Campus sexual assault: examination of policy and research

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Abstract

Purpose – Campus sexual assault has received a great deal of media attention in recent years, with much focus being placed on the factors unique to universities that enable these crimes to occur. The purpose of this paper is to discuss the circumstances under which these crimes take place and examine the policies of institutions across the USA and Canada to determine whether legislation from various governmental levels impacts the prevalence and incidence rates of sexual assault.

Design/methodology/approach – A review of the literature on sexual assault is conducted to gain an understanding of the contributory factors in campus sexual assault, and fields outside of psychology are included in the search to capture phenomena outside the perpetrator-victim dyad.

Findings – The findings suggest that unique variables exist in campus culture including prevention and intervention strategies put in place by governments and individual universities. Some of these policies are aimed at providing victim services, while others engage faculty, staff, and students in taking action from a bystander standpoint.

Originality/value – This paper also investigates the impacts that mandatory policies would have across North America, and suggests future policy initiatives to reduce the deleterious effects of sexual assault for students and universities alike.

Keywords Sexual violence, Sexual assault, Title IX, Campus sexual assault, Campus culture, University policy

Paper type General review

Introduction

Sexual assault is prevalent in university settings. While male students have reported victimization (Davies, 2002), female students remain at a higher risk of being sexually assaulted, with an estimated 20-25 percent experiencing attempted or completed sexual assault during their university years (Kimble et al., 2008; Krebs et al., 2009; Senn et al., 2014). However, despite the widespread prevalence of sexual violence on university campuses, few individuals actually report their victimization through official channels (Koss, 1988), while another found that less than 5 percent of sexual assault, harassment, or stalking incidents were reported to university officials (Roberts et al., 2016). By contrast, students who have experienced sexual assault do disclose to family members or friends (Roberts et al., 2016) and to surveys.

Research has found that sexual assault negatively impacts many areas of a victim’s life. Medical problems, including chronic illness, sleep disturbance, sexually transmitted infections, and sexual dysfunction, can co-occur with the psychological trauma of sexual violence. The trauma of assault may result in conduct problems such as drug or alcohol use and physical aggression (Vladutiu et al., 2011). As well, individuals may face re-victimization from their social networks due to a lack of support and understanding from the community (Ullman, 1996). These wide-reaching negative effects make it imperative that sexual assault be reduced. However, the gap between its actual incidence and official reporting suggests that university and legal responses to the issue require further change.
Current policy and legislation in the USA

In recent years, there has been an increased focus on developing policies, legislation, and strategies that aim to reduce the incidence of campus sexual assault. Universities and colleges have a history of not fully disclosing information on campus crimes such as sexual assault, but recent legislation has helped prevent these institutions from misinforming students about crime statistics (Brubaker, 2009). One such act in the USA is the Clery Act, which was passed after the sexual assault and murder of a Lehigh University student in her residence building (Quinlan et al., 2016). Formerly known as the Crime Awareness and Campus Security Act of 1990, this act mandates that universities receiving federal aid must collect information about crime, including sexual violence occurring on or close to campus, outline policies that exist to prevent these crimes, and publish an Annual Security Report (Vladutiu et al., 2011). In 2013, Congress passed The Campus Sexual Violence Elimination Act (SaVE), which builds on the Clery Act by including incidents of domestic violence, dating violence, sexual assault, and stalking in their annual crime reports. This act also requires students who report victimization to be made aware of their rights, which include: receiving support from university officials in reporting to law enforcement, obtaining or enforcing a restraining order, and obtaining information about campus and community resources (Schroeder, 2013).

These legislative acts work in conjunction with Title IX, a federal law that prohibits discrimination on the basis of sex in any program receiving federal funding. Sexual harassment and sexual violence are included in this definition because they contribute to an unsafe and intimidating educational environment. Universities are required to appoint a Title IX coordinator who manages complaints, and students are permitted to file grievances against the university to the Office of Civil Rights within 180 days of the alleged discrimination at the Department of Education, if the institution does not take appropriate measures after a crime has been reported (Schroeder, 2013). However, the language of Title IX is limited in some regards, and published documents such as the “Dear Colleague” letter from the US Department of Education offer additional clarification on the matter of sexual assault. The most recent (2011) version of this letter sets procedures that universities must follow upon learning of a sexual assault. It also requires universities to use the “preponderance of the evidence” standard rather than a higher standard like “clear and convincing evidence” to determine the responsibility of the offender in order to comply with Title IX (Weizel, 2012).

Additionally, the “It’s On Us” campaign launched by the President Barack Obama in 2014 promoted awareness of campus sexual assault and encouraged people to engage in consensual sex practices. This campaign also urged individuals to speak up if they noticed an unsafe situation (Roberts et al., 2016). Several government organizations partnered with the White House to bring attention to the prevalence of campus sexual assaults, and attempted to challenge current rhetoric surrounding sexual activity through media and celebrity endorsements. These recent initiatives, whether in the form of campaigns or legislative reform, suggest that perceptions of sexual assault on university campuses are slowly changing.

Current policy and legislation in Canada

A similar campaign was launched in Ontario, Canada in 2015. “It’s Never Okay” was an action plan introduced by Ontario Premier Kathleen Wynne that aimed to tackle sexual violence and harassment from several angles. This initiative required colleges and universities that received public funding to adopt campus-wide sexual violence policies that would be reviewed with students every three years. “It’s Never Okay” led to Bill 132, otherwise known as the Sexual Violence and Harassment Action Plan Act, which sought to improve support services for victims of sexual violence and harassment (Serino, 2015). The Ontario Government also agreed in February 2016 to fund research on collaboration between universities and law enforcement on the management of sexual assault cases (Ministry of Citizenship and Immigration, 2016).

Other provinces have also taken steps to address sexual assault occurring in university settings. In British Columbia, Premier Christy Clark passed legislation in May 2016 that required public post-secondary institutions to create sexual misconduct policies within the next year. This legislation obliged universities to be exhaustive and transparent about the policies that were created (B.C. Premier Christy Clark, 2016). The Manitoba Government passed the Sexual
Violence Awareness and Prevention Act in April 2017 that mandates both public and private institutions to develop procedures to handle incidents of sexual assault (New Manitoba Law, 2017), while Alberta and Nova Scotia have directed universities to create policies but not passed any legislation at the provincial level (Ward, 2017).

It is evident that individual provinces are beginning to require sexual violence policies from their respective universities and colleges; however, no legislation currently exists at the federal level that mandates reporting of crime or sexual assaults for institutions receiving federal funding in Canada. Together, these campaigns and bills aim to reduce the number of sexual assaults that happen in university settings. However, there have been no data on their effectiveness, and campus sexual assault remains a problem for more than merely legal reasons. Campus culture also plays a role in the prevalence of sexual assault at universities.

Unique features of campus culture

Much of the proliferation of sexual violence at universities and colleges can be explained by the dynamics of campus culture. One such dynamic is rape myth acceptance, which refers to a set of attitudes and beliefs that contribute to sexual violence by placing greater responsibility on victims rather than perpetrators. Rape myth acceptance has been found to present in university settings (Aronowitz et al., 2012; Bannon et al., 2013; Sawyer et al., 2002), and this erroneous ideology helps perpetuate false stereotypes surrounding sexual conduct. Indeed, low rates of reporting may be in part due to widely held stereotypes related to sexual violence. Randall (2010) shows that female complainants’ credibility is reduced when they engage in behavior that falls outside the stereotypical expectation of appropriate behavior. This loss of credibility means that females may be less likely to report if they think they will not be believed. Another factor unique to campus life is the high incidence of partying. One study found that women will less confidently identify what happened to them as sexual assault, given the high rates of coercion used by perpetrators of sexual violence, particularly in party settings (Armstrong et al., 2006). This lack of confidence often results in the victim failing to report the incident.

Campus sexual violence also sees a higher prevalence of sexual assault committed by someone the victim knows, otherwise known as “acquaintance rape.” A victim and a perpetrator who belong to the same social network, interact with the same peers, and have mutual friends will be more common in insular campus environments. In such cases, although the victim may not have personal knowledge of the perpetrator and instead be linked by one or two degrees of separation, the perpetrator in this scenario is still distinct from the prototypical stranger assailant who has no connection with the victim. Although researchers stress that sexual assault committed against a person’s will is real whether the assailant is known to the victim or not (Koss et al., 1988), societal views are not currently in line with this academic understanding. The resulting ambiguity may again result in victims being less likely to label the incident as a form of sexual assault. The lack of recognition of a crime being committed may contribute to reduced reporting to university officials and law enforcement (Ward et al., 1991).

Another situational factor increasing vulnerability to assault is the entrance into a culture where peer influence is greater than the influence of faculty and other esteemed adults. When this culture contains problematic norms that often set up gendered expectations of sexual behavior, it can result in certain groups being disproportionately targeted. For example, Sweeney’s (2011) research examined how peer culture influenced decisions about sexual behavior and alcohol consumption. Men who were part of peer structures that encouraged sexual behavior were more interested in meeting women who did not have much awareness of the social landscape in university, and thus were more willing to engage in sexual activity. Indeed, women who attend university are most at risk of being sexually assaulted in their first few years (Gross et al., 2006), suggesting that this kind of peer influence has real and negative consequences. Combining this kind of peer influence with wider cultural permissiveness and even encouragement of sexual activity can also create a problematic atmosphere that bases social status on sexual experience. Interestingly, Sweeney’s (2011) research found that men and women were both aware of a sexual “double standard” where having more experience than same-gender peers granted men status while also negatively affecting women’s status.
Prevention programs

While many of these factors are individually present outside of universities, their confluence and prevalence within campus environments marks them for special attention. Given the various stigmatizing ideologies that campus culture can perpetuate, schools can and should work more to deconstruct these forms of problematic thinking through education and prevention. Such education is important in part because prior knowledge of sexual assault topics may vary wildly between students. It is also important simply because it works.

Research by Senn et al. (2011) found that a sexual assault resistance program for women increased their awareness of their own risk, their confidence, and their likelihood of using self-defense tactics. The authors emphasize the importance of providing comprehensive sexual education so that problematic sexual behaviors can be recognized as such by all students, especially potential perpetrators. In an effort to facilitate learning in an engaging manner, Jozkowski and Ekbia (2015) examined whether students could learn more sex-positive and less assault-supportive lessons by creating and disseminating a video game mirroring the university-life experiences. They found that students overall were less likely to endorse attitudes that were accepting of sexual assault and the surrounding culture after completing the game. Banyard (2014) suggests that semester-long courses that focus on sexual assault prevention education are the most ideal solution as they allow adequate time to deconstruct ideologies surrounding sexual violence that may take a non-chalant or victim-blaming stance toward sexual assault. However, requiring students to take a course of this length would require structural changes within the university. Schools may be more reluctant to comply with long-term courses, and thus shorter-term interventions should also be explored.

Several suggestions for further research and development have been made based on the strength of these results. Jozkowski and Ekbia (2015) suggest developing several sexual assault prevention programs that can be used together, such as the video game program during the first year of studies, while promoting more direct intervention in cases of assault later on. Roberts et al. (2016) suggest greater student inclusion in sexual assault prevention programs and more attention given to students of all gender identities. Finally, one could examine whether the addition of an online tutorial in safe sex practices and consent would help to decrease the rate of sexual assault in first-year students.

A major criticism of universities and colleges in the USA and Canada is that they do not have formally evaluated and empirically supported programs to increase campus awareness of sexual assault (Anderson and Whiston, 2005). Currently, universities are facing a great deal of public pressure to reduce sexual assault on campus and, as such, they may be quick to institute programming or education that has not received a great deal of empirical support. However, limited data on long-term sexual assault rates after the dissemination of such programming have been collected (Senn et al., 2015), and some research suggests that the passage of time makes educational programming less effective (Anderson and Whiston, 2005). This highlights the need for more research to determine whether these types of programs are effective before universities invest time and money into them.

In a randomized control trial, Senn et al. (2015) found that female university students in a sexual assault resistance program were at a lower risk of completed sexual assault than female controls who received brochures. Researchers noted that future interventions should include a greater focus on coercion resistance with acquaintances and intimate partners as sexual coercion was notably reported at similar levels between both groups. This study suggests that such workshops and programs can still be substantively improved to further reduce rates of sexual assault. Universities should keep up with the literature surrounding sexual violence when creating new programs and be willing to improve their current programs if the evidence suggests that changes will create a safer environment for students.

Institutional training

In addition to training for students, it is also important to have education about sexual violence taking place within the university. Offices that handle student misconduct typically deal with plagiarism, cheating, and other academic concerns, and thus are inadequately prepared to deal with sexual assault cases that the university chooses to handle instead of or alongside local law enforcement. University officials should receive training on how to handle incidents of sexual assault in ways that do not minimize victims’ experiences or make it unduly difficult for them to report. One issue surrounding
university adjudication is that it is unclear whether the board handling student misconduct receives training on sexual assault sensitivity, and so students who want to report may encounter officials who do not know how to best approach the situation. Dominant ideologies surrounding sexual assault, which feed into “rape culture,” can easily distort understanding of what statutorily constitutes sexual violence, but officials must be sure to follow the standards of the law when determining the best course of action for the parties involved (Reingold and Gostin, 2015).

Campus cultures dominated by hyper-sexualized, all-male groups (i.e. Greek life, male athletics departments) do not create an environment conducive to open conversations by individuals looking to discuss the realities of sexual assault. Roberts et al. (2016) suggest that universities can remedy this by designating safe spaces on campus where students can talk about campus culture and experiences without the fear of reprisal from perpetrators. Considering the high prevalence of sexual assault, such spaces may be helpful for individuals who are affected by sexual violence to discuss how it has affected them. Such spaces can also set up counter-narratives within the wider university culture.

Interventions

Bystander intervention has received attention in recent years due to its novel approach to preventing sexual assault. Rather than aiming to change the behaviors of the individuals directly involved in an assault (i.e. the victims and perpetrators), bystander intervention involves witnesses to a potentially non-consensual situation by encouraging them to speak up in a non-judgmental manner. Research suggests that students are disinclined to perceive themselves as vulnerable to risk (Weinstein, 1980), but they are more cognizant of when their peers are in risky situations and thus more likely to intervene on another’s behalf. This phenomenon suggests that bystander interventions would be more effective in real-life situations than approaches that ignore contexts and people outside of the perpetrator-victim dyad.

Qualitative findings from Koelsch et al. (2012) reveal that bystander intervention does occur naturally (i.e. in the absence of formal training or education), but perhaps not at the level it should. This study concluded that students are likely to place the bulk of responsibility for protection on the potential victims themselves, even when they are intoxicated, and that barriers such as a fear of reprisal or social awkwardness may prevent bystanders from speaking up. The authors’ solution is to teach students how to approach a challenging situation without casting blame on either party, making it easier for them to speak up in a situation that appears risky.

A study by Burn (2009) revealed that when applying the bystander intervention model to sexual violence, five barriers become apparent. Bystanders are less likely to intercede in any of the following circumstances: if they do not notice the sexual situation, do not recognize the situation as sexually risky, do not assume responsibility for the situation at hand, are ill-prepared to intervene, or experience social pressure that prevents them from speaking up. Men were also found to experience the social pressure more strongly than women (Burn, 2009). This disparity highlights the importance of intervention done by males.

Victim services

An increased offering of both mental health and medical services in university settings can address the concerns of students who would like supportive professional services provided by the institution after a sexual assault has taken place. To this end, Roberts et al. (2016) advocate for the increased presence of certified mental health professionals on campus. Psychiatrists, clinical psychologists, counselors, and social workers can play a beneficial role by helping victims come to terms with their experience. In the USA, a 2012 report of the Association for University and College Counseling Center found that counseling centers are heavily understaffed for the number of students who are looking to receive services, with ratios of 1:664 for small colleges to 1:2731 for larger universities (Reetz et al., 2013). This large ratio can be detrimental for victims who only feel comfortable speaking with counselors but encounter a waitlist of several weeks for the next available spot. Therapies such as trauma-based cognitive behavioral therapy and supportive group therapy, which have been empirically shown to support trauma treatment, can also help students who have experienced sexual assault (Roberts et al., 2016).
Along with increased university presence of certified mental health professionals trained to work with victims of sexual violence, another addition to victim services should be increased institutional funding for women and sexual assault crisis centers. Quinlan et al. (2016) examined both the prevalence of campus sexual assault and women’s centers across Canada and how effective these centers felt they were at providing services to victims of sexual violence or harassment. Results indicate that only 22 percent of universities and colleges had a dedicated center in place. There was a low response rate to the survey sent out by the authors, and respondents from schools with dedicated centers stated that they were chronically underfunded. Taken together, these responses suggest that centers are understaffed and lack the necessary resources to meet the demands of their students (Quinlan et al., 2016), which are becoming more vocal about the prevalence of campus sexual assault and their need for relevant services.

One unique aspect of a crisis center is the presence of the sexual assault nurse examiner (SANE). SANEs, public health nurses trained in collecting forensic evidence from a sexual assault, can also serve as educators about sexual violence. A medical professional who can explain the importance of retaining physical evidence and also liaise between counseling centers, campus safety, and local law enforcement would be of immense benefit to students who do not feel comfortable going to a hospital (Quinlan et al., 2016). Research has also found that improved forensic evidence collection in hospitals (e.g. rape kits) correlates with convictions, which stresses the need for universities to offer victimized students a means to undergo forensic testing (McGregor et al., 2002). However, while services that help with the aftermath of sexual assault are crucial, that does not mean that the development of preventative measures should stop.

Adjudication

When dealing with sexual assault on campus, it is important to look beyond the university for adjudication and punishment. Many institutions involve the criminal justice system to some degree or another, but some may prefer to manage these cases only at the university level. The Family Educational Rights and Privacy Act prevents disciplinary records (under which campus sexual assaults processed through campus hearing boards would be categorized) from being released with student names. This feature allows universities to internally handle cases of sexual assault without releasing any information to the public, which is particularly problematic in the case of a perpetrator who has committed several instances of sexual assault (Reingold and Gostin, 2015). Researchers have found that 7 percent of university men admitted to completed or attempted sexual assault. Of that group, 63 percent admitted to multiple offenses, averaging six victims (Lisak and Miller, 2002). These figures suggest that individuals who have committed acts of sexual violence will likely do so again. Thus, the choice of whether assaults will be processed through the university or the criminal justice system presents a glaring public safety concern. Handling sexual assault cases only at the university level is a poor choice, partly because it makes transparency difficult and partly because it does not allow the criminal justice system to make itself more useful to students. Laws and procedures that ineffectively or improperly deal with sexual assault are left unchallenged if a case is solely handled by a university, and the justice system does not get the chance to improve its services.

Understandably, the criminal justice system has different responsibilities than the university. The criminal justice system determines the best course of action for offenders so that they receive an appropriate punishment for their crimes and do not engage in criminal behavior again, whereas the university’s primary responsibilities are to support its students and maintain a safe and positive atmosphere where learning and academic growth can continue to take place. While schools should take some responsibility for providing services to students, including both preventative and victim care, law enforcement should work hand-in-hand with these institutions to ensure victims receive justice.

Future directions

Currently, many universities in Canada do not have a specific policy outlining actions that the institution takes to prevent sexual violence and offer services to victims. Many policies that do
exist simply refer to the student conduct handbook or policies on sexual harassment, where sexual violence is mentioned briefly or not mentioned at all. In order to protect students, the Canadian Federal Government ought to create legislation that obligates universities to be held accountable for the high number of sexual assaults that happen on campus.

Under the existing legislation, Canadian educational institutions are able to state that sexual assault on their campuses does not occur at the rate that research suggests because these universities have not set up a structure that enables victims to easily report. However, universities should not presume that a lack of reporting indicates a lack of sexual violence. If the proper structures are not in place to make students who have been victimized feel comfortable in reporting, they will not report. This circular logic makes a legitimate reduction in the prevalence of sexual assault difficult and requires pressure from the government in the form of legislation.

In the absence of any such pressure, universities are left to respond to reports of sexual assault on their own, and these responses can widely vary. There is the possibility that the identity of the alleged perpetrator or victim can influence the university’s response to the involved parties, as in cases where athletes or faculty are the perpetrators. Standardized, published policies on how universities handle sexual assault can reduce the bias involved in adjudication. Universities will have to process each report that students make, and assess all situations in a similar manner so as to not prescribe leniency for high-profile male students and harsher punishments for perpetrators of well-known female victims.

Several US states are developing mandatory reporting (MR) policies, which would require university employees to disclose any information they learn regarding a sexual assault to university administration. After university officials are made aware, they convene to determine if the allegation will be sent to the police. Research has found that most students are in favor of MR policies and believe that it would increase rates of reporting, but they do perceive some negative outcomes such as reduced victim autonomy. This finding suggests that victims may be less likely to disclose to faculty and staff if it results in automatic disclosure to the appropriate university officials (Mancini et al., 2016). If this finding holds true, it may have the unintended effect of further reducing the numbers of students who report. However, James and Lee (2015) found that gender and satisfaction with law enforcement best predicted whether students were more likely to report future victimization. Women and individuals who had more satisfactory or positive experiences with the police were more likely to report. Being aware of this pattern may offer a way for universities to increase reporting within their institutions. At the same time, the lack of immediate law enforcement involvement in MR means that those with unsatisfactory police experiences may feel safer reporting in a university environment. Indeed, MR removes the onus from the victim to report the crime to the appropriate authorities; by informing any university employee, the university assumes the responsibility of informing law enforcement. The implementation of MR policies is by no means restricted to the USA, and Canadian provinces could put them into effect for all public institutions.

Conclusion

A recurring theme throughout this paper has been the need for more research in the area of campus sexual assault. Despite an increase in discussions by the public and in the university sphere about sexual assault prevention, overall rates do not appear to be decreasing (Roberts et al., 2016), and further research is needed to find out why. As well, more prevention programs and intervention techniques are needed in order to offer the best possible services to victims. However, before universities can move forward with adding specific programs to their offerings, they will need more empirical support for those programs.

Despite the many gaps in the literature on sexual assault in universities, treating it as an area of inquiry cannot be delayed. Its prevalence is high, and its costs to affected individuals and their peers are immeasurable. Universities have taken many steps in recent years toward dealing with this issue, but there is room to do much more. If universities will not act, then it is the responsibility of policy makers to put forth a legislation that requires them to take greater responsibility for campus sexual assault.
References


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