clery Act. In the early 1990s, Lafayette College was placed on probation by the U.S. Department of Education because of a series of alcohol-related incidents on campus. The school drew further scrutiny from the local district attorney’s office in 1996 when it mishandled a rape of a student by another student on campus (more on this below).

Responsive to these serious limitations in their alcohol, sexual assault, and reporting policies and procedures, the Lafayette administration instituted a comprehensive sexual assault and reporting policy in 1997, drafted by the college’s legal counsel, Leslie Mulhfelder, in conjunction with faculty representatives and other campus groups. The sexual misconduct policy is bifurcated to address sexual assault and sexual harassment. Training was offered to every paid employee on campus after the policy’s adoption in 1998; Ms. Mulhfelder estimates that 90 percent of employees have attended one of these training sessions.

The Presidential Oversight Committee (POC), appointed by the president and consisting of two students, two staff members, and two faculty members, monitors the policy, procedures, and implementation of education and prevention-oriented programs semi-annually. Ms. Mulhfelder chairs the POC, which is charged with making recommendations regarding revisions necessary to comply with Federal and state law, as well as aligning the policy more fully with the school’s mission.

### *Highlights of the Policy*

- A variety of student-led workshops in residence halls and fraternity and sorority houses focus on and translate the meaning of the policy and the legal definitions of rape, assault, consent, and coercion into behavioral scenarios.
- The *Sexual Misconduct* pamphlet and the *Sexual Assault Sexual Harassment Resource Guide for Students* are well-designed documents written in accessible language that provide a “blueprint” of the school’s policy.
- Support for victims who choose to report their assaults is instituted: The SACE coordinator functions as a guide through the sexual assault reporting process.
- Retaliation against individuals for bringing complaints of rape or sexual assault is expressly prohibited. The college will take disciplinary action against persons who attempt such retaliation.
- Campus security, the Bailey Health Center, the Northampton county district attorney’s office and the Easton Police Department use written protocols for responding to reports of campus rape or sexual assault.
- Forensic examinations conducted by cross-trained sexual assault nurse examiners are routinely available at the local Easton hospital.

### *Policy*

The policy provides for education and prevention programs, procedures that are sensitive to sexual assault victims, and that ensure “fairness to both survivor and perpetrator,” disciplinary sanctions for those who commit rape and sexual assault, and an oversight committee that reviews the effectiveness of the college’s policy and relevant programs and procedures. The Lafayette College Sexual Assault Policy can be found in the *Student Handbook*, in the *Sexual Misconduct: A Resource Guide for Responding to Sexual Assault and Sexual Harassment* pamphlet, and the *Sexual Assault, Sexual Harassment: A Resource Guide for Students* brochure.

The Lafayette sexual assault policy institutes a centralized set of response and reporting procedures. The SACE coordinator, currently a female health services physician, is responsible for coordinating assistance and support for victims of sexual assault, including matters relating to the person’s physical and mental health, personal safety, and academic status. To create greater confidentiality for student victims, the general student population does not know the identity of the SACE. She is available, by beeper, 24 hours a day throughout the year.

### *Definitions*

Lafayette College defines sexual assault as any of the following:

1. Any intentional, nonconsensual touching, or threat or attempt thereof, of: (i) an intimate bodily part of another person, such as a sexual organ, buttocks or breast; (ii) any bodily part of another person with a sexual organ; or (iii) any part of another person’s body with the intent of accomplishing a sexual act; or
2. Nonconsensual, inappropriate disrobing of another person, or intentional exposure of one’s genitals to another without the other’s consent; or
3. Forcing, or attempting to force, any other person to engage in sexual activity of any kind without her or his consent; or
4. Rape or Involuntary Deviate Sexual Intercourse as defined by the laws of the Commonwealth of Pennsylvania.

Consent is defined as assent to sexual acts “through an affirmative statement or action to the sexual gesture or activity.” Assent does not constitute consent if it is “given by a person who is unable to make a reasonable judgment concerning the nature or harmfulness of the activity because of his/her intoxication, unconsciousness, mental deficiency or incapacity, or if the assent is the product of threat or coercion.”

### *Reporting Policy*

Depending on the wishes of the survivor, Lafayette recognizes third-party, confidential, and anonymous “Jane Doe” reporting options for making complaints of rape or sexual assault. Complaints are made primarily to residence life staff (including RAs), the Dean’s Office, the SACE coordinator, and the Public Safety Office. Whether or not complaints are made directly to the Public Safety Office, all victims are strongly encouraged to formally report the incident, and are told that at least minimal information will be reported to the Campus Security and Safety Office for inclusion in the Annual Security Report.

If the survivor reports the incident first to Public Safety, an officer will obtain the basic facts and

notify the SACE coordinator for support and assistance, if acceptable to the survivor. The Easton police and the district attorney's office will be notified per a memorandum of understanding (see below). The SACE coordinator or other support person may be present during the initial interview. The responding officer—a female, upon request—outlines the options for action and encourages the survivor to get a forensic examination at the local Easton Hospital. Free transportation is provided.

There are mixed reports as to the school's unofficial policy regarding parental notification of the assault. Thought to be a spillover from the school's alcohol policy, students are told that their parents will be notified if they report having been sexually assaulted. While this policy makes sense in terms of learning responsible behavior surrounding alcohol consumption, it does not translate well to involve all parents in a blanket policy, especially if it goes against the wishes of the victim of sexual assault at a time when she or he already feels out of control of basic elements in her or his life.

#### *Memorandum of Understanding*

In 1997, Lafayette signed a memorandum of understanding (MOU) with the local district attorney's office stipulating that the D.A. must be notified of all reports of sexual assault on the Lafayette campus or among Lafayette students. This MOU was instigated by allegations of the mishandling of the acquaintance rape of a student in 1996. Kevin Worthen, associate dean of students, suggests, however, that this policy “may have had a chilling effect on reporting incidents of assault” (see below).

#### **IV. Response and Investigation Procedures**

Lafayette Colleges offers two procedures for responding to complaints of rape and sexual assault: an informal and a formal procedure. About a third to half of all reported campus sexual assaults are formally investigated by the Campus Security and Safety Office and, if warranted, are sent through campus adjudication proceedings, Associate Dean of Students Kevin Worthen estimates. However, the majority of rape and sexual assault complaints are handled using the informal administrative procedure.

#### *Informal Procedure*

All disclosures of sexual assault or rape to any campus employee—student life staff member or college administrator, faculty member or department head, resident advisor or head of a living group—refer the victim to the SACE coordinator whether or not she or he wishes to file a formal complaint at that time. The SACE coordinator details the available support services on and off campus, explains the importance of getting a time-sensitive forensic medical examination at the local hospital, and outlines the procedure for making a formal complaint with the school and with local law enforcement. The SACE provides the victim with information regarding official procedures, alternatives, and the consequences to each, in order to allow the victim to make an informed choice as to what comes next. The coordinator empowers victims control the pace of the meetings and make their own choices.

Student victims who choose not to pursue a formal disciplinary action against their assailant, even when it appears to the administration that the Sexual Misconduct code was violated, are required to sign a waiver documenting their choice not to pursue the matter through the school's adjudication board.

### *Formal Procedure*

Formal sexual misconduct complaints are filed by the victim at the Campus Security and Safety Office (Campus Safety Office), which is solely responsible for conducting the investigation of the complaints. As mentioned, the Campus Safety Office uses a written protocol for responding to and investigating sexual assault allegations, as do the Easton police and Northampton district attorney's office. Victims are informed of available support services, including the SACE coordinator and/or a local community's Crime Victims Council advocate, who may be present during the initial and all subsequent interviews to provide advocacy and emotional support. Information regarding informal and formal administrative options on campus, as well as legal options, is provided to the victim at this time.

The Campus Safety Office works closely with local law enforcement and the prosecutor's offices. Hugh Harris, security and safety office director for the last 18 years, says he feels "proud of this system" of close collaboration with the D.A.'s sex crimes specialist Teresa Miranda.

The school may thus offer students who file formal complaints confidentiality, "consistent with applicable legal requirements and customary law enforcement practices" notes Associate Dean of Students and Judicial Board Chair Kevin Worthen. Students are made aware of the college's reporting mandates, primarily through word of mouth. Dean Worthen suggests that this local policy has, unfortunately, had a "chilling effect" on reporting at the school. In 1997, the year the policy was instituted, two forcible rapes were reported. Since that time, none have been reported on campus, although a handful have been at least rumored or informally reported.

The investigation of the report is conducted jointly by the Campus Safety Office and the Easton Police Department. The officer(s) will take the complainant's statement and then gather information about the alleged perpetrator, where the incident took place, whether there were any witnesses, and what happened before and after the alleged assault. There is no policy regarding the amount of time between reporting an incident and the completion of its investigation, and, if warranted, its adjudication, as this time varies and is dependent, among other things, on the number and schedules of witnesses to be interviewed.

The victim is informed, in writing, about the outcome of the investigation by the Campus Safety Office. The Campus Safety Office also provides the results of its investigation to the dean of students, faculty to the provost, and staff members to the vice president for human resources.

## **V. Adjudication Procedures**

Lafayette maintains no specific sexual assault hearing board for sexual misconduct complaints. All complaints regarding possible violations of the Student Code of Conduct are adjudicated through the Student Conduct Committee, which is comprised of a revolving membership of elected faculty members, members of the dean's staff, and students appointed by the student government. A minimum of five members of the committee must be present for a hearing. One of the faculty members is elected to chair the hearing, and one of the dean's staff presents the case. Both the

complainant and the accused have the same right to bring an advisor—but not a lawyer—to the hearing for support. The proceedings are tape-recorded or recorded by a court reporter. Both the complainant and the accused are informed of the outcome of the hearing by the Campus Safety Office or the Dean’s Office.

Hearing procedures are explained to the students involved by the SACE coordinator and the dean of students beforehand so the students know what to expect. At least 48 to 72 hours before a hearing, a hearing packet, containing the initial complaint form, the Campus Safety Office investigative report, and statements from the victim, the accused, or both, is distributed to all members of the committee.

The purpose of the hearing is to determine whether the accused is responsible for violating the Sexual Misconduct Policy, rather than to determine “guilt.” A preponderance of evidence is the standard of proof used in the hearing, which means that it is more likely than not that the accused violated the Sexual Misconduct Policy of the Student Code of Conduct.

Lafayette College explicitly acknowledges in its Student Code of Conduct that “sexual assault and rape are criminal acts, which also subject the perpetrator to criminal and civil penalties under federal and state law. Lafayette College expects all members of the College community to uphold the laws of the Commonwealth of Pennsylvania and the United States regarding sexual assault and rape. In addition to any sanction that may be imposed by the College for violations of this policy, a member of the College community who commits a sexual assault or rape may be subject to criminal sanctions and personal civil liabilities independent of those imposed by the College. Nothing in this policy shall prevent the complainant or the accused from filing a complaint with the appropriate local, state, or federal agency or in a court with jurisdiction.”

## **VI. Disciplinary Procedures and Sanctions**

When appropriate and with the complainant’s consent, disciplinary proceedings are instituted against the accused to determine whether or not he or she is responsible for violating the school’s Sexual Misconduct Policy. The discipline hearing is handled in accordance with the procedures explicated in the *Student Handbook* in the *Statement of the Rights and Responsibilities of Students at Lafayette College*. The responsible college officer will inform the accused of the nature of the alleged violation and the applicable policies and procedures that will be followed.

For individuals responsible for violating the Sexual Misconduct Policy, sanctions up to and including expulsion from the college are applied. Members of a college-affiliated group or an organization as a whole determined to have violated this policy by committing a group sexual assault, are subject to sanctions including revocation of the college’s recognition of their group or organization. These sanctions also apply if members of the group or organization knew or should have known that a sexual assault was taking place, but failed to take immediate and appropriate action to stop the assault.

The complainant is informed of any disciplinary sanction imposed on the accused. Both the complainant and the accused may appeal to the college president under due process violations.

## **VII. Challenges and Strengths**

Institutions of higher education provide a unique environment—consistent with their objectives—

to educate students on willing and consensual sexual conduct. As Lafayette College was a private, all-male college just a generation ago, the student population is male-dominated as well as economically privileged and politically conservative. Use of a variety of education/ prevention programs—including a substantial peer education component targeting definitional issues and risk behavior for both sexes, and foregrounding (male) responsibility—is an excellent way of tailoring prevention messages to this student population.

In terms of reporting practice, “Both the perception and the reality is, if a report is made, it travels through campus quickly,” says Dr. Alan Johnson, director of the Bailey Health Center. The challenge for this conservative, Greek-dominated campus is to continue to create ways to change the attitudes that foster acquaintance rape and stigmatize the victim who comes forth to report her or his experience of the crime. In the words of Advisor to Fraternities and Sororities Tracy Garnick, “Lafayette College is a microcosm of society, where people get stigmatized for reporting [sexual assault].”

When sexual assault does occur on campus, however, confidentiality issues are not clearly defined by the policy, which states that “[i]nformal complaints will be treated confidentially, consistent with applicable legal requirements.” The specifics of these “applicable legal requirements,” most notably the Memorandum of Understanding with the D.A.’s office, are not, however, explicated in the pamphlet, leaving the victim to guess what this might mean. Further, the school’s unwritten policy regarding parental notification raises questions of confidentiality.

**Site Visit Summary  
Lewis & Clark College  
Portland, Oregon**

**Site visit conducted: 14–16 February 2001  
by Heather Karjane**

*“He took advantage when he should have been taking care.”*

—Jon Eldridge, Dean of Students

## **I. Background**

Lewis & Clark College, the largest independent college in Oregon, was founded by Presbyterian pioneers as Albany Collegiate Institute in 1867. The school moved to Portland’s southwest hills in 1942 and took the name Lewis & Clark College. The picturesque campus is situated in a wooded residential area six miles from downtown Portland, which has a metropolitan-area population of 1.7 million.

The college, primarily a liberal arts college with a small graduate school and law school, offers Bachelor of Arts degrees in 25 arts and science majors. The student body consists of 1,700 undergraduate students, plus 550 students in the graduate school and 680 students in the Northwestern School of Law. Prioritizing teaching, the faculty-student ratio is 1:13 with an average class size of 17 students. During the site visit, students were frequently seen greeting their professors with hugs.

Nearly two-thirds of the students live on campus in seven residence halls; undergraduates have a two-year residency requirement. More than 45 percent of Lewis & Clark’s students participate in overseas study programs, which is more than five times the national average. On average, 200 undergraduates are domestically abroad or overseas at any given time during the academic year while participating in student exchange programs. Sixty-nine percent of students receive financial aid for an annual tuition of \$21,500.

The student body is highly ecologically and politically conscious. The campus offers no Greek organizations nor does it emphasize athletics, although students may participate in Division III sports and an intramural program.

## **II. Prevention Efforts**

Lewis & Clark maintains an active sexual assault education program. Every incoming student receives two brochures in their orientation packages: (1) a preventive brochure that explains the campus’s sexual assault policy; defines rape, sexual assault, and consent; and gives explicit scenarios of behaviors that violate the policy, and (2) a brochure for victims that lists options, resources, and support services. When the policy was first instituted in the fall of 1998, all students were mailed the brochures with a cover letter. The entire sexual assault policy is posted on the school’s Web page, including definitions and scenarios to help students understand the issues of

consent, assault, and rape. The college also displays educational posters and flyers around the campus and in residence halls.

The Lewis & Clark Sexual Conduct Policy not only details violations of conduct and the resulting sanctions, it also provides information on prevention targeted to both men and women. It reminds students that at least 70 percent of sexual assaults involve alcohol. It also places responsibility in the hands of the perpetrator, reminding students that “sexual assault is never the survivor’s fault.”

As part of New Student Orientation every fall, a student-produced play entitled *Friday Night* is performed at various locations on campus. The play depicts the events leading up to and following a sexual assault. It is designed to provide the impetus for a facilitated, interactive discussion to educate students about sexual assault, and offer a forum in which to present the college’s Sexual Conduct Policy and its resources for victims of sexual assault.

Students also organize, with institutional support, an annual well-attended Take Back the Night March, and stage a performance of *The Vagina Monologues*, which serves as both a fundraiser and a violence-against-women awareness program. They have the administration’s full support to stage these activities.

All residence life staff receive training on discussing sexual assault with students and responding appropriately to incidents of assault. A variety of programs are offered each year focusing on prevention and more generally on respect and tolerance.

### **III. Sexual Assault Policy and Procedures for Reporting**

#### *Highlights of the Policy*

- Campus administrators use a proactive approach to sexual assault, acknowledging that it happens on all campuses. It’s talked about on this campus not because it’s a particular problem for the school but because the administration does not want it to become one—especially in terms of victims not being able to come forward.
- Since the 1997–1998 revision of the college’s Sexual Conduct Policy to make it more “survivor friendly,” an increased number of reports than in years past have been filed, and adjudicated on campus.
- Definitions of rape, sexual assault, and “actively giving consent” are provided and illustrated with scenarios.
- The language is gender-inclusive while also accurate: Men are specifically mentioned as potential victims of rape and sexual assault, while the fact that this crime primarily targets women is clearly stated.
- Sexual misconduct complaints are heard in designated adjudication boards with staff who have been trained to hear and respond to these cases with sensitivity.

#### *Sexual Conduct Policy*

In 1998, the school created a position for a Sexual Assault Response Advocate (SARA) in the student Counseling Center, who serves as a contact point for any student victim of sexual assault, guiding the victim through available resources and recourses; the SARA is available by beeper 24 hours a day. The college has also created a Sexual Assault Response Network, consisting of the SARA and staff from Campus Safety, the health center, the counseling center, and judicial affairs.

All members of the Sexual Assault Network receive comprehensive training on issues relating to sexual assault, including definitions of sexual assault and consent, the role alcohol may play in sexual assaults, and characteristics of Rape Trauma Syndrome. Faculty and staff receive training on the policy and on how to refer students who disclose assaults to the SARA.

The policy is outlined and distributed to students in two brochures: “What You Need to Know About Sexual Assault and Lewis & Clark College’s Sexual Assault Policy” and “If It Happens to You . . . Reacting to Rape and Sexual Assault.” Men are specifically included as potential victims of rape and sexual assault, though it is acknowledged that the crime primarily targets women; “Many women and some men are survivors . . .” is written on the cover of one of the student sexual assault brochures.

### *Definitions*

Lewis & Clark’s Sexual Conduct Policy uses the following definitions:

- *Rape* is any sexual intercourse (anal, oral, or vaginal), however slight, with any object, by a man or a woman, without consent.
- *Sexual assault* is any sexual touching, however slight, with any object, by a man or a woman without consent.
- *Consent* is informed, freely and actively given, mutually understandable words or actions that indicate a willingness to participate in mutually agreed upon sexual activity. Consent that is obtained through use of force (actual or implied, immediate or future), whether that force be physical force, threats, intimidation, or coercion, is invalid consent.

### *Rationale*

The Sexual Conduct Policy stresses that the college is committed to providing a learning environment free of all forms of abuse, assault, harassment, and coercive conduct, including sexual misconduct. Sexually abusive behavior is deemed to be harmful to the learning environment and to the sense of community. All members of the college are expected to take personal responsibility in the realm of sexuality and recognize and challenge any sexual misconduct.

Jon Eldridge, dean of students, sums up one of the school’s guiding philosophies in his reference to a recently adjudicated campus rape case involving an intoxicated woman and her “friend”: “He took advantage when he should have been taking care.”

In terms of consent, the policy clarifies that consent is “informed” and freely and “actively given,” that victims are not required to physically resist a sexual aggressor, and that silence cannot be taken as a sign of consent. It also specifies that the use of alcohol or drugs is not an excuse for violation and that anyone who is “physically or mentally incapacitated due to drug or alcohol consumption, or who is unconscious or unaware, is incapable of giving consent.”

### *Reporting Policy*

The college’s Sexual Assault Policy encourages victims to report any sexual assault to the Sexual Assault Response Network or to the Portland Police Bureau, and provides detailed instructions for reporting to either source. All Campus Safety officers have been trained by the Portland Police Sex Crimes Unit to work with victims of rape and sexual assault.

If the victim wishes, Campus Safety will assist in filing a report with the Portland Police Bureau. Students are encouraged to file a local police report but are not pressured to do so, unless the campus police believe there's a danger to the community.

Anyone within the Sexual Assault Response Network who receives a report must file an anonymous sexual assault incident form and file it with the sexual assault response advocate. The Campus Safety Web site also offers an anonymous reporting option.

#### *Confidentiality*

Lewis & Clark maintains high levels of confidentiality for all victims. The names of victims are kept confidential and are not released to the media or the public. Some campus offices may be notified about the incident to ensure the safety of others; however, the victim's name is not released. The Sexual Assault Policy assures victims that the Portland Police Bureau is required by law to maintain the confidentiality of all victims of sexual assault and rape. Victims can also call the SARA and receive support and information without disclosing their names, or can disclose their names with assurance of confidentiality unless they wish otherwise.

#### *Due Process*

Under the Lewis & Clark code of conduct, in the context of the college's judicial process, the victim initiates formal allegations of misconduct. The charges of misconduct remain allegations until a decision is reached by the Sexual Misconduct Review Board.

### **IV. Investigation Procedures**

If the victim wishes, Campus Safety Officers will initiate an investigation of the report of sexual assault. The victim and perpetrator are interviewed separately about the events that led up to the alleged assault. Other individuals the victim and the accused had been with that night are also interviewed. Campus Safety is responsible for writing up an incident report to be submitted to the dean of student life. To reduce the burden on the victim in terms of needing to repeat her story over and over again to different officials, the incident report may be used by the Portland Police Bureau if the victim wishes to press criminal charges against the accused.

If, after meeting with the initial contact person from the Sexual Assault Response Network, the victim wishes to pursue a college disciplinary hearing, he or she then meets with the coordinator for judicial affairs, who outlines the options available, including how a judicial hearing will work, and what its possible outcomes are. If the victim decides to make a charge, the coordinator takes a statement of the victim's account of the incident (the victim may also give his or her statement directly to Campus Safety). The accused student will also be given the opportunity to provide the coordinator with a written statement after the charge has been made by the complainant.

The coordinator then presents the accused with a written statement of the complainant's charges, notification that the hearing board members are being chosen, and a hearing date. A hearing is usually held within five working days of the victim's initiation of charges; if this is impossible, the victim and the accused are kept abreast of the status of the case.

If the coordinator determines that it is in the best interest of either student, for safety or other reasons, the accused and/or the victim will be provided with different academic and living accommodations. Both students will be instructed to avoid contact with the other.

## V. Campus Adjudication Procedures

### *Informal Actions*

Most cases brought to the attention of the dean of students are handled, at the victim's request, through informal administrative actions, such as no-contact and no-trespass orders, changing residences, and helping to file a police report.

Although most cases of campus sexual assault and rape are handled informally, victims are informed of the importance of filing a police report and educated about the difference between filing a report and pursuing an investigation—and possibly, a criminal trial—as well as the six-year statute of limitations. Dean Eldridge reports that since the institution of the new policy, Lewis & Clark has “always been successful” in having the student file a police report. Regardless, the incident is reported anonymously to Campus Safety to be included in the Annual Security Report statistics.

### *Formal Actions*

All charges of sexual assault are reviewed by a specially appointed Sexual Misconduct Review Board, composed solely of administrators and staff members who have little student contact (e.g., the director of human resources, the operations manager for physical services, the comptroller), appointed by the coordinator for judicial affairs. All members of the board receive comprehensive training, including sensitivity to sexual assault victims; characteristics of Rape Trauma Syndrome; myths and facts about sexual assault; sensitivity to race, sexual orientation, and sex of individuals; and appropriate standards of proof. Both the victim and the accused can challenge the composition of the board; removal from the board occurs only if the coordinator is convinced that absence of impartiality or other extenuating circumstances would result from allowing the hearing board member to adjudicate the incident.

To begin adjudication, the Sexual Misconduct Review Board convenes a private hearing, unavailable to the public, which is audio-taped. The victim presents his or her case first and calls witnesses, if applicable; a college administrator may serve in the victim's stead if the victim cannot attend or does not feel able to present the case.

Next, the accused student presents his case and calls witnesses, if applicable. The hearing board members are allowed to ask questions at any point during the hearing and may recall any witnesses to clarify or challenge statements made during the hearing. Either party may request that portions of the audio-tape be replayed for the hearing board members or witnesses. Neither the accused nor the victim may directly question each other during the hearing; all questions and clarifications must be directed to the board.

Following state evidentiary laws, the complainant's prior sexual behavior or sexual history is not relevant and is not be allowed to be presented during the hearing. Board members are obligated to prevent such information from being admitted.

Once the hearing is concluded, the board members render a decision within 48 hours as to whether the accused student's actions meet the college's definition of sexual assault. If they cannot reach a decision in that time, they may recall witnesses for further questioning.

To establish responsibility, the hearing board must decide that the accused student's behavior satisfies the definition of rape or sexual assault to the extent required by a preponderance of the

evidence (i.e., that it is more likely than not that the facts are as the victim claims). Once a decision is made, the coordinator for judicial affairs informs the accused student first, then the victim. Both the victim and the perpetrator have the right to appeal the hearing board's decision within two weeks of the hearing's outcome, based on the following grounds only: bias of adjudicator(s), new evidence, procedural irregularity, and/or inappropriate sanction(s).

## **VI. Disciplinary Procedures and Sanctions**

Whenever the college's Sexual Misconduct Review Board finds that a student is responsible for violating the school's Sexual Conduct Policy, disciplinary action includes the strong possibility of suspension or dismissal from the college. In cases where the accused is found responsible for the charge of rape without overt force, the minimum sanction will involve suspension from the college for a specified length of time—generally, the length of time that the victim will attend the school. In cases where the accused is found responsible for the charge of rape with force, the student is expelled from the school. If an individual is found to have violated the college's Sexual Assault Policy, one or more of the following sanctions are invoked:

- A warning: A notice in writing to the student that the student is violating or has violated institutional regulations.
- Conditional probation: A written reprimand that places the student's participation in college activities in a provisional status. Probation may exclude the student from participation in co-curricular activities in which the student represents the college (such as varsity athletics and club sports, elected student offices, debates, and music or dramatic performances). Probation may include mandatory counseling and includes the probability of more severe disciplinary sanctions if the student further violates college regulation(s) during the probationary period.
- Unconditional probation: Any further violation of college policy could result in suspension.
- College suspension: Separation of the student from the college for a definite or indefinite period of time, after which the student is eligible for return. Conditions for readmission may be specified.
- College dismissal: Permanent separation of the student from the college.
- Other sanctions: At the discretion of the coordinator for judicial affairs and/or the hearing board, other sanctions outlined in the Student Code of Conduct may be invoked.

### *Criminal Sanctions*

The college makes clear in its policy that students can seek criminal prosecution in addition to any college disciplinary action. Sexual assault and rape are criminal violations as well as violations of college policy. If the victim chooses to prosecute, a student charged with sexual assault can be prosecuted under the Oregon Criminal Code. Even if the criminal justice authorities choose not to prosecute, a student charged with any type of sexual misconduct will be subject to the college's disciplinary process.

## **VII. Victim Support Services**

The SARA, described above, serves as a conduit for any victim who needs support, either anonymously or directly through the support network and available resources. The SARA then refers victims to appropriate contacts within the school's Sexual Assault Response Network.

### *Health Care*

In addition to the Student Health Center and Counseling Center, which are included in the Sexual Assault Response Network and are trained to serve sexual assault victims, all students receive information about other Portland-area health and mental health resources, including local rape crisis centers.

### *Counseling and Mental Health Services*

The SARA is a trained rape crisis professional who provides crisis intervention counseling to the victim while making referrals for longer-term counseling to the campus Counseling Center. The Center offers a private entrance and is available free of charge to student victims of sexual assault.

### *Education/Environmental Needs*

After they have filed a report, victims can receive assistance from the SARA and/or the dean of students with rearranging class or exam schedules or transferring residence halls if they desire. Binding no-contact orders preventing person-to-person contact may be instituted without a formal adjudication hearing; no-trespass orders against a student found responsible for violating the Sexual Conduct Policy and suspended may be instituted after a formal adjudication hearing.

## **VIII. Conclusion**

Lewis & Clark is clearly committed to addressing the issue of campus sexual assault in a proactive and sensitive way, and there is much in their approach that is laudable. Still, there are two issues the school may wish to address:

- As noted, a variety of behavioral scenarios are offered in the brochure illustrating definitions of campus rape. However, the scenario in which the student had been drinking and then consents to sexual intercourse seems to contradict the statement in the policy that being incapacitated renders one incapable of giving consent. This is a volatile issue and should be discussed with utmost clarity.
- Currently, no sexual assault nurse examiner program is offered, either at the Student Health Center or any Portland-area health facilities.

**Site Visit Report**  
**Metropolitan Community College**  
**Omaha, NE**  
**Site visit conducted 27-28 February 2001**  
**by Drew Diamond, PERF**

**I. Background**

Metropolitan Community College (MCC) is a comprehensive, full-service public community college located in the Omaha, Nebraska metropolitan area. MCC has three main campuses: Elkhorn Valley, Fort Omaha, and South Omaha. In addition, education centers are located at the Sarpy Center in LaVista, the Fremont Center in Fremont's Eastville Plaza Shopping Center, and Offutt Air Force Base, just 10 miles south of Omaha; MCC also conducts classes at other off-campus sites. The college offers more than 100 one-year and two-year career programs in business administration, computer and office technologies, food arts, industrial construction technologies, nursing and allied health, social sciences and services, and visual and electronic technologies, as well as an academic transfer program.

MCC has a for-credit enrollment of approximately 27,000 students who represent a wide range of economic, ethnic, and age groups. The average age of MCC students is 30 years old, 56 percent of the students are women, 20 percent of the students are members of a minority group, and 69.9 percent of all students are enrolled part time. There are also 21,000 students enrolled in non-credit classes.

The college has 163 full-time and 500 part-time faculty. About 300 continuing education instructors are also employed.

**II. Prevention Efforts**

James Grotrian, dean of student services, is "proud of the environment" maintained by MCC across multiple campuses and throughout a large student body. He is in contact each day with the directors of each of MCC's campuses. The directors' network is key to communications and problem solving around any disciplinary issues or conflicts that may arise, including safety issues, such as sexual assaults. Dean Grotrian outlines MCC's activities directed toward a response to sexual assaults as follows:

- Staff development, both internal and external;
- Encouragement of victims to notify proper authorities;
- Encouragement of victims to meet with or be referred to appropriate MCC staff;
- Maintenance of confidentiality and privacy;
- Provision of reference and referral materials; and
- An attitude among the staff that all reports are considered valid and will be handled with the same procedures and professional attention.

The administration works on a continuing basis with the MCC staff and faculty on effective responses to safety issues. Due to the size and multiple campuses of MCC, particular attention is paid to accessing local police and medical, emergency, and social service providers. Larry Lindberg, director of student services, says that MCC has created “one-stop student services” at the Fort Omaha Campus, which includes access to crisis intervention counselors and the MCC Department of Public Safety.

The College Action Committee (CAC) provides opportunities for all staff and students to participate in the decision-making processes of the college. The main purpose of the CAC is to provide an interactive environment where all constituencies can work together to address the significant issues facing the college. The CAC consists of a Steering Panel and four CAC committees:

- Business and Human Resources Committee
- College and Community Relations Committee
- Student Services Committee
- Teaching and Curriculum Committee

Ideas, issues, and concerns are generated throughout the system by means of written proposals, open forums, CAC committee meetings, and interactive participation by CAC leadership with decision-making groups. Proposals can be submitted via written forms or the on-line forms available on the Web.

### **III. Department of Public Safety**

Gene Brewer, coordinator of public safety and environmental health, describes Public Safety’s primary objective as providing a safe environment that enhances the learning experience and the college’s educational mission. The department is responsible for providing security, responding to medical and fire emergencies and traffic accidents, enforcing campus rules and regulations, and providing various other services. The Public Safety department provides services at the Fort Omaha Campus 24 hours a day, 7 days a week, 365 days a year. On the Elkhorn Valley and South Omaha Campuses, officers are on duty 16 hours a day during the work week, and on weekends, holidays, and breaks as demand warrants. Officers conduct vehicle, bicycle, and foot patrols on campus. Although the Public Safety department does not have the authority to make arrests, they maintain working relationships with the law enforcement agencies within MCC’s four county service area.

### **IV. Sexual Assault Response Policy**

MCC has “no tolerance for inappropriate behavior” according to Dean Grotrian. The Student Conduct and Discipline policy reflects this position, along with a commitment to due process. The campus student services director (CSSD) is the key official for matters relating to non-academic misconduct and related formal disciplinary procedures.

In cases such as sexual misconduct, to which the Special Procedures for Alleged Violations of Program Rules apply, the Associate Dean (or acting Associate Dean) who has administrative

responsibility for the educational program or field of study in which the student making the complaint is enrolled will be appointed as a member of the adjudicating body, unless it is necessary for that person to be a witness at the hearing.

The rules set out hearing notification procedures and time limits. At the outset of the hearing, or at any time during the hearing, the investigating disciplinary official may fix a time limit within which the hearing shall be completed. Both the complainant and the accused, in a case of alleged sexual assault, are entitled to have others present during the hearing, such as an attorney or other advisor, parents, or relatives.

As to the presentation of witnesses, the policy states:

“The student may call witnesses in his/her behalf. The student may confront and personally question all witnesses who testify in person against the student, but not through legal counsel or others, except as provided in the preceding subparagraph. Technical rules of evidence will not apply. However, the chair may exclude evidence or limit testimony which is not relevant to the matter in question, or which is merely repetitive. Written statements of witnesses may be used as evidence, but copies must be provided to, or made available for inspection by, the accused student before the conclusion of the hearing.”

Sanctions range from admonition to suspension to dismissal from the college.

## **V. Victim Support Services**

Christine Hess describes the MCC counseling services as part of the problem-solving efforts “incorporated into the environment of the school,” noting that “counselors are motivated to help students.” In response to crisis situations, MCC counselors take care of the student’s immediate needs, make appropriate referrals to local social service and/or rape trauma professionals as soon as possible, and conduct necessary follow-up. The counseling staff takes every opportunity to be visible on the campuses and accessible through student services.

## **VI. Conclusion**

MCC staff see their response to sexual assault as integrated into the overall maintenance of quality campuses. The administration of multiple urban and suburban sites requires the college to maintain a collaborative network to ensure the continuation of the current safe environment.

**Site Visit Summary**  
**Oklahoma State University**  
**Stillwater, OK**  
**Site visit conducted 2–3 April 2001**  
**by Drew Diamond, PERF**

*“OSU is the most collaborative of any campus I have been on.”*  
–Bob Hess, director, Department of Residential Life

**I. Background**

Oklahoma State University (OSU) is a Land Grant Act comprehensive research university. OSU was founded in 1890 as Oklahoma Agricultural and Mechanical College, just 20 months after the Land Run of 1889. OSU is located in Stillwater, a north-central Oklahoma community with a population of more than 42,000. Stillwater is approximately 60 miles from the Tulsa and Oklahoma City metropolitan areas and is readily accessible from other major population centers by interstate highway and air.

OSU is coeducational and has an enrollment of approximately 26,000 students on its four campuses. The Stillwater campus has approximately 4,000 residential students. The university offers bachelor’s, master’s and doctorate degrees in a large number of fields, as well as the professional Doctor of Osteopathic Medicine and Doctor of Veterinary Medicine degrees.

Dr. Lee Bird, vice president for student affairs at OSU, echoes the observation of other interviewees that although OSU is a large, comprehensive university, its size does not minimize the personal attention staff and faculty give to each student.

**II. Prevention Efforts**

OSU’s rape and sexual assault prevention efforts enlist the involvement of OSU staff members and others from the university community. Individuals from the OSU Police Department, Residential Life Department, University Counseling Services, OSU faculty, Greek Life, OSU Student Conduct Office, and the OSU Student Health Center, individually and collectively, provide training programs, presentations, and workshops on sexual assault prevention. Members of the OSU community also work closely with off-campus agencies such as the district attorney’s office and Stillwater Domestic Violence Services to coordinate services to rape victims.

OSU rape prevention program topics include stranger rape, avoidance of date and acquaintance rape, rapist characteristics, rape trauma syndrome, and victim recovery. An increasing number of presentations explaining men’s role in sexual assaults are directed to all-male audiences such as fraternities and athletic teams.

According to Dr. Suzanne Burks, director of University Counseling Services, OSU will provide assistance to and support for student victims of sexual assault. If the alleged offender is a student

and a complaint is filed, the university will follow established disciplinary procedures to process the case. At the request of the victim the university will attempt to arrange for the victim to change her or his living situation or switch academic course sections if such accommodations are reasonably available.

The Stillwater community has a Sexual Assault Nurse Examiner (SANE) program at Stillwater Medical Center. This service assures a victim of sexual assault some degree of privacy and treatment by a nurse or nurse practitioner trained and certified in the forensic collection of sexual assault evidence and sexual trauma treatment. The SANE will perform the examination and stay with the victim throughout the treatment process. Dr. Bird describes the collaboration of OSU, Stillwater Medical Center, Stillwater Domestic Violence Services, and law enforcement to provide service and care to victims of sexual assault as “phenomenal.”

Students are provided with education, evidence-preservation information, and practical response information regarding sexual assault. In part, the directions provided to victims are as follows.

1. Do what you need to do to feel safe; get to a safe place or contact someone with whom you are comfortable. Stillwater has a 24-hour Rape Hotline to meet these needs. The Rape Hotline worker will give advice and discuss options about how to proceed. The following are recommended:
  - a. Do not shower, bathe, douche, change or destroy clothes; do not eat, drink, smoke or chew gum; do not take any medications. Preserving evidence is critical for criminal prosecution. Although an individual may not want to prosecute immediately after the incident, that choice will not be available without credible evidence. The evidence collected can also be useful in the campus disciplinary process.
  - b. Do not straighten the room or place of the incident.
2. The Rape Hotline worker will encourage you to go to Stillwater Medical Center [SMC] to receive care for any physical injuries that may have occurred. While in the emergency room, treatment will be provided for sexually transmitted diseases, and medication will be given to prevent pregnancy.
3. The Rape Hotline worker will dispatch the sexual assault nurse examiner (SANE), a police officer, and a rape volunteer advocate to the exam site. They should all arrive at about the same time.
4. Upon arrival at SMC, you will be taken to a private exam area. The nurse, the advocate, and the police officer will be directed to this same location.
5. The rape advocate will support you throughout the entire exam, which will be performed by the nurse. The advocate will give you a packet of toiletries. You may clean up in the exam suite. A change of clothing will be provided if your clothing is kept for evidence.
6. If a family member or significant other come to the hospital, the advocate may call a backup advocate to support this person while you undergo the exam.
7. The advocate will provide a packet of written materials to you. This material contains information about common reactions to rape, follow-up medical needs, and support services. The advocate will strongly encourage that you and your loved ones use counseling services available from Stillwater Domestic Violence Services (SDVS), the University Counseling Service, or other community resources.

8. Reporting the Rape:
  - a. It is strongly encouraged that you report the rape to police. This does not commit you to prosecute but will allow the gathering of information and evidence. The information and evidence maintain future options regarding criminal prosecution, University disciplinary actions, and/or civil actions against the perpetrator. Your information can be helpful in supporting other reports and/or preventing further rapes (even anonymous reports are somewhat useful). Names of rape survivors are not voluntarily released to the media.
  - b. If you contact police, an officer can meet you at the scene or at another designated location to take your initial statement. (If you go to Stillwater Medical Center or call the Rape Hotline, the police will be called for you.) The police officer's first concern will be your physical and emotional health. The police will ask you for a description of the offender, the scene of the rape, the direction of travel, and a description of the vehicle used by the offender, if any.
9. Reporting an incident and choosing to prosecute, filing a complaint through the University discipline process, or filing a civil action are separate steps. When you file a report with the police or with the University Office of Student Conduct, you are not obligated to continue with legal proceedings or University disciplinary action. University staff can assist a student in notifying authorities or appropriate University personnel if a student wishes to pursue charges.

### **III. Sexual Assault Policy and Procedures for Reporting**

#### *Highlights of the Policy*

- Multiple reporting options are recognized by the university.
- There is a coordinated campus response to reports of sexual assault or rape.
- A collaborative approach is used involving medical staff, forensic examiners, rape trauma professionals, and local law enforcement.
- A SANE program for the collection of forensic evidence is offered in the local community.
- Campus literature stresses the differences between reporting, choosing to investigate, seeking recognition of responsibility within the university's disciplinary system, and seeking justice within the criminal justice system.

OSU's Office of Student Conduct describes the university's sexual assault response policy as one that "does not tolerate or condone rape and other forms of sexual assault, whether by a stranger or by an acquaintance, whether against women or men." OSU defines sexual assault as including, but not being limited to, stranger rape, date rape, acquaintance rape, gang rape, rape by a foreign object, forced sodomy, forced oral copulation, sexual battery, and threat of sexual assault.

Rather than offer the definitions in two places, the OSU Student Code of Conduct and Disciplinary Procedures refers readers to Section X of the parent document (OSU's *Student Rights and Responsibilities Governing Student Behavior*) for definitions of rape, sexual assault, and sexual harassment. Definitions are also found in an OSU Office of Student Conduct document entitled "Responding to Incidents of Sexual Assault."

### *Definitions*

OSU's Office of Student Conduct employs the following definitions:

1. **Consent** means the positive cooperation in act or attitude pursuant to an exercise of free will. The person consenting must act freely and voluntarily and have knowledge of the nature of the act or transaction involved.
  - a. Individuals with mental, developmental, or physical disability, or individuals below legal age (in Oklahoma, the legal age of consent is 16), are incapable of giving consent.
  - b. Consent is not given if force or violence is used or threatened to obtain sexual contact.
  - c. Consent is not valid from individuals who are incapable of resisting or giving consent as a result of being intoxicated by alcohol, or beer, or being under the influence of drugs.
  - d. Individuals who are unconscious of the nature of the act cannot give consent
2. **Rape** is defined as all acts of sexual intercourse involving vaginal or anal penetration accomplished without consent and with a male or female (who may be of the same or opposite sex as the perpetrator).
3. **Rape by instrumentation** means any act in which any inanimate object or any part of the human body, not amounting to sexual intercourse, is used in the carnal knowledge of another person without his or her consent, and penetration of the anus or vagina occurs to the person.
4. **Sexual assault and abuse** are nonconsensual physical contact of a sexual nature. Sexual assault and abuse can occur between acquaintances or parties unknown to each other.
5. **Sexual battery** shall mean the intentional touching, mauling, or feeling of the body or private parts of any person without the consent of that person. Sexual battery includes, but is not limited to, the touching of a person's genitalia, buttocks, or breasts.

### *Reporting Policy*

OSU's Office of Student Conduct strongly encourages victims to report a rape to the police. In "Responding to Incidents of Sexual Assault," the office notes, "This does not commit you to prosecute but will allow the gathering of information and evidence."

OSU's Office of Student Conduct emphasizes that "[r]eporting an incident and choosing to prosecute, filing a complaint through the University disciplinary process, or filing a civil action are separate steps." Filing a report with the police or with the Office of Student Conduct does not obligate the victim to continue with the legal proceedings or university disciplinary action.

### *Campus Crisis Team and Threat Assessment Team*

OSU policy and procedures establish a framework for responding to situations involving serious threats or harassment and acts of violence against employees and students in order to increase employee and student protection and minimize the probability of recurrence of dangerous situations. In the event of workplace serious threats or violence, the policy sets out the make-up and role of a crisis team and a threat assessment team.

The school has instituted a Campus Crisis Team (CCT) consisting of the head or a designate of Student Services, Residential Life, Greek Life, Communications Services, OSU police, and University Counseling Services, as well as a university chaplain. Should an act of violence occur, the CCT assesses the impact of the incident on the campus community and initiates appropriate debriefing, counseling, and support actions for the victims, co-workers, and families.

The CCT also provides timely reports to the campus administration and works closely with the Public Information Office on the release of information to the media when the safety or security of employees and/or students is threatened and time is critical. This policy does not replace routine management actions, such as counseling, reprimands, or changes in work assignments or living arrangements. This policy is intended for those cases of continuing inappropriate actions or threats where normal management and personnel actions have been ineffective and the possibility of violence is such that police and others need to be involved.

The Threat Assessment Team, consisting of the director of personnel or a designee, the director of the university counseling service or a designee, the coordinator of the Employee Assistance Program office, and the director of public safety or a designee, is directed to review all reports generated relative to this policy. This core team may draft additional members as warranted. The Threat Assessment Team may include some of the same members as the CCT, but the function and purpose of each team is different: The Threat Assessment Team seeks to recognize and avert violent acts, while the CCT provides support services after any traumatic event and is not limited to acts of violence.

#### *Crime Statistical Reporting*

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act is a Federal law that requires colleges and universities to disclose information about crime on and around their campuses. In compliance with this Act, the 2000 version of the *OSU Public Safety Guide* has been published and is available both on-line and in printed form.

### **VIII. Response and Investigation Procedures**

Allegations of rape or sexual assault involving an OSU student are handled by either the OSU Public Safety Department or the Stillwater Police Department. Chief Everett H. Eaton, director of OSU's Public Safety Department, says that the department operates under the motto of "Professionalism Through Education and Training." He describes the department's mission as "to provide a safe and protected environment in which persons can participate in the pursuit of education." According to OSU's Office of Student Conduct, the police officer's first concern is with the victim's physical and emotional health.

The department highlights the work of Officer Deborah Mitchell in describing its commitment to an effective sexual assault response. Officer Mitchell has worked as a police officer since 1984 at the Public Safety Department. In 1993, she was promoted to crime prevention specialist. Currently, Officer Mitchell co-chairs the Rape Awareness Committee, is a regional delegate for the New England Sexual Assault Network, and is a member of the International Association for Women Police. Within the university, she maintains an active membership on the Equal Opportunity Advisory Board and the Women's Resource Center.

Reflecting the university's approach to rape and sexual assault, Mitchell uses a proactive approach through programs that teach students how to avoid becoming victims of crime, such as Personal

Safety, Theft Prevention, Alcohol Awareness, Violence in the Workplace and Rape Aggression Defense (RAD). RAD is a self-defense system designed for average women to be able to use in a possible life-threatening situation. The course itself consists of 12 hours of intense instruction by two certified instructors from the OSU Police Department. Subjects covered include avoiding victimization, risk reduction, the pattern of a date rape encounter, and basic principles of self-defense. This program, along with OSU's Campus Community Alcohol and Safety Education program, is an integral part of the university's proactive efforts.

The OSU Public Safety Department is a police agency with 60 employees. With a sworn police officer complement of 32, the department is the 23rd largest in Oklahoma. The police officers are commissioned by the Board of Regents, pursuant to Oklahoma Statute, and perform the duties of certified law enforcement officers. New officers must complete a competitive screening process and six months of training, including the police academy. Officers are assigned to work three shifts, supervised by sergeants and lieutenants. Officers perform foot, bicycle, and motorized patrol of the campus. The department maintains an investigations section, which is staffed by investigators who conduct intensive inquiries into criminal incidents on campus. The investigative unit is also responsible for the collection and storage of department-seized evidence. Building lock and unlock is handled by OSU Physical Plant employees. OSU police officers also provide periodic checks of the exterior doors to ensure that they are appropriately locked.

Chief Eaton reports that the department believes in providing service to its community. His staff provide crime prevention presentations for rape and self-defense seminars. In addition, officers are available to talk to classes and provide research data for class projects.

As a service organization, the department offers a full range of police resources, which include area patrols, criminal investigations, crime prevention, facilities security analysis, help with event planning, and parking management and enforcement. In addition, members of the department serve on university and community committees, provide training to campus organizations and living groups, participate in the design and installation of safety and traffic control devices, and act as special advisors to all campus departments and the administration. The chief described OSU's blue phone system, which promises campus citizens "immediate help from out of the blue," and noted that it is "still being copied by other universities, although our network has been operating for 16 years."

Unfortunately, the office seems to focus on stranger, as opposed to non-stranger, rape. For example, "Responding to Incidents of Sexual Assault" notes that "the police will ask you for a description of the offender, the scene of the rape, the direction of travel, and a description of the vehicle used by the offender, if any." A policy cognizant that the overwhelming majority of campus rapes involve non-stranger scenarios would include questions that go to the student status of the alleged offender.

### *Local Law Enforcement*

According to Stillwater Chief of Police Norm McNickle, the working relationship between his officers and OSU officers and staff is excellent. The Stillwater Police Department and the OSU Public Safety Department have in place a Mutual Aid Agreement that provides for the sharing of patrol and investigative resources when necessary. Both Chief McNickle and Chief Eaton agree that even without the formal agreement there would be a high level of cooperation. They point to the weekly meeting they have with the county sheriff and the local FBI agent to discuss current

public safety issues, such as sexual assaults, as an illustration of their commitment to a collaborative approach.

## **IX. Adjudication and Disciplinary Procedures**

If the offender is an OSU student and the alleged assault took place on or off campus in the Stillwater community, a complaint can be filed in the Office of Student Conduct. Students are advised that the complaint should be filed as soon as possible, preferably within 30 days of the incident. The time period for filing such a complaint may be extended by the vice president for student affairs or a designee.

When a sexual misconduct complaint is filed, the student complainant is directed to meet with the student conduct officer to clarify information, receive an explanation of the process and procedures available, and determine the outcome desired by the complainant. According to university policy, complaints of sexual misconduct can be handled informally or formally, depending on the complainant's wishes. Informal proceedings involve each party meeting separately with the student conduct officer to provide information about the incident. Both parties are able to bring an advisor to these meetings and each is entitled to be notified of the alleged violations and the outcome of the informal administrative action. If suspension from the university is the desired outcome—or even a possible outcome—formal proceedings are usually invoked.

Formal proceedings involve a hearing before a panel of five people who will listen to all the evidence, ask questions to clarify any points or inconsistencies, and render a decision. During the formal process, both parties have the opportunity to ask and answer questions. Both parties may be accompanied to the adjudication board proceedings by an advisor. The advisor may assist in preparation for the hearing and she or he may take notes, whisper suggestions, etc., but that person is not allowed to speak during or directly participate in the hearing. Both parties are entitled to be notified of the outcome of the formal discipline proceeding; however, this information is limited to the final decision and sanction(s), if any.

The entire range of possible formal sanctions is listed in *Student Rights and Responsibilities Governing Student Behavior*. Where it is determined that sexual misconduct is more likely than not to have occurred, disciplinary action can include suspension or expulsion from the university.

## **X. Victim Support Services**

### *Counseling*

OSU's University Counseling Services is comprised of the ADA Compliance Office, Student Disability Services, and Counseling Services. Dr. Burks, the director, says that University Counseling Services is involved in the university's response to sexual assault through its professional staff of counselors and a cadre of trained volunteers. Counselors are involved in regular residence hall meetings, in order to provide information and a sense of access to students.

### *Campus Health Clinic*

The OSU Student Health Center, according to Director Stephen Rogers, is an outpatient ambulatory care facility designed to provide cost-effective, physician-directed health care and health information. The health center's main focus is to provide primary health care, including

general medicine, gynecology, simple surgery, and sports medicine. Patients (including victims of sexual assault) are given the opportunity to approve or refuse release of their medical information, are treated with “respect, consideration, and dignity,” Dr. Rogers notes, and are provided with appropriate privacy. In regard to the university’s response to sexual assault, Rogers states, “I can pick up the phone and work with all the service providers.” He reinforces OSU’s commitment to collaboration. The health center is part of the campus sexual assault prevention team.

### *Residence Halls*

OSU is “the most collaborative of any campus I have been on” says Bob Hess, director of the Department of Residential Life. When it comes to safety and sexual assault issues, Residential Life relies on a network of resident assistants, paraprofessional staff, campus police, and University Counseling Services staff for both prevention and response activities. The housing coordinator says that programs are designed to meet the needs of each residence hall because “programs, even on the same campus, may work well in one hall and not in another.” Director Hess attributes the lack of fear on the campus, and particularly in the residences, to the continuum of services and the effort to “make a big campus seem smaller by creating tight communities of 50 students.” OSU also has 36 nationally affiliated fraternities and sororities, and the houses are an integral part of the campus residential life. There are no athletes-only residences; athletes are also integrated into the residential community.

## **VII. Conclusion**

“Take Back the Night” is an annual, international event that unites men, women, and children in the fight against sexual violence. This was just one of numerous activities on the OSU campus during the April 2001 Sexual Assault Awareness Week. The number of campus-wide events and the level of student participation are just two indications of OSU’s strong commitment to the issue of sexual assault. It is evident that this effort is not limited to one week. OSU has taken a proactive, collaborative, and ongoing approach to all aspects of sexual assault response and prevention.

**Site Visit Summary**  
**University of California, Los Angeles**  
**Los Angeles, CA**

**Site Visit Conducted 13–15 March 2001**  
**by Heather Karjane**

*“Victims get more attention around here than I’ve seen anywhere else I’ve worked. This is because it’s a university environment and they are surrounded by people who care about and who want to help them. They’re young girls, and there are a lot of programs for them.”*

–Terry Brown, detective, Crimes Against People Unit,  
University of California Police, UCLA Campus

## **I. Background**

Situated in the beautiful hills of Westwood, an affluent section of the second-largest metropolis in the nation, the University of California, Los Angeles (UCLA), was established about 80 years ago as the “southern branch” of the University of California. Currently, UCLA ranks as one of the nation’s premier research universities. The College of Letters and Science and 11 professional schools offer students baccalaureate, master’s, and doctoral degrees in almost every field. Boasting one of the largest student bodies in the nation, 7,000 of the 34,000 students (26,000 undergraduate and 8,000 graduate) reside on the 419-acre campus, and another 2,000 reside in university-operated or affiliated off-campus housing. Close to 70,000 students, staff, faculty, and visiting guests circulate on campus daily.

Reflecting the economic and cultural diversity of Los Angeles, UCLA ranks first among the country’s colleges and universities in granting doctorates to minority students and is among the top five major universities conferring baccalaureate and master’s degrees to ethnic minorities. Queer students and/or students involved in Greek organizations also maintain a high level of visibility on campus. In addition to its diversity and academic excellence, UCLA is known for its cultural innovation, student athletics, and dramatic arts programming.

## **II. Prevention Efforts**

The UCLA Center for Women & Men and the Rape Treatment Center (RTC) at Santa Monica–UCLA Medical Center are the main entities that provide prevention education and programming for the campus. In addition, the Los Angeles Commission on Assaults Against Women has provided free self-defense classes to the university women since 1980. The University Police provide generalized student safety training sessions that include a sexual assault prevention component; as Detective Terry Brown explains, “Education is a big part of prevention, especially since this is such a transient population.”

Founded in 1972 under the name The Center for Women, the Center for Women & Men, directed by Tina Oakland, has offered a range of sexual violence prevention and education services since

1980, including free drop-in counseling, interactive sexual violence workshops and on-line services, self-defense training, men's programming and outreach, and in-service training for campus organizations, student groups, and classes, on request. In-service topics include rape myths, victim sensitivity, survivor empowerment, and campus and community resources. Classroom presentations are geared toward the academic curriculum and reach 100 to 500 students at a time. The center coordinates an annual Sexual Violence Awareness Week, built around a resource and information fair. The center also presents portions of the UCLA sexual assault response protocols and date rape information during new student orientations. Although these orientations are mandatory, Ms. Oakland estimates that only about 80 percent of the student population is reached.

The center does extensive outreach and offers awareness programming to men, regarding sexual violence. Information on how to be an ally against sexual violence, how male violence is linked to the social construction of masculinity, and how the mass media shapes our expectations about men, women, and relationships is foregrounded in various workshops, entitled "Males in the 21<sup>st</sup> Century," "A Few More Sit-ups and I'm a God," and "Sexual Assault: What Can I Do?" One-on-one discussion and counseling about relationship problems is available to men, while an on-line interactive forum provides men with an anonymous opportunity to voice their "relationship, sexuality, and dating" questions and concerns ([www.saonet.ucla.edu/eguy](http://www.saonet.ucla.edu/eguy)). Jackson Katz's MVP (Men's Violence Prevention) Program, aimed toward changing men's violence-supportive attitudes and behaviors using norms in already-established and operative all-male groups (such as fraternities and athletic teams), is also used by the center, with success.

Although this men's programming began in 1997, the center only last year formally changed its name to reflect this direction. Initially nervous about the name change and the potential shift in emphasis away from women's services it could instigate, Ms. Oakland reports that the expansion has instead resulted in men utilizing the center to discuss and seek help with their own abusive behavior—and, surprisingly, many more women have also sought the services of the center as a result of the name change.

The Center for Women & Men utilizes active and passive outreach strategies to underserved ethnic and sexual minority students. Posting images of students of color on the center's Web page is one such passive strategy. The center actively solicits invitations to present training and information sessions at Chicano/Latino, African American, Asian American, and Gay/Lesbian/Bisexual/Transgendered student groups, including the one gay fraternity and the one gay sorority on campus, tutoring groups, and peer educator groups, and targets its prevention and myth-oriented information toward these specific groups. Ms. Oakland notes that the center usually experiences a short-term increase in reporting rates immediately after these presentations.

Passive advertising campaigns are also used to promote awareness and provide information regarding myths and definitions, access to support services, and the university's policy and response procedures. Posters, flyers, and brochures that define acquaintance rape, "party rape," and "date rape drugs" are widely posted in and circulated through the center, student health services, mental health services, and the Dean's Office, among other places.

Many of these state-of-the-art prevention pamphlets, brochures, videos, and trainings are provided to the university by the nearby Santa Monica RTC, or are developed in conjunction with RTC. For example, the "Be a Friend. . . Help a Friend: A Resource Guide for Students Helping Students" brochure was jointly developed by and distributed at both centers. The RTC is directed by Gail Abarbanel, a nationally renowned expert on campus rape trauma.

In 1988, Ms. Abarbanel co-authored the first published set of guidelines targeting sexual assault on campus with Eileen Adams (former director of the Office for Victims of Crime, under Janet Reno). The book, *Sexual Assault on Campus: What Can Colleges Do?*, was sent to all college and university presidents in the nation.

### **III. Sexual Assault Policy and Procedures for Reporting**

#### *Highlights of the Policy*

- The protocol is designed to foreground victim-directed responses at all decision-making points in the reporting process.
- Forensic evidence is collected and stored without the victim having to first file a police report.
- The policy institutes a centralized Rape Services Consultation Team, consisting of a team coordinator and Rape Services Consultants. The program is housed within the Center for Women & Men.
- Service provider responses are highly coordinated in terms of agency type (e.g., law enforcement, crisis treatment, mental health services) and jurisdiction (e.g., campus, local community).
- The user-friendly protocol is written in non-legalese for a student population. The policy is easily available to students, staff, and faculty on the university's Web site.

#### *Policy*

Initially drafted in 1987, the UCLA Protocol for Responding to Incidents of Rape and Sexual Assault Involving Students, Staff, and Faculty (Protocol for Responding) was revised in 1991 and again in 1995. Both sets of revisions aimed to create a more “user friendly” document and, in 1995, to include staff and faculty. A multidisciplinary team initially drafted the protocol in 1986 and then spent six months marketing it to the staff, the administration, and any other office that had a role in the procedure to increase buy-in. The first version of the protocol was implemented during the winter of 1987.

The protocol creates a Rape Services Consultation Team (RSCT), located in the Center for Women & Men, that consists of an RSCT coordinator and Rape Services Consultants. Although not counselors, Rape Services Consultants are trained to act as a “central referral source for information relating to the rights, options and services available to a sexual assault survivor” and to provide the victim with information regarding the nature and the impact of rape and sexual assault, available campus and community resources, available options—including law enforcement and criminal justice processes— and the possible consequences of and confidentiality issues pertaining to each, and empowerment strategies. The protocol similarly creates Campus Representatives (CRs) who are defined as “any individual who, in the course of his or her duties as a University employee, is in the position to assist a member of the UCLA campus community who has been assaulted”. The protocol details specific step-by-step procedures for disclosures of sexual assault and rape to members of the RSCT or to the CRs.

When a victim discloses a sexual assault to a CR, the CR must refer the victim to the RSCT coordinator. CRs are to determine whether the assault is recent or in the past. If it is recent and the

individual appears to need medical or psychological intervention, (unspecified) departmental emergency procedures are to be followed. After determining if the victim wants or needs support or assistance regarding the incident, the CR describes the services available and explains how to access the RSCT coordinator to provide assistance. The CR also communicates the importance of having a medical treatment and forensic examination within 72 hours and of participating in psychological counseling. If the victim rejects the offer to contact the RSTC coordinator, the CRS must contact the RSCT coordinator themselves for consultation and to file an anonymous report of the incident for inclusion in statistics for the Federal annual security report. Finally, the CR is to provide printed information (the “Getting Help” brochure) to the victim for his or her own follow-up.

The RSTC provides information on the following options: filing a police report; filing a civil suit; obtaining aid through the Los Angeles District Attorney Victim–Witness Assistance Program; disciplinary processes available through the university; mediation services; alternative housing; and academic and job-related assistance. According to the protocol, Rape Services Consultants are trained to provide this information “with as little personal bias as possible” in order to “assist survivors in making their own. . .informed choices which are in their best interests.”

Reports made to the RSCT coordinator are assigned to a Rape Services Consultant to provide ongoing assistance. The Rape Services Consultant contacts the victim within 24 hours of the initial report. Protocols for reports within 72 hours of the assault and after 72 hours of the assault are both detailed and the need for medical attention and forensic examination is stressed. The UCLA Police Department is called to transport the victim to the RTC if the victim wishes to have assistance. The victim may take a friend or advocate to the hospital and will be assigned an advocate at the RTC.

The responding police officer (a female on request) notifies the victim of her or his rights as a crime victim and informs the victim of judicial procedure choices (e.g., pressing charges, obtaining a restraining order). With the victim’s consent, a police report is filed. Unique to the RTC, forensic evidence is collected and stored without the victim having to first file a police report. Ongoing campus and community assistance is coordinated by the Rape Services Consultant.

### *Definitions*

Physical abuse, “including but not limited to rape, sexual assault, sex offenses, and other physical assault; threats of violence; or conduct that threatens the health or safety of any person” is prohibited under 102.08a-b of the UCLA Student Conduct Code. Sexual harassment and stalking are also prohibited per university policy.

Rape is defined by the California Penal Code as sexual intercourse occurring “against a person’s will, accomplished by force or threats of bodily injury,” “where the person has reasonable fear that she (or he) or another will be injured if she (or he) does not submit,” “where the person is incapable of giving consent, or is prevented from resisting, due to alcohol or drugs, and this condition was known, or reasonably should have been known by the accused,” or “where the person is incapable of resisting because she (or he), at the time, is unconscious or asleep, and this is known by the accused.”

Sexual assault is defined as occurring when consent is not given freely (or prevented through the above-mentioned caveats) to the following sexual acts: forced sodomy, forced oral copulation, rape by a foreign object, and sexual battery.

The policy further notes that unwanted sexual contact is defined as rape or sexual assault regardless of the relationship between the victim and assailant or whether the assailant is a stranger or an acquaintance, and that intoxication of the assailant does not diminish his (or her) responsibility for the assault. Men are recognized as possible victims of sexual assault and rape, as are lesbian, bisexual, and gay people.

### *Philosophy of Service Delivery*

The protocol is built on the acknowledgment that “one of the most frightening, traumatic aspects” of being sexually assaulted or raped is the “feeling of total helplessness and lack of control.” As such, the primary goal of the CR is defined as “assist[ing] survivors in regaining control of their lives.” The policy explicitly states that the CR should not “urge a particular course of action” but rather communicate information regarding “options and alternatives, to aid the survivor in making an informed decision as to a course of action, and to enable the survivor to follow through in that decision.” The CR should not “attempt to convince the survivor that any course of action is preferable to another” (Protocol for Responding, p.5).

### *Reporting Policy*

Whether or not a victim utilizes the services of the RSCT directly, CRs are required to provide information on all instances of sexual assault made known to them to the RSCT for statistical purposes. These reports are then collected by the director of Police Community Services, who is responsible for annual security statistics.

Reports are most frequently made to the RSCT coordinator, though some come directly to the University Police and the Dean’s Office. Although the UCLA protocol does not recognize an anonymous reporting option, some reports are made anonymously, either by the victim directly, through second- and third-hand reports by friends, or by male partners about their girlfriends. If the victim declines further services, the CR reports only minimal information (i.e., date, time, and circumstances of the incident).

Whether the victim first discloses her or his assault to a CR or with a member of the RSCT, she or he is encouraged to get treatment and to participate in a forensic examination at the Santa Monica RTC. The University Police are called to transport the victim to the RTC. Minimally, this incident is recorded anonymously as a sexual assault report unless the victim chooses to file a formal confidential report with the police. She or he is assigned a rape-issue-trained therapist, cost-free, at the RTC and told about the psychological services available on the UCLA campus.

The victim is encouraged to, at minimum, file a police report. She or he is also encouraged to file a complaint with the dean of students, which entails providing a statement, including dates, times, and anything else the victim remembers. All statements are kept confidential, in that the name of the victim is withheld on a need-to-know basis. Formal police reports are confidential. All crime reported on campus is mandated to be kept in a daily crime log, though the names of victims reported in the sexual assault or rape cases are withheld from the log as journalists and other interested parties have access to it.

## **XI. Investigation Procedures**

### *Administrative Investigations*

The Dean of Students Office is in charge of all administrative investigations of sexual misconduct complaints. A complaint is assigned to an associate dean of students who first interviews the complainant to get her or his statement, then interviews all other individuals who had contact with the complainant immediately before or after the assault. The associate dean reports, in writing, her or his findings to the dean of students and the Judicial Affairs Director for further action, if warranted.

Administrative investigations are generally used for complaints in which the victim does not want to bring formal criminal charges against her or his assailant.

### *Law Enforcement Investigations*

The University Police are committed to ensuring that anyone investigating a report of sexual assault treats the issue with care, according to Detective Terry Brown, a seven-year veteran on the university force. Flexibility and attention to what the victim wants is “key,” Brown says. “It’s about the well-being and health of the students,” explains Nancy Greenstein, director of Police Community Services, of the philosophy that guides response and investigatory procedures.

As per the UCLA protocol for responding to incidents of sexual assault, a plain-car police unit transports the victim to the RTC for treatment and evidence collection. The victim is told that a police report can be filed, thus documenting the incident without pressing charges against the assailant.

Partially funded through private sources, the RTC is the only forensic examination site in the country to conduct forensic examinations without requiring the victim to file a formal report with the local or university police. Furthermore, RTC is the only forensic site in the country to store collected evidence for months after the assault. The rationale for these novel, state-of-the-art procedures is to ensure that evidence will be available to the victim in the later stages of the healing process when the victim is more likely to have secured the social and emotional resources to pursue criminal charges against the assailant.

## **XII. Adjudication Procedures and Disciplinary Sanctions**

Ms. Greenstein, who is in charge of the annual Federal security report, notes, “If we can’t get a case filed criminally [due to the standard of evidence], then we can use the dean of students, and the student victim can make the same report when our hands are tied. They [the UCLA adjudication board] have good results in terms of findings of responsibility,” she adds.

One of the university’s two formal disciplinary procedures, the Administrative (as opposed to Peer) Review Process, is used to adjudicate allegations of sexual assault and rape. About half of all reports that come to the Dean’s Office go forward through formal adjudication proceedings. As Associate Dean of Student Kathleen McMahon notes, “It’s a pretty extensive process and you have to be committed to it.”

## *Sanctions*

Individual students and/or university-recognized organizations may be sanctioned for violating the UCLA Conduct Code pertaining to sexual misconduct offenses. The university imposes the following administrative sanctions on individuals: a campus no-contact order (similar to a restraining order), counseling, suspension, and expulsion. Warnings, probation, suspension of official recognition, and withdrawal of official recognition are levied toward organizations found responsible for violating the official Conduct Code. These sanctions are detailed in the *UCLA Greek Handbook 2000–2001*, and other publications.

### **XIII. Victim Support Services**

#### *Health Care*

For medical treatment and forensic evidence collection, UCLA uses the nearby RTC, rather than the Arthur Ashe Student Health and Wellness Center located on campus. The Ashe Center does provide pregnancy, STD, and HIV testing but cannot provide crucial forensic evidence collection. UCLA and the RTC have a longstanding collaborative approach to crisis treatment and long-term after-care for sexual assault and rape victims. This is especially helpful for students, RTC Director Abarbanel explains; “students feel more comfortable going off-site for services because it’s more private.”

The RTC offers state-of-the-art forensic technology and provides forensic examinations free of charge. Ms. Abarbanel observes that although the victim does not have to file a police report before her or his exam, once the victim completes the exam—having seen the evidence of the assault during the collection—99 percent of the victims then report the crime to the police. The forensic evidence—particularly important in acquaintance rape cases—moves the case beyond a “he said, she said” stalemate.

#### *Mental Health Care*

Crisis and long-term counseling is available for free from both the RTC and Student Counseling and Psychological Services (Psych Services), on request.

Psych Services offers outreach; confidential, short-term individual counseling; a variety of 10-week group counseling opportunities; and assessment and referral for long-term psychotherapy needs. Students involved with sexual violence—as victims or perpetrators—are assessed and frequently referred to long-term psychotherapy.

Psych Services offers about half a dozen student support groups per a 10-week quarter. Victims of childhood and adolescent sexual abuse utilize these services more often than more recent rape and sexual assault victims do. This time-delayed utilization pattern, Director Harold Pruett theorizes, is due to conflicts regarding “symptom management versus underlying issues.” Dr. Pruett notes that counseling groups geared toward victims recently assaulted, i.e., raped while attending the university, “tend to be the least successful groups” for Psych Services to attract and retain. This is particularly true when the group is explicitly labeled “Rape Survivor Support Group” or other similar names. Dealing with the trauma of rape or sexual assault in the early phases is “too disruptive”, says Dr. Pruett; people generally want to gain distance from the event and regain their

daily routines and balance, including focusing on academics. According to Dr. Pruett, victims seek counseling services when they are unable to recreate their daily balance or when relationship problems persist, months and years after the assault(s).

Psych Services offers patient confidentiality with the follow caveats: 1) If the patient is determined to be a possible danger to her- or himself, hospitalization may be required. 2) If the patient is determined to be a possible danger to others, the Tarasoft Rule mandates that clinicians must notify law enforcement authorities. 3) Counseling records may be court-subpoenaed. 4) University staff are mandated to report child abuse.

All staff go through required training regarding the UCLA protocol for responding to incidents of sexual assault every couple of years.

*Education/Environmental Needs* Rape Services Consultants coordinate with the Dean's Office to help with class changes and housing needs. The Dean's Office may also administer a non-negotiable campus no-contact order. This administrative response may be dispensed without a formal adjudication process.

#### **XIV. Conclusion**

UCLA has a strong system in place for addressing the issue of rape and sexual assault. In particular:

- The university's response to rape and sexual assault reports is highly integrated with local community law enforcement and rape crisis treatment facilities.
- Victims can receive services from the university and local community without having to file a police report first. According to the RTC director and the director of Police Community Services (who is responsible for completing the annual Federal security report), this policy has encouraged 99 percent of victims to report incidents after they complete the forensic examination.
- The university's policy is to get victims to the RTC as soon as possible, without requiring that an advocate is appointed to them first (i.e., a designated point person, usually a university staff member).

However, some challenges remain for the university to address:

- The policy does not seem to be fully understood by and/or have buy-in from all senior personnel interviewed during the site visit. Rape myths, particularly around acquaintance rape, seem to be a hindrance to buy-in for at least a small percentage of senior personnel.
- Reporting protocols need to be tighter in terms of capturing all *disclosed* (as opposed to *officially reported*) cases of rape and sexual assault. The fact that there is no anonymous reporting option is problematic and adds to this lack of stringency. Furthermore, because of these reporting protocols, confidentiality may be jeopardized.
- The "Greek system is significant" in that "a good majority of assaults happen there," notes Dean McMahon. Also, "date rape drugs" have played an increasing role in the last three or four years. Programs targeting this phenomenon need to be developed and implemented.

**Site Visit Summary**  
**University of California, Santa Cruz**  
**Santa Cruz, CA**

**Site visit conducted 27 February–1 March 2001**  
**by Heather Karjane**

“We live less on myth and more on the reality that sexual assault  
and sexual harassment do exist on this campus, and work from there.”  
–Gail Heit, associate vice-chancellor of student affairs

**I. Background**

The University of California, Santa Cruz (UCSC), is a public university comprised of nine separate colleges. Each college in this decentralized institutional structure has roughly 1,500 students, comprising a total undergraduate student population of 12,000 and a graduate student population of 1,000.

The school is a Division III member of the NCAA with six men’s and six women’s varsity-level teams and four club teams. Of the 15 or so student publications, *City on a Hill*, the publication of record, is produced daily; there is also one student-run broadcast station. Although there are about 300 students actively involved in the Greek system on campus, the general perception is that fraternities and sororities do not exist at this “very anti-Greek” school. UCSC was recently voted one of the top 10 “queer friendly” campuses in the nation by PlanetOut, a news and information Web site focused on gay and lesbian issues.

Epitomizing the laid-back California culture, UCSC is known for a student body comprised of highly independent, self-motivated students encouraged by the university to pursue their individual interests. Only within the last couple of years has the university instituted a formal grading system to replace the former system of narrative evaluations.

**II. Prevention Efforts**

Three main offices coordinate rape prevention efforts and provide educational programs at UCSC: the Rape Prevention Education (RPE) program, the Title IX/Sexual Harassment Office (TIX/SHO), and the Women’s Center. Gillian Greensite and Rita Walker, both nationally recognized experts, direct the RPE and the TIX/SHO respectively. Each director is well connected with local service providers, specifically the Defense de Mujeres/ Women’s Crisis Support program, survivor advocate programs run through the sheriff’s and district attorney’s offices, and sexual assault nurse examiners at the local hospital.

The wide array of prevention programming at UCSC includes a six-week self-defense program for women, regular campus-wide posting of consciousness-raising and informational flyers, and a very popular peer educator program. Student-run events coordinated through the Women’s Center include an annual Take Back the Night March; last year’s March was coordinated with a similar event in downtown Santa Cruz. Annual Valentine’s Day activities include the staging of Eve

Ensler's play *The Vagina Monologues*. A day-long participatory Rape Speak Out event run by an independent student group was conducted during the site visit. Rape and sexual assault issues within the gay and lesbian community are addressed during Queer Awareness Week and through a poster campaign.

The TIX/SHO conducts extensive outreach efforts to inform the study body about rape myths, acquaintance rape statistics, and what is included in and how to use the UCSC Sex Offense Policy. Informational flyers are posted weekly in 108 designated sites in common areas throughout the campus, as well as areas frequented by off-campus students, such as bus stops. Student interns from the Women's Center provide the poster labor.

Consistent with the UCSC student body's idealistic, anti-authoritarian character, UCSC does not mandate violence prevention training for the general population of students (nor does it mandate "Frosh" Orientation attendance). Targeting those less likely to seek out sexual misconduct prevention and response information, Walker tailored TIX/SHO's proactive passive educational approach to this particular campus, believing it "far more effective" than voluntary trainings that end up functioning to "preach to the converted," she says. This form of student outreach is complemented by the more interactive programming offered by the RPE.

"Combin[ing] comprehensive education with crisis response," the RPE, founded in 1979, is one of the oldest campus rape prevention programs in the country. The program consists of two paid staff members and diverse (i.e., in ethnicity, gender, and sexuality) volunteer student staff of 20. Gillian Greensite, the founding and current director, estimates that about a third to a half of the student body is reached annually through direct programming, including presentations for new students, at Frosh Orientation and through peer educator workshops in college residence halls and classrooms.

Student volunteers are initially trained during an intensive retreat, then debriefed regularly in three- to four-hour bimonthly sessions. Peer advisor programming is thought by campus administrators to be highly effective, given the students' emphasis on questioning authority and developing their own understandings. Growing up Male and Female, the main peer education program, is an interactive session of facilitated discussion built around videotaped scenarios of rape and sexual coercion, shown to mixed-sex audiences.

Katie Morris, the undergraduate editor of *City on a Hill*, describes UCSC's approach: "The neat thing on this campus is that we have men and women involved in rape prevention training, and it's discussed in core courses. And that's great because boys need to hear about this too, not just girls." In the last couple of years, the daily newspaper has covered the issue by printing the yearly crime rate statistics, which are broken down into categories that include forcible and non-forcible rape, and issuing campus warnings regarding stranger rapists. The newspaper recently ran a feature story on acquaintance rape but, Ms. Morris notes, student myths surrounding sexual assault are still influential. "The stigma [of rape] is still there," she says. "There's an awareness there, but people still distinguish between stranger rape and date rape. They need to know that date rape is a crime, but the stigma in terms of shame hasn't changed all that much."

### **III. Sexual Offense Policy and Procedures for Reporting Sexual Assaults**

UCSC utilizes a team approach to prevent, respond to, report, investigate, adjudicate, and sanction violations of its Sex Offense Policy. The TIX/SHO officer is a central player on this team, serving as both the point of contact for all rape and sexual assault reports and a fact-finder/investigator.

The Judicial Affairs officer acts to implement proposed sanctions. The University Police, in concert with local law enforcement and prosecution, conduct criminal investigations and transport victims to the local Dominican Hospital for forensic examination and treatment. Campus and community mental health professionals provide advocacy, crisis management, and longer-term counseling.

UCSC Student Peer Advocates and Educators on Sexual Harassment are trained to talk confidentially with their peers about any questions or concerns regarding sexual assault, rape, and/or sexual harassment, and to provide advocacy and support for complainants dealing with medical personnel, police, the courts, and/or campus administrative procedures.

### *Highlights of the Policy*

- UCSC takes a team approach, involving members from throughout the university and the local community.
- There are written protocols for various team members regarding how to respond to reports of rape and sexual assault, and procedures for ensuring victims' confidentiality.
- A full-time dedicated staff person (the TIX/SHO officer) is designated to receive all reports of rape, sexual assault, and sexual harassment.
- Multiple reporting options are recognized, including anonymous, confidential, third-party, and mandatory reports.
- Designated university officials are mandated to report all disclosures of sexual assault and rape to the TIX/SHO officer within 48 hours of the disclosure (with or without the victim's name, depending on whether the victim has requested confidentiality).
- The policy allows for an internal appeals mechanism for both the complainant/victim and the accused student.
- The policy is extensively detailed on the TIX/SHO Web site, with multiple links from other campus Web pages.
- Uses term "survivor" in their literature to refer to the person, female or male, who experienced a sexual assault.

### *Sex Offense Policy*

UCSC's Sex Offense Policy, last amended in June 1998, applies to students, staff, academic appointees, and members of the off-campus community when that person has experienced rape, sexual assault, or sexual harassment by a university student or staff or faculty member while visiting the campus. The policy identifies a dedicated point person—the full-time TIX/SHO officer—to centralize information distribution and the reporting processes. Adjudication from the university and residence life sanctions are proposed and supervised by the TIX/SHO. Dr. Daniel Wood, director of the Office of Physical Education, Recreation, and Sports, observes that the UCSC policy puts complainants "in the driver's seat to know what their options are. It's really clear about what's going to happen [once a complaint is filed]. And I would say that that encourages reporting."

## *Definitions*

In addition to California state law, which covers a range of crimes, including rape and statutory rape, UCSC policy prohibits “any non-consensual penetration, however slight, or non-consensual fellatio or cunnilingus.” The policy states that “[s]exual intercourse is considered non-consensual and, therefore, rape when the person is incapable of giving consent because s/he is incapacitated from alcohol and/or drugs, or if a mental disorder or developmental or physical disability renders the survivor incapable of giving consent.” The relationship between the victim and the attacker is explicitly noted to be “irrelevant to the legal definition of rape.” Both men and women can be victimized by these crimes, as can gay, lesbian, and bisexual people.

## *Rationale*

The rationale for UCSC’s Sex Offense Policy is novel in that it places sexual harassment, sexual assault, and rape on a continuum of unwanted intrusive behavior. Within this definitional schema and under the law, sexual assault and rape are technically defined as the most extreme forms of sexual harassment:

“Unwelcome sexual conduct between students interferes with the ability to participate in and benefit from University programs. In both obvious and subtle ways, the very possibility of sexual assault or harassment can be deeply destructive to individual members of our community and can poison their academic and career relationships. Members of our university community have the right to work and learn in an environment that is free from verbal or physical sexual conduct which might either interfere with an individual’s performance, or create a work or educational climate that is hostile, intimidating, or offensive, whether that conduct originates with an instructor, a supervisor, or a peer” (*UCSC Student Handbook*).

## *Reporting Policy*

As many people have difficulty expressing their experience of unwanted sexual behavior in criminal terms but would like help in addressing the situation, UCSC encourages all students who have questions about behavior that makes them uncomfortable to come to the TIX/SHO for advice. All allegations of rape or sexual assault should also be directed to the TIX/SHO. If reports or requests for assistance or advice are made to other university officials, such as the University Police, a college administrative officer, a college residential staff person, Counseling and Psychological Services, a Judicial Affairs officer, or the RPE these staff members are mandated to report the disclosure to the TIX/SHO for follow-up and statistical accounting. Residential assistants (RAs) are required to report all disclosures of sexual assault and rape to their supervisors and to inform the TIX/SHO in the form of an incident report (which may be anonymous) within 48 hours of the disclosure.

All designated university officials (i.e., supervisors of, or those who work closely with, students) attend mandatory training sessions given by the TIX/SHO, or complete recently instituted Web training session. In addition, RAs receive training on UCSC’s sexual assault policies and procedures, per university policy.

Student victims of sexual assault may use anonymous or confidential reporting options. Third-party reports made by witnesses may also be filed. A “report” is considered to be any information that puts the TIX/SHO on notice that sexual assault (or sexual harassment) has occurred or is

occurring. Reports become formalized as complaints when they are written by the complainant or target of the attack or unwanted sexual conduct. Every formal complaint is followed up with an administrative fact-finding investigation in order to seek evidence to support a finding of sexual misconduct or to warrant dismissal of the complaint. The TIX/SHO officer is the only person with authority to conduct these administrative investigations.

### *Confidentiality*

The university strives to balance the privacy interests of the victim and the accused, with its legal responsibilities to other students and employees in terms of determining “threat of danger, though this threat is almost exclusively seen as from stranger rapists rather than acquaintance rapists.” Because of this “balancing act”, the university cannot guarantee complete confidentiality, though it can assure individuals that the information, including the victim’s identity, will be kept confidential to the extent required by law. In all instances where a victim requests confidentiality, the university will explain the options available in light of this request, prior to taking any action. California law explicitly allows those filing police reports that charge sexual assault or rape to have their name recorded as “Jane Doe” to protect their confidentiality. Furthermore, the daily police log kept by University Police withholds the name of the complainant.

### *Due Process*

The UCSC Sex Offense Policy and the Reporting Policy incorporates due process protections provided by the state and Federal constitutions. This due process protection is twofold: the accused’s right to be informed of the action to be taken against him or her, and the basis for the action—that is, the name of the student accusing him or her and the specific alleged violations as per the Student Code of Conduct—and the accused’s right to respond. Thus, if the university intends to take adverse action against an individual, the individual has a right to understand the nature of the allegations, including who brought them, and the right to respond to those allegations.

## **IV. Investigation Procedures**

Two forms of investigation are used concurrently at UCSC: an administrative investigation and a law enforcement investigation. The two offices in charge of conducting each formal inquiry work in a highly collaborative effort to eliminate the burden on the victim of telling her or his story repeatedly.

### *Administrative Investigation*

Once the TIX/SHO is made aware of a report of sexual assault or rape, the TIX/SHO officer contacts the victim to describe the available options and the consequences of filing a formal or an informal complaint, provide informal counseling and caregiver referrals, and initiate administrative action if the victim requests it. The next step, the fact-finding investigation, is instigated and conducted at the written request of the complainant. Precautions maintaining the “highest level of confidentiality” for the complainant, including respecting her or his request for anonymity during evidentiary interviews with students, staff, and faculty, are upheld during the fact-finding investigation, as mandated by the Sex Offense Policy.

The investigation conducted by the TIX/SHO officer is not a criminal procedure and may be requested without filing a police report. However, victims are encouraged to file a police report and undergo an evidentiary examination at the local hospital, as crucial forensic evidence will most

likely be lost without such procedures. Victims are informed that filing a police report is not the same as pursuing prosecution, and that a police report must be filed in order to receive an evidentiary exam.

Once a complaint is filed with the TIX/SHO, the TIX/SHO officer has 30 days to complete the fact-finding report. The first step is to create a complainant statement, which is tape-recorded and then transcribed into a written statement. The complainant keeps one copy of the tape. The same process is used for the accused's statement in response to the allegation made against him or her. They both then sign off on their respective statements.

The TIX/SHO officer then interviews all those who may provide evidence regarding the complaint—primarily the people that the complainant and the accused came in contact with immediately before and after the alleged assault. Ideally, the officer can reconstruct the circumstances of the alleged offense to the extent necessary to determine whether the allegation constitutes a violation of the Sex Offense Policy. The investigation culminates in a written report with one of two possible determinations: a dismissal of the complaint due to lack of or unsupportive evidence, or a finding that there is *prima facie* evidence of a violation.

In cases involving students—which are the majority of cases—the fact-finding report containing the proposed remedies for the complainant and the proposed sanctions for the accused is submitted to the vice chancellor of student affairs for review. The report is then forwarded to the director of Judicial Affairs to determine appropriate adjudication and, if warranted, disciplinary procedures.

If the case is dismissed, a copy of the report (with the third-party references deleted) is sent to the complainant and the accused, and is filed in the TIX/SHO office. The complainant as well as the accused, under Title IX, has the right to appeal the proposed sanctions or dismissal within five days of the TIX/SHO notification.

### *Law Enforcement Investigation*

UCSC employs 34 sworn police officers. Captain Mickey Aluffi estimates that about half of all reports of sexual assault are from staff and faculty, and the other half are called in by students themselves. Reports are usually made within 72 hours of an assault. All reports are investigated. However, not all victims are willing to name their attackers. No matter, says Detective Scott Clark, a trained sex offense specialist: “Our main focus is the survivors’ well-being and getting them the help that they need.”

As per written protocols, police follow a specific procedure when responding to a rape or sexual assault report. The victim is interviewed to obtain a general statement in order to determine if a crime did occur. If possible, a Victim Advocate (from the local district attorney’s or sheriff’s office) is present during this initial interview. If the police report is made before the forensic exam, the Victim Advocate (or the police officer) explains what to expect during the exam, suggests bringing a friend or support person, and asks if the victim would like her or his parents to be contacted. (Police protocols purposely leave contacting the parents to the “gray area” of police discretion and the victim’s wishes.)

Campus police then transport the victim to Dominican Hospital, which is equipped to perform forensic medical examinations for legal purposes. Specially trained sexual assault nurse examiners (SANE) conduct the examination, while a member of the Santa Cruz Sexual Assault Response

Team (SART) is dispatched to the hospital to advocate for the victim. (SANE examinations and SART advocates are available only when the victim reports the assault to the local and/or campus police.)

If the report is initially made to the TIX/SHO officer, that report may be used by the police. The police then conduct an investigation at the crime scene and collect evidence from clothing, etc. A second interview is conducted with the victim, often in the presence of the district attorney. Finally, the suspect, as well as other pertinent witnesses, is interviewed.

At the conclusion of the investigation, the accused may be arrested or the case may be forwarded to the district attorney's office. If the complainant files a police report, she or he is eligible for the California Victim/Witness Program, which offers a range of services including up to \$10,000 of financial compensation for health care costs.

### *Memorandum of Understanding*

A memorandum of understanding (MOU) between all law enforcement and child protection offices in the county regarding sexual assault protocols was created in the late 1980s. From its inception, the UCSC police chief was involved in the drafting and implementation of this protocol. Every chief of every law enforcement organization in the county, including the offices of the district attorney, the sheriff, and the UCSC police, signed off on the MOU. Though designed primarily to increase and institutionalize information-sharing between investigatory units—thus limiting the number of interviews required of the victim—the jurisdiction of Victim Advocates is also specified.

## **V. Campus Adjudication Procedures**

The substantiated fact-finding report is referred to the Student Judicial Affairs Office for disciplinary action. The first step in the disciplinary process is that the Judicial Affairs director meets with the victim in order to explain her or his options, for formal and informal disciplinary action and what each of them entails, and to create an allied position with the victim. In order to “empower” the victim, the decision to continue with a formal complaint is hers or his to determine. Judicial Affairs Director Doug Zuidema explains that the term “victim” is purposefully used throughout these proceedings to acknowledge and reinforce the fact that the student has been sexually victimized.

### *Informal Actions*

The TIX/SHO estimates that 80 to 90 percent of all complaints of sexual harassment or sexual assault are resolved through informal administrative action as opposed to formal adjudication and disciplinary action, i.e., a hearing. Informal actions include mediation, resolving education and residential issues (i.e., requesting class extensions, switching residence halls), and “no contact” restrictions, which is an administrative action, not a disciplinary action, and therefore are not open to appeal. Accused students may also receive admonishment, which is binding, but again an administrative action rather than a formalized disciplinary sanction.

The TIX/SHO's report becomes part of the accused's Formal Complaint file. This file, maintained by the accused's last name and kept secure by the TIX/SHO, contains all formal review documents, such as the complaint form, the fact-finding report, any responses by the accused to the report, any

record pertaining to an appeal (by the complainant or the accused), and all correspondence.

### *Formal Actions*

Student victims may choose to go forward with a formal complaint, which entails a judicial board hearing to determine whether another student has violated the Sex Offense Policy. The Judicial Affairs director notes that under this version of the UCSC policy, a student victim has withdrawn from the hearing process only once in the last couple of years. Further, the university has never been sued by a complainant or an accused student regarding a judicial board hearing and its conduct.

The Student Code of Conduct and the Sex Offense Policy are university-wide policies. Any incident that may require disciplinary action that includes suspension or dismissal is adjudicated through the university-wide hearing board rather than at the individual college level. The formal disciplinary process is designed to “look at the totality of circumstances and responsibility of both parties,” explains Mr. Zuidema, who chairs the adjudication board.

The adjudication board consists of a chair, two staff members, and three students (two undergraduates, one graduate). A minimum of three board members must attend a hearing. Board members are trained regarding rape myths by the TIX/SHO officer and the director of the Women’s Center. In preparation for a hearing, the chair meets with any witnesses to inform them of the procedures and perimeters of the questioning process.

Evidence is presented primarily through witness testimony. A variety of testimony options are available to allow the victim to choose whether to be present during the hearing. Statements from victims are admissible. The victim may also bring an advocate, friend, or family member for support. The room is set up in such a way as to limit the victim’s contact (both physical and eye) with the accused. Mimicking state law, UCSC’s policy excludes the victim’s sexual history as a form of evidence and the chair of the hearing committee is pivotal in making sure that certain information does not get brought into testimony.

In an effort to be less adversarial, the accused students are allowed to bring an attorney to the disciplinary proceedings, but the students must speak for themselves; attorneys are not allowed to speak to the board or the victim. Questions to the witnesses (including the victim and the accused) are posed by disciplinary committee members rather than the accused or his or her legal advisor. The alleged perpetrator may choose not to participate in the formal student disciplinary hearing. However, the hearing will still go forward. All hearings are audio-taped. A preponderance of evidence is used to determine guilt.

## **VI. Disciplinary Actions**

UCSC imposes sanctions on individuals and student groups (such as an athletic team) found to be in violation of the UCSC Sex Offense Policy.

If a student is found to be in violation, sanctions for sexual assault and rape include restitution, loss of privileges, restrictions, eviction from UCSC housing, interim suspension, exclusion from campus, suspension or time off without salary, and dismissal or expulsion. If force was found to have been used in the assault, the aggressor is expelled.

Suspensions are recorded on the aggressor’s transcript without recording the infraction that

prompted the disciplinary action. Suspended students may transfer to other campuses within the University of California system; however, students expelled from one University of California campus will not be admitted to any University of California campus.

In order to return to campus after a suspension, students must follow the recommendations issued at the time of the suspension, which may include psychotherapy, education, “no contact” restrictions, or eviction from UCSC housing.

Student groups, such as athletic teams and fraternities, found to be in violation of the Sex Offense Policy are sanctioned as organizations rather than as individuals. In the last three years, sanctions applied for sexual harassment-type violations include canceling an away game, and suspending involved players for three consecutive games for the first two offenses and expelling them from the team for the third offense.

## **VII. Victim Support Services**

The Title IX/SHO officer coordinates actions to aid the complainant regarding academic and housing assistance, permanent “no contact” restrictions for the accused, and protection from retaliation.

### *Health Care*

The Student Health Center is open five-and-a-half days a week to all UCSC students, either by appointment, or for walk-in or urgent care. The Center does not retain a sexual assault response team but refers all sexual assault cases to SANE clinicians at the nearby Dominican Hospital for treatment and forensic examination. The Center does treat sexual assault victims for unwanted pregnancy, STDs, and other related problems.

Health care providers within the university are mandated reporters, required by UCSC policy to report all cases of sexual assault and rape that come directly to the attention of the Student Health Center to the TIX/SHO. However, it is believed that not all staff comply with this policy.

### *Mental Health*

Confidential, short-term (six visits) individual counseling; group therapy; consultation; outreach; and training are available from UCSC’s Counseling and Psychological Services. Students involved with sexual violence are assessed for risk factors; if longer-term psychotherapy is appropriate, outside referrals are recommended. The TIX/SHO officer refers both victims and alleged perpetrators to this office for help.

Counseling and Psychological Services offers about half a dozen student support groups per 10-week quarter, including a Survivors of Sexual Maltreatment Group, which is open to those who have experienced sexual victimization as children or adolescents, as well as while students on campus. Director Dr. Max Camarillo explains, however, that student victims rarely use these counseling groups to deal with their experience. Although victims of assault deal with their experience in a variety of ways, they often seek to distance themselves from the event in order to regain control of their daily lives and focus on their academics—the reason they are attending college. Students are most likely to approach the center after weeks or months trying unsuccessfully to “put it behind them,” says Dr. Camarillo.

The center offers patient confidentiality with the follow caveats: 1) If the patient is determined to be a possible danger to her- or himself hospitalization may be required. 2) If the patient is determined to be a possible danger to others, the Tarasoft Rule mandates that clinicians notify law enforcement authorities. 3) Counseling records may be court-subpoenaed. 4) University Medical staff are mandated to report child abuse.

Off-campus rape crisis and longer-term counseling is available to student victims at the local Defense de Mujeres rape and domestic abuse program for women.

### *Educational/Environmental Needs*

A variety of individuals (e.g., individual college administrative officers, residential life coordinators, the director of summer conferences, the manager of family student housing, the manager of graduate housing, and/or the Judicial Affairs officer), in conjunction with the TIX/SHO officer, may arrange for the accused student or the victim to be temporarily moved to another dwelling if the two live in close quarters. Likewise, a similar arrangement may be made if the two share a class.

### **Conclusion**

A critical component of this policy is “not tangible in the written policy but is there” nonetheless, observes Kathleen Hughs, personnel coordinator for the Office of Physical Education, Recreation, and Sports: “That is the need to trust that things will be handled well and that is increasing and increasing [at UCSC]. We’re on the positive side of it.”

Nonetheless, there are three critical challenges to the UCSC sexual assault and reporting policy:

- The university funding is structured in a such a way that social and student services are funded directly by the students via registration fees rather than by the school itself. As such, monies for student support services, such as rape prevention and education programming, must be approved by the students through student government petitions. As this fund is sum-zero, increasing funding for rape prevention decreases funds for other programs.
- In an effort to foreground the importance of the issue, rape prevention programming run from the RPE office remains separate from other UCSC prevention efforts. As such, rape prevention messages are not integrated and coordinated with substance use, HIV, and condom clinic programs that present information regarding risk factors and strategies for risk reduction in terms of student behavior. In other words, an important (and relatively easy) educational opportunity is missed.
- The policy document, in terms of its presentation and graphics, is unattractive and intimidating. The newsprint pamphlet is too long and written in legalese. A more user-friendly version should be made available to students, either on-line or in print (preferably both).

**Site Visit Summary  
West Virginia State College  
Institute, WV**

**Site visit conducted 6–9 March 2001  
by Drew Diamond, PERF**

**I. Background**

West Virginia State College (WVSC), located near the state capital of Charleston, is the largest institution of higher education in the Kanawha Valley and serves as a major resource center for this metropolitan area. The publicly funded college provides a broad spectrum of undergraduate degree programs, both baccalaureate and associate, for residential and commuting students and offers a comprehensive schedule of classes to an exceptionally large population of evening students. The campus accommodates approximately 450 residential students, 4,500 full- and part-time students, and 500 staff and faculty members.

WVSC was founded in 1891 as a Land Grant Act institution. WVSC attained national prominence as an institution of higher education for black students, and it continues to serve as a center for black culture. With voluntary desegregation in 1954, WVSC created a distinctive “living laboratory of human relations,” attracting a racially and culturally diverse student body, faculty, and staff.

Bryce Casto, vice president of student affairs, describes WVSC campus life as centering on “trust, fair treatment, and extensive student involvement.” Students have a voice in the college’s administration, and disciplinary proceedings, and the hiring of staff and faculty. Although the WVSC campus has no fraternity or sorority houses, Joseph Oden, College Union and student activities director, describes the fraternity and sorority membership as “active and involved in campus life.” Mr. Casto believes that these elements make WVSC a “safe, caring environment.” This sentiment is echoed by the other staff members and students interviewed.

**II. Prevention Efforts**

WVSC has instituted a variety of measures to prevent sexual assault on campus, the majority of which are target hardening approaches that focus on creating a campus that is inhospitable to sex offenses. Campus environmental controls include—key control, property ID protection, emergency phones, and room/vehicle protection, all of which are coordinated by the Department of Public Safety. The Department of Public Safety and other college departments also offer several educational programs pertaining to the prevention of sexual assault, drug/alcohol abuse, domestic violence, and violence against women.

*Department of Public Safety*

This department consists of a director and 13 armed, state-certified, police-academy-trained officers who cover the campus 24 hours a day, 365 days a year. The Department of Public Safety liaisons and maintains a cooperative working relationship with local, state, and Federal law

enforcement agencies. The department, which has its own campus-wide radio network, is also linked to outside law enforcement agencies via METRO (the centralized dispatch for police/emergency personnel). The department is augmented by personnel from an outside contract security agency who assist in building and property protection and act as additional “eyes and ears” by reporting suspicious persons or activities and/or potential hazardous situations. In addition, faculty, staff, and students, with assistance from the officers, have formed a “Partnership in Crime Prevention,” which includes maintaining the safety of residence halls and the operation of a campus emergency telephone system.

Department of Public Safety Chief Gilbert Flores points out that the campus is physically open and accessible. However, the overall security of the campus has been enhanced by closing all the “through” streets, thus eliminating all through traffic. Public safety personnel patrol the perimeter of the campus in vehicles and the interior by foot and bicycle. The campus police officers were observed to be highly visible on the campus, very helpful, and engaged with the students.

Chief Flores says that department personnel are also actively involved, as committee members, panelists, and presenters, in the college’s educational and awareness programs on sexual assault, alcohol/drug abuse, self-protection and safety, and the protection of personal and college property. He describes their sexual assault response as “proactive.” Pertinent subject matter is continual published and disseminated campus-wide and to the public at large through pamphlets, leaflets, news releases, films, and seminars, and during each orientation. The Department of Public Safety provides Rape Aggression Defense System (RAD) workshops on campus, and has RAD-certified officers for this purpose. Officers work closely with the residence hall director, on safety issues and meet with the resident assistants on a regular basis. According to Chief Flores, “We keep track of everything from open doors to campus tensions.”

### *Residence Halls*

“Still sort of old-fashioned” is how Resident Housing Administrator Cornelius Jones describes WVSC’s residence life environment, in that there is a strict adherence to rules and regulations and a high level of personal responsibility and accountability. Live-in residence hall directors enforce college policies, rules and regulations pertaining to accessibility, control of visitors and vendors, acceptable occupant behavior, and visitation hours. Additionally, Department of Public Safety personnel conduct frequent walk-through patrols of the residence halls.

There is no separate residence hall or training program for student athletes; they receive the same orientation training and material regarding sexual assault as other students. In addition, according to the athletic director, student athletes are mentored by staff and faculty regarding their responsibilities and personal behavior. Any arrest would result in the student’s removal from a WVSC team until the matter was resolved.

### **III. Sexual Assault Reporting Policy**

Director of Judicial Affairs and Special Programs for WVSC Don Gresby, in describing the school’s response to sexual assault, points to this statement from the General College Rules and Regulations:

“West Virginia State College has the commitment to provide every student and employee with an environment which is not only conducive to working and learning, but is free of any conditions which would negate that commitment.”

According to Mr. Gresby, these policies and procedures are the centerpiece for faculty, staff, administrators, and students in addressing sexual assault and harassment.

The student handbook, *The Buzz*, is provided to all students to acquaint them with WVSC’s rules and regulations. In particular, it provides the phone numbers and locations for campus services, an outline of students’ rights, and an extensive guide for student conduct and disciplinary proceedings.

### *Highlights of the Policy*

- The college takes a collaborative response to victims of sexual assault. Once the Department of Public Safety or any other college authority receives a report of sexual assault, they then coordinate with the counseling center to ensure that the victim receives all appropriate support services.
- Anonymous, confidential, and third-party reports of rape and sexual assault are recognized by the college.
- All residence life staff are trained to respond to sexual assault incidents by counseling staff.
- A disability services counselor is available to assist sexual assault victims who have special needs.

### *Reporting Policy*

WVSC personnel and students are encouraged to report crimes and suspicious behavior or activity directly to the Department of Public Safety. Crime prevention information disseminated on campus states that “any person, to include members of the community, may also (a) report crimes by dialing 911; (b) report incidents to any College official (to include Resident Housing personnel); or (c) report incidents by personally contacting any member of the Department of Public Safety.” Students are further directed to report incidents to Department of Public Safety personnel, the Student Affairs Office, Judicial Affairs, the counseling center, the Residence Life Office, or their residence hall director.

The college maintains a crime prevention hotline described in *The Buzz* as a voluntary, confidential reporting system:

“Any member of the College Community who is a victim or a witness of criminal activity is strongly encouraged to report the incident via the Crime Prevention Hotline by dialing 5555. The caller may identify him/herself and request anonymity or need not identify him or herself. The caller should: (1) Describe the incident; (2) Provide date, time and location of the incident; (3) May provide name of perpetrator, if known, or a description if unknown.

Pastoral or professional counselors receiving confidential information pertaining to criminal activity shall inform their clients of the opportunity to make voluntary, confidential crime reports through the Crime Prevention Hotline.”

Criminal activity statistics are gathered by the WVSC Department of Public Safety and are based on complaints and reports made to the department by victims, witnesses, college officials, and outside law enforcement agencies. In addition, statistics are provided on any off-campus crimes that had an impact on WVSC, even if they were reported to and handled by outside local law enforcement agencies.

WVSC's media plan incorporates both external and internal information for dissemination processes. Patricia Dickinson, director of media relations, says that in covering the college's response to sexual assault, the media network's role is to provide timely and factual information. This relates to both incidents and educational responsibilities. As a matter of policy, WVSC keeps the names of victims from publication.

### *Definitions*

In both *The Buzz* and the annual Campus Crime Statistics Report, definitions for rape are laid out. In *The Buzz*, rape is defined in the following manner:

“Rape: [Committing] an act of sexual intercourse or sexual intrusion without the other person's consent or [engaging] in sexual intercourse or intrusion with another person who would be outside the statutory age of consent for this person's age group.”

The Campus Crime Statistics Report defines rape with standardized definition from the FBI:

“Rape: The carnal knowledge of a person forcibly and/or against that person's will, or not forcibly or against that person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity; or an attempt to commit rape by force or threat of force.”

## **IV. Response and Investigation Procedures**

Once a crime is reported to authorities, the policy directs that appropriate services be coordinated and an investigation initiated. The responding personnel will provide assistance to victim including, if necessary, protective measures, and will direct the victim to the Collegiate Support and Counseling Center. In addition, the victim's academic and living situations can be changed, on request.

Regarding preservation of evidence, the college's policy (from the Campus Crime Statistics Report) directs victims to (1) cooperate fully with authorities by identifying the perpetrator, if known, or giving a full description of the suspect, (2) not shower or change articles of clothing, (3) maintain the integrity of the crime scene by not touching or removing any articles, and (4) cooperate fully in a medical examination by a local physician.

## **V. Adjudication Process**

Mr. Gresby points out that whether or not criminal charges are pressed, the college maintains the legal right to initiate disciplinary action, if the perpetrator is a student or employee of the institution. The first step in the adjudication process is a preliminary review/hearing held by the vice president for student affairs. As a result of this hearing, the vice president may decide to do

one of the following (as listed in *The Buzz*):

1. Dismiss the charges.
2. Take administrative disciplinary action not to include expulsion or suspension, after hearing the case, if it is determined that the conduct is in violation of the College Code.
3. Take administrative disciplinary action of immediate suspension pending a hearing before the All College Hearing Council at the earliest practical date, if the vice president for student affairs finds the individual to be a danger to the college, him- or herself, or others.
4. Make a referral to the appropriate college review/hearing body or committee.

A series of hearing bodies exist at WVSC to review cases, according to their location, severity, and the judgment of the vice president of student affairs. According to *The Buzz* Type Four Behaviors<sup>1</sup>, are directed to the All College Hearing Council, which is composed of students from the Student Hearing Council and faculty or staff appointed by the college president. The All College Hearing Council recommends disciplinary sanctions, which may include suspension or expulsion for a student or termination for an employee.

#### *Due Process*

Due process, as established by college policy and procedures, is under the auspices of the All College Hearing Council. When a student is accused of committing conduct violations, WVSC requires that disciplinary proceedings are consistent with constitutional provisions guaranteeing due process of law, i.e., that a student is given adequate notice of the charges, notification of the time of adjudication, a fair and impartial hearing of those charges, the opportunity to present his or her own defense or have an advisor do so, the right to have his or her own witnesses at the hearing, the right to question his or her accusers, and the right to appeal the decision to a higher authority.

The college's policy for hearing proceedings is described in detail in the student handbook. Hearings are conducted by the chair of the All College Hearing Council. The accused and his or her advisor is allowed to present the accused's case and call witnesses, while a counselor presents the case for the victim. During the hearing, committee members, the counselor, the advisor, and the accused may ask questions at any time. After all witnesses and information have been presented by the involved parties, the Council will discuss the case, decide if the accused is in violation of the College Code, and, if so, determine the appropriate sanctions. The accused and the counselor are present for all open deliberations of the Council, while witnesses are present only during their own testimony.

#### *Criminal Prosecution*

Should a victim elect to press civil charges against the perpetrator, the WVSC Department of Public Safety coordinates the results of the investigation with the Kanawha County Prosecuting Attorney's Office. Appropriate charges are filed at Kanawha County Magistrate Court, and the matter is resolved through due process of the court.

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<sup>1</sup> According to *The Buzz*, Type Four Behavior, the category of prohibited student conduct under which rape and sexual assault fall, is "considered of the utmost gravity by the College and may result in a maximum sanction of expulsion from the College."

## **VI. Disciplinary Procedures and Sanctions**

WVSC disciplinary and sanction policies are described in the student handbook. The college asserts that “the purpose of a sanction, in addition to protecting others, is primarily to educate an individual by increasing his or her awareness of the consequences of conduct violations.” The college acknowledges that the severity of some violations warrant more severe sanctions: “In some instances, however, the community’s need to function properly outweighs the College’s ability to educate an individual. In such a case, for the benefit of both the student and the community, suspension or expulsion from the College may result.”

In the case that an accused student is expelled from the college, the student loses his or her student status and all remaining rights or privileges to receive benefits, recognition, or certification from the college. Suspension from the school is a less severe sanction and involves “separation of the student from the College for a period not to exceed one full academic year.” The college allows for three types of suspension:

1. Probationary suspension: Actual suspension is withheld while the student is carefully evaluated for up to a year. If the student commits another offense during the probationary period, he or she may receive actual suspension from the college.
2. Deferred suspension: Suspension becomes effective at a future date, and the student remains on probationary suspension until that time.
3. Immediate suspension: Suspension from the college is immediately granted when a student’s presence on campus constitutes a serious danger to the college community.

When there is clear evidence that the accused student’s continued presence in the academic community may be detrimental to others, the student may be suspended prior to adjudication.

## **VII. Victim Support Services**

### *Health Care*

The student health clinic deals with minor injuries and illnesses. Gloria Harris, director of health services, reiterates that the clinic’s mission is to promote “health and wellness.” She has not had to respond to any issues related to sexual assault in the past four years. However, she is clear on the clinic’s response and referral responsibilities and coordinates her prevention and education efforts with the other campus services.

### *Mental Health*

The director of the counseling center, Dr. Jenny Fertig, describes the center’s services as “trust based.” All available campus communication mechanisms are used to provide information on counseling services, enhance access to counselors, and build students’ trust in the system. She sees the campus police as first responders to sexual assaults and therefore, by policy and practice, responsible for immediate coordination with the counseling center. Once notified, a counselor

makes contact with the victim and then provides the victim's required counseling needs, coordinating aid from outside agencies, such as the local emergency room rape specialist and Charleston advocacy and mental health services, as needed.

Counselors train the resident assistants to respond to sexual assault. The training includes information on victim's issues, reporting, and referral. The counselors also discuss date rape and sexual assault during presentations at the Healthy Living classes required of all students.

WVSC has on staff a disability services counselor who provides services to all students who have physical, mental, emotional, or learning disabilities. This counselor, along with the multicultural counselor, provides additional linkages and support for victims of crime who have special needs.

### **VIII. Conclusion**

When it comes to the support and protection of students, particularly in response to sexual assault, WVSC successfully melds services with a quality living environment. On the WVSC campus, there seems to be a high level of civility and interest in one another's well-being. This observation was reinforced by casual discussions with students and staff members and by the demonstrated interpersonal activities.