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

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Table of Contents

Appendices

A. The Student Right-to-Know Act and Campus Security Act of 1990
B. Campus Sexual Assault Victim's Bill of Rights (1992)
C. Matrix of Research Issues and Methodology
D. Coding Instrument for Campus Sexual Assault Policy Material
E. Campus Administrators Survey
F. Focus Group Protocol
G. Focus Group Summaries (3)
H. Field Research Reports (8)

    H.1   Central Washington University, Ellensburg, Washington
    H.2   Lafayette College, Easton, Pennsylvania
    H.3   Lewis & Clark College, Portland, Oregon
    H.4   Metropolitan Community College, Omaha, Nebraska
    H.5   Oklahoma State University, Stillwater, Oklahoma
    H.6   University of California, Los Angeles
    H.7   University of California, Santa Cruz
    H.8   West Virginia State College, West Virginia

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[1]. 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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[1] 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 counter productive 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 statues 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*)[2].

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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[2] 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 incongruency 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)[3]. 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[4], 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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[3] 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.

[4] 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 ±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)
	Stage 1		
8	Historically Black Colleges & Universities (HBCU)	98	98
9	Native-American Tribal Schools (Tribal)	28	28
	Stage 2		
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
		N = 6,733	**n = 2,438**

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

Institution Type	Universal Population % (N)	Study Sample % (n)
Historically Black Colleges and Universities (HBCU)	100.00% (98)	100.00% (98)
Tribal Colleges and Universities	100.00% (28)	100.00% (28)
Public	**27.62% (1,825)**	**29.33% (678)**
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)
Private Nonprofit	**28.25% (1,884)**	**27.16% (628)**
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)
Private for Profit	**37.69% (2,490)**	**32.57% (753)**
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)
Public and Private Nonprofit	**6.18% (408)**	**10.94% (253)**
Less than two year	6.18% (408)	10.94% (253)
TOTALS	**100.02% (6,607)**	**100.00% (2,312)**

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[1]	100.0 (98)	45.9 (45)	44.9 (44)
Native American Colleges and Universities[1]	100.0 (28)	25.0 (7)	32.1 (9)
Total Schools	100.0 (2438)	41.6 (1015)	41.1 (1001)

[1] 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 <u>Policy Materials Response Rates per Wave of Collection</u> [1,2]

Type of School	Wave 1 % (n)	Wave 2 % (n)	Wave 3 % (n)	Other[3] % (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)

[1] One hundred forty-two (5.83%) schools sent us information indicating that they were not eligible to participate in the study.
[2] For 121 schools, additional information came from the school's Web site.
[3] 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)[5]. 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).

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[5] 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 though 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[6].

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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[6] 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 and www.nesl.org, were important sources of information, as were the sites of Security on Campus (www.campussafety.org) and the U.S. Department of Education's Higher Education Center for Alcohol and Other Drug Prevention (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[1] % (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)

[1] 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[7]. Statutory definitions appear to comply with the UCR reporting system so

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[7] 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[1]			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		✓					✓	✓	✓

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

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

State	State Definitions of Rape[1]			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				✓	✓ 4	✓	✓	✓	✓
Pennsylvania	✓	✓					✓	✓	✓
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[1]				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				✓	✓			✓	✓

[1] State definition of rape includes but expands upon elements that constitute FBI definition.
[2] UCR definition of rape not included in state statute.
[3] Includes object penetration but not sodomy.
[4] Includes non-vaginal object penetration.
[5] 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 requirement 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	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; 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; Maintain a written, daily log of all reported crimes including nature, date, time, location, and disposition of complaint, if known; 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; 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.	Publish and distribute through appropriate publications and mailings to applicants, students, and employees; Daily logs open for public inspection within 2 business days	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	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; 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; Public and private colleges: procedures, investigative authority, and geographical boundaries for violent crimes predetermined between campus police and local law enforcement	Public colleges: available within 2 business days after request by students, employees, admission applicants, or the media; Private schools: available by request from students, employees, admission applicants.	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 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	Fines ($500-1500) or imprisonment (30 days) or both	None specified

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

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
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, or 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.

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

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
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[1]

| Type of School | Sent Sexual Assault Policy[2] % (n) | Types of Sexual Assault Mentioned in Sexual Assault Policy | | | | | | | | | |
| | | Used Only Generic Term[3] % (n) | Used Specific Terms[4] | | | | | | | | |
			Penile-Vaginal Rape % (n)	Anal or Oral Penetration[5] % (n)	Other Forms of Vaginal Penetration[6] % (n)	Acquaintance Rape % (n)	Date Rape % (n)	Gang Acquaintance Rape/Date Rape % (n)	Sexual Contact[7] % (n)	Incest % (n)	Other[8] % (n)
All Schools	58.2 (591)	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	82.2 (217)	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	70.4 (138)	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	59.4 (111)	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	39.0 (30)	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	43.7 (31)	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	17.1 (14)	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	32.6 (28)	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	44.4 (20)	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	28.6 (2)	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)

[1] Data source: Content analysis of published sexual assault materials.
[2] 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."
[3] Generic terms include "sexual offense" and "sexual assault."
[4] 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.
[5] Anal or oral penetration by penis, mouth, tongue, fingers, and/or foreign objects are included.
[6] "Other Forms of Vaginal Penetration" include the use of fingers and/or foreign objects.
[7] "Sexual Contact" includes "unwanted touching of intimate body parts."
[8] The "Other" category includes such acts as voyeurism, indecent exposure, nondisclosure of HIV/STDs, and forms of homosexual behavior.

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

Table 3.4
Content of Sexual Assault Policy (SAP)[1,2]

Type of School	Stalking Mentioned in SAP			Sexual Harassment Mentioned in SAP[3]		
	Mentioned % (n)	Not Mentioned % (n)	Separate Stalking Policy[4] % (n)	Mentioned % (n)	Not Mentioned % (n)	Separate Sexual Harassment Policy % (n)
All Schools	1.5 (9)	97.0 (573)	1.5 (9)	19.6 (116)	34.0 (201)	45.9 (271)
Four-Year Public	0.9 (2)	95.4 (207)	3.7 (8)	11.1 (24)	29.5 (64)	59.4 (129)
Four-Year Private Nonprofit	3.6 (5)	95.7 (132)	0.7 (1)	26.8 (37)	26.8 (37)	46.4 (64)
Two-Year Public	0.9 (1)	99.1 (110)	0.0 (0)	22.5 (25)	36.9 (41)	38.7 (43)
Two-Year Private Nonprofit	0.0 (0)	100.0 (30)	0.0 (0)	16.7 (5)	43.3 (13)	40.0 (12)
Two- and Four-Year Private For-Profit	0.0 (0)	100.0 (31)	0.0 (0)	32.3 (10)	54.8 (17)	12.9 (4)
Less than Two-Year Public and Nonprofit	7.1 (1)	92.9 (13)	0.0 (0)	28.6 (4)	42.9 (6)	28.6 (4)
Less than Two-Year Private For-Profit	0.0 (0)	100.0 (28)	0.0 (0)	21.4 (6)	57.1 (16)	21.4 (6)
Historically Black Colleges and Universities	0.0 (0)	100.0 (20)	0.0 (0)	20.0 (4)	35.0 (7)	40.0 (8)
Native American Colleges and Universities	0.0 (0)	100.0 (2)	0.0 (0)	50.0 (1)	0.0 (0)	50.0 (1)

[1] Data source: Content analysis of published sexual assault materials.
[2] Percentages are based on the number of schools that sent their sexual assault policies (n = 591).
[3] Three schools sent only their sexual harassment policies and not their sexual assault policies.
[4] 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[1]

Type of School	Sent Sexual Assault Policy[3] % (n)	Source of Sexual Assault Policy[2]					
		ASR % (n)	Student Handbook % (n)	Both ASR and Student Handbook % (n)	School's Web Site[4] % (n)	Other[5] % (n)	Source Unknown[6] % (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)

[1] Data source: Content analysis of published sexual assault materials.
[2] Percentages are based on the number of schools that sent sexual assault policies (n = 591).
[3] Twenty-seven schools sent information stating that they had no sexual assault policy.
[4] Sexual assault policies were found on the schools' Web sites but were not a part of other documents on the site.
[5] "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.
[6] Schools within this category sent photocopies of sexual assault policies that were copied from a source that could not be identified.

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

49

Table 3.6
Annual Security Report (ASR) and Reported Crime Statistics[1]

Type of School	Sent Requested Materials[2] % (n)	Sent ASR % (n)	Did Not Send ASR[3] % (n)	Source of Statistics[4]		
				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)

[1] Data source: Content analysis of published sexual assault materials.
[2] This includes schools that sent at least one type of the four requested types of materials.
[3] This category includes one Native American College that sent communication that it had no annual security report.
[4] 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[1]

Type of School	Sent Crime Statistics as Part of Annual Security Report[2] % (n)	Years Reported in Crime Statistics[3]		
		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)

[1] Data source: Content analysis of published sexual assault materials.
[2] Percentages are based on the number of schools that responded to our request for information (n = 1,015).
[3] 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[1]

Type of School	Includes Forcible and Nonforcible Sexual Offenses[2]				Defined Offenses[3]			
	Forcible and Nonforcible as Separate Categories[4] % (n)	Forcible and Nonforcible but not per Clery Act[5] % (n)	Only Rape or Rape and Some Other Offense % (n)	Other[6] % (n)	Identified Offenses Within Sexual Assault Categories[7] % (n)	Provided a Definition for the Sexual Assault Categories[8] % (n)	Both Identified and Defined Each Offense within Sexual Assault Categories % (n)	Did Not Identify or Define Offenses within Sexual Assault Categories[9] % (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)

[1] Data source: content analysis of published sexual assault materials.
[2] Percentages are based on the number of schools that sent reported crime statistics (n = 902).
[3] Percentages are based on the number of schools that used forcible, nonforcible, and/or rape categories in their reported crime statistics (n = 735).
[4] The Clery Act states that sex offenses should be divided into forcible sex offenses and nonforcible sex offenses.
[5] This category includes schools that listed forcible and nonforcible sex offenses together and schools that reported only forcible sex offenses or nonforcible sex offenses.
[6] "Other" includes schools that used only generic terms such as "sex offenses," "sexual assaults," and "sexual abuse."
[7] 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.
[8] These schools gave a definition for the categories of sex offenses without listing specific offenses. For example, forcible sexual offenses may be defined as "any unwanted sexual penetration."
[9] These schools only listed forcible and nonforcible sex offenses. There were no examples or definitions for the categories of sexual assault.

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

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 there of). 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[1]

Type of School	School Requires Reporters of School % (n)	Specific Personnel Required to Contribute Data[2]												
		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)

[1] Data source: Survey of campus administrators.
[2] 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.

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

Table 3.10

Collection of Statistical or Anecdotal Information on the Use of "Date Rape" Drugs for Reports Regarding Sexual Assaults[1]

Type of School	School Collects Statistical Information[2]			School Collects Anecdotal Information[3]		
	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)

[1] Data source: survey of campus administrators.
[2] There were 22 campus administrators that did not answer this question. They were not included in calculation of the percentages.
[3] There were 25 campus administrators that did not answer this question. They were not included in calculation of the percentages.

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

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[1]

Type of School	Existence of Sexual Assault Policy		
	School Sent Policy % (n)	School Did Not Send Policy[2] % (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)

[1] Data source: Content analysis of published sexual assault materials.
[2] Of these schools, we could not determine whether they have no sexual assault policy or if they merely did not send it to us.

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

58

Table 3.12
Sexual Assault Policy and Content[1]

Type of School	Policy Goals[2] Goals Stated[3] % (n)	Reference to Those who have Experienced a Sexual Assault[2]				Policy Coverage[2]		
		Only Generic Terms[4] % (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)

[1] Data source: Content analysis of published sexual assault materials.
[2] Percentages are based on the number of schools that sent us their respective school's sexual assault policy (n = 591).
[3] "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.
[4] 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[1]

Type of School	Mention of Contact Procedures[2] % (n)	Statement of Contact[3]		
		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)

[1]Data source: Content analysis of published sexual assault materials.
[2]Percentages based on the number of schools that mentioned whom to contact (n = 624).
[3]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)[8]. 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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[8] 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[1]

Type of School	School Provides Training[2]		Provisions for Training[2]				Who Provides the Training[2]					Resident Assistant Training[3]			Student Security Officer Training[4]		
			Voluntary Attendance	Mandatory for student RAs	Mandatory for Student Security Officers	Don't Know	Faculty or Staff of Institution	Community Agency	Peer Educators or Trainers	Other	Don't Know	Mandatory Due to State Law	Mandatory Due to Institutional Policy	Don't Know	Mandatory Due to State Law	Mandatory Due to Institutional Policy	Don't Know
	% (n)		% (n)	% (n)	% (n)	% (n)	% (n)	% (n)	% (n)	% (n)	% (n)	% (n)	% (n)	% (n)	% (n)	% (n)	% (n)
All Schools	42.4 (424)		51.2 (217)	44.6 (189)	13.9 (59)	9.7 (41)	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	77.2 (125)		57.6 (72)	58.4 (73)	23.2 (29)	3.2 (4)	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	64.6 (117)		37.6 (44)	68.4 (80)	17.9 (21)	4.3 (5)	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	33.0 (61)		65.6 (40)	14.8 (9)	6.6 (4)	16.4 (10)	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	26.8 (26)		30.8 (8)	42.3 (11)	11.5 (3)	19.2 (5)	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	21.9 (23)		65.2 (15)	21.7 (5)	0.0 (0)	4.3 (1)	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	27.7 (26)		46.2 (12)	3.8 (1)	0.0 (0)	34.6 (9)	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	13.8 (17)		64.7 (11)	0.0 (0)	0.0 (0)	11.8 (2)	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	61.4 (27)		51.9 (14)	37.0 (10)	7.4 (2)	14.8 (4)	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	22.2 (2)		50.0 (1)	0.0 (0)	0.0 (0)	50.0 (1)	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)

[1] Data source: Survey of campus administrators.
[2] 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.
[3] Percentages are based on the number of schools that reported having mandatory training for resident assistants (n = 189).
[4] Percentages are based on the number of schools that reported having mandatory training for student security officers (n = 59).

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

Table 4.2
Type of Law Enforcement or Security and Their Sexual Assault Response Training Requirements[1]

| Type of School | Type of Law Enforcement[2] | | | | | Training | Who Provides Training[3] | | | | | |
	Sworn Officers Employed by School % (n)	Private Security Employed by School % (n)	Private Security Employed by Facility Owner % (n)	Local Law Enforcement Agencies % (n)	Other % (n)	SA Response Training Mandatory for Officers % (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)	12.7 (127)	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)	12.3 (20)	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)	16.0 (29)	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)	15.1 (28)	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)	17.5 (17)	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)	6.7 (7)	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)	12.8 (12)	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)	5.7 (7)	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)	11.4 (5)	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)	11.1 (1)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)

[1] Data source: Survey of campus administrators.

[2] One school responded "don't know."

[3] 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[1]

Type of School	Provisions for Training[2]			Who Mandated Training[3]			Who Provides Training[4]		
	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)

[1] Data source: Survey of campus administrators.
[2] Forty-three administrators did not answer this question. They were excluded from calculation of the percentages.
[3] Percentages are based on the number of schools that reported having mandatory training (n = 186).
[4] Percentages are based on the number of schools that reported having some type of training (n = 489).

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

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[1,2]

Type of School	Confidential Reporting % (n)	Anonymous Reporting % (n)	3rd Party Reporting % (n)	Internet Site Report % (n)	Other % (n)
All Schools	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)

[1] Data source: Survey of campus administrators.
[2] 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 then 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[1,2]

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 Legal Support % (n)	Provide Medical Care % (n)	Provide Counseling % (n)	Statement as to Importance of Medical Exam % (n)	Statement as to Importance of Preserving Evidence[3] % (n)	Steps Provided % (n)	General Statement[4] % (n)	Describes Specific Steps that Should Be Taken[4,5] % (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)

[1] Data source: Content analysis of published sexual assault materials.
[2] Percentages are based on the total number of schools that sent us materials (n = 1,015).
[3] A general statement, such as "Urge the preservation of any physical evidence of the sexual assault."
[4] Percentages are based on the number of schools that described steps on how to preserve evidence (n = 408).
[5] "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."

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

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[1]

Type of School	Schools Mentioning at Least One Contact		Criminal Justice Personnel[2]		Counseling/Health Care Personnel[2]				Administration Personnel[2]				Other Contact Personnel[2]			
			Campus Police	Local Police[3]	Student Health Services	Student Counseling	Victim Services	Women's Center	Dean or Director of Students	Generic Administration[4]	Faculty or Staff	Human Resources Services[5]	Friends or Family	Campus Clergy	Campus Housing Services	Other Office[6]
	% (n)		% (n)	% (n)	% (n)	% (n)	% (n)	% (n)	% (n)	% (n)	% (n)	% (n)	% (n)	% (n)	% (n)	% (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)

[1] Data source: Content analysis of published sexual assault policies.
[2] 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.
[3] "Local Police" included (1) city or town police departments, (2) county police, (3) sheriff's departments, and (4) generic mention of police.
[4] "Generic Administration" included (1) administrative offices, (2) administration, (3) the provost, and (4) the chancellor.
[5] "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).
[6] "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[1,2]

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[3] % (n)	Student Health Services % (n)	Student Counseling % (n)	Victim's Services % (n)	Women's Center % (n)	Director or Dean of Students % (n)	Generic Administration[4] % (n)	Faculty or Staff % (n)	Human Resources Services[5] % (n)	Campus Clergy % (n)	Campus Housing Services % (n)	Other Office[6] % (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)

[1] Data source: Content analysis of published sexual assault materials.
[2] 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.
[3] "Local Police" included (1) city or town police departments, (2) county police, (3) sheriff's departments, and (4) generic mention of police.
[4] "Generic Administration" included (1) administrative offices, (2) any administrator, and (3) the provost.
[5] "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).
[6] "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[1]

Type of School	Notification		Third-Party Reporting Statement[2]			Legal/Disciplinary System Statements[3]					
	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)	52.6 (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)

[1] Data source: Content analysis of published sexual assault materials.
[2] This includes reporting by witnesses.
[3] 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[1]

(page 1 of 3)

Type of School	Policy or Procedure: Disclosure of Offender's Rights in Adjudication Process % (n)	Perceived Extent of Barrier to Reporting[2]			Policy or Procedure: Publication of Names of Alleged Perpetrators % (n)	Perceived Extent of Barrier to Reporting[2]			Policy or Procedure: Publicity of Outcome of Campus Adjudicated Cases % (n)	Perceived Extent of Barrier to Reporting[2]		
		No Effect % (n)	Somewhat Discourages % (n)	Strongly Discourages % (n)		No Effect % (n)	Somewhat Discourages % (n)	Strongly Discourages % (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)

[1] Data source: Survey of campus administrators.
[2] Percentages are based on the number of schools that reported having the specific policy or procedure.

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

Table 4.8

Policies and Procedures Perceived by Administrators to Be Barriers to Reporting of Sexual Assaults[1]

(continued, p. 2 of 3)

Type of School	Policy or Procedure: Victims Required to Participate in Adjudication Process % (n)	Perceived Extent of Barrier to Reporting[2]			Policy or Procedure: Designated Mandatory Reporters % (n)	Perceived Extent of Barrier to Reporting[2]			Policy or Procedure: Alcohol Policy % (n)	Perceived Extent of Barrier to Reporting[2]		
		No Effect % (n)	Somewhat Discourages % (n)	Strongly Discourages % (n)		No Effect % (n)	Somewhat Discourages % (n)	Strongly Discourages % (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)

[1] Data source: Survey of campus administrators.
[2] Percentages are based on the number of schools that reported having the specific policy or procedure.

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

79

Table 4.8

Policies and Procedures Perceived by Administrators to Be Barriers to Reporting of Sexual Assaults[1]

(continued, p. 3 of 3)

Type of School	Policy or Procedure — Illegal Drug Use Policy % (n)	Perceived Extent of Barrier to Reporting[2] — No Effect % (n)	Somewhat Discourages % (n)	Strongly Discourages % (n)	Policy or Procedure — Single-Sex-Only Residence Policy % (n)	Perceived Extent of Barrier to Reporting[2] — 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)

[1] Data source: Survey of campus administrators.
[2] 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)[1]

(page 1 of 5)

Type of School	On-Campus Victim Assistance Services Office % (n)	Perceived Effect on Reporting[2] — No Effect % (n)	Somewhat Encourages % (n)	Strongly Encourages % (n)	Campus Law Enforcement Protocols for Responding to Campus SA % (n)	Perceived Effect on Reporting[2] — No Effect % (n)	Somewhat Encourages % (n)	Strongly Encourages % (n)	Coordinated Crisis Response Across Campus and Community % (n)	Perceived Effect on Reporting[2] — 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)

[1] Data source: Survey of campus administrators.

[2] Percentages are based on the number of schools that reported having the specific policy or procedure.

[3] "Anonymous Reporting Options" include Internet-based and third-party options.

Schools Reporting Policies and Procedures Perceived by Administrators to Facilitate Reporting of Campus Sexual Assaults (SA)[1]

(continued, p. 2 of 5)

Type of School	Policy or Procedure: Outreach and Services to Underserved Populations % (n)	Perceived Extent of Facilitating Reporting[2]			Policy or Procedure: New Student Orientation Program Including Sexual Assault Issues % (n)	Perceived Extent of Facilitating Reporting[2]			Policy or Procedure: Designated Mandatory Reporters % (n)	Perceived Extent of Facilitating Reporting[2]		
		No Effect % (n)	Somewhat Encourages % (n)	Strongly Encourages % (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)

[1] Data source: Survey of campus administrators.

[2] Percentages are based on the number of schools that reported having the specific policy or procedure.

[3] "Anonymous Reporting Options" include Internet-based and third-party options.

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

Table 4.9

Schools Reporting Policies and Procedures Perceived by Administrators to Facilitate Reporting of Campus Sexual Assaults (SA)[1]

(continued, p. 3 of 5)

Type of School	Sexual Assault Peer Educators — Policy or Procedure % (n)	Perceived Effect on Reporting[2] — No Effect % (n)	Somewhat Encourages % (n)	Strongly Encourages % (n)	Infusion of Sexual Assault Issues into Curriculum — Policy or Procedure % (n)	Perceived Effect on Reporting[2] — No Effect % (n)	Somewhat Encourages % (n)	Strongly Encourages % (n)	Education Programs Targeted at Athletes — Policy or Procedure % (n)	Perceived Effect on Reporting[2] — 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)

[1] Data source: Survey of campus administrators.
[2] Percentages are based on the number of schools that reported having the specific policy or procedure.
[3] "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)[1]

(continued, p. 4 of 5)

Type of School	Policy or Procedure: Education Programs Targeted at the Greek System % (n)	Perceived Effect on Reporting[2]			Policy or Procedure: Confidential Reporting Options % (n)	Perceived Effect on Reporting[2]			Policy or Procedure: Anonymous Reporting Options[3] % (n)	Perceived Effect on Reporting[2]		
		No Effect % (n)	Somewhat Encourages % (n)	Strongly Encourages % (n)		No Effect % (n)	Somewhat Encourages % (n)	Strongly Encourages % (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)

[1] Data source: Survey of campus administrators.
[2] Percentages are based on the number of schools that reported having the specific policy or procedure.
[3] "Anonymous Reporting Options" include Internet-based and third-party options.

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

90

Table 4.9

Schools Reporting Policies and Procedures Perceived by Administrators to Facilitate Reporting of Campus Sexual Assaults (SA)[1]

(continued, p. 5 of 5)

Type of School	Policy or Procedure — Info and Referral System for Faculty and Staff to Readily Access SA Professionals % (n)	Perceived Effect on Reporting[2] — No Effect % (n)	Somewhat Encourages % (n)	Strongly Encourages % (n)	Policy or Procedure — Campus-wide Publicity of Past Crimes on Campus % (n)	Perceived Effect on Reporting[2] — 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)

[1] Data source: Survey of campus administrators.

[2] Percentages are based on the number of schools that reported having the specific policy or procedure.

[3] "Anonymous Reporting Options" include Internet-based and third-party options.

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

91

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[1]

Type of School	School Has Educational Program(s)[2] % (n)	Types of Educational Programs Available[3,4]							
		General Educational Programs				Educational Programs Specifically for Sexual Assault Awareness			
		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[5] % (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)

[1] Data source: Content analysis of published sexual assault materials.
[2] Percentages based on the number of schools that sent sexual assault materials (n = 1,015).
[3] Percentages based on the schools that indicated they have educational programs (n = 59).
[4] Percentages will not sum to 100%, as schools could have mentioned more than one type of educational program.
[5] Rape Aggressive Defense Programs, include self-defense training.

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

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[1]

Type of School	Schools that Sent Safety and Security Features Info % (n)	Education and Training Programs[2,3]		Residence Hall Features[2,3]		Physical Features[2,3]		Policing[2,3]
		Alcohol and Drug Education Programs % (n)	Resident Assistant Safety and Security Training[4] % (n)	Security Personnel on Duty[4] % (n)	Registration of Overnight Guests[4] % (n)	Lighting and Ground Standards % (n)	Architectural Design Standards % (n)	Adopt a COPP Program[5] % (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)

[1] Data source: Content analysis of published sexual assault materials.
[2] Percentages are based on the number of schools within each type that indicated that they have safety and security features.
[3] Percentages will not sum to 100%, as schools could have mentioned more than one type pf safety and security feature.
[4] Percentages are based on the number of schools that indicated that they have safety and security features and on-campus housing (n = 312).
[5] Campus-Oriented Police Program.
[6] 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.

Campus Sexual Assault: How America's Institutions of Higher Education Respond
98

Table 5.3
Student Notification of Existing On-Campus and Off-Campus Victim-Related Services[1]

Type of School	Notification Given % (n)	Type of Notification[2]		
		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)

[1] Data source: Content analysis of published sexual assault materials.

[2] 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[1]

Type of School	Mentioned at Least One On-Campus Resource[2] % (n)	Criminal Justice[2]		Mental/Health Care[3]				Administration[4]		Other Campus Offices[5]			Other Services[6]			
		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[4] % (n)	Faculty or Staff % (n)	Human Resources Services[5] % (n)	Other Office[6] % (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)

[1] Data source: Content analysis of published sexual assault policies.
[2] Percentages are based on the number of schools that sent any requested information (n = 1,015).
[3] 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.
[4] "Generic Administration" included (1) any administrator, (2) administrative offices, and (3) the provost.
[5] "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).
[6] "Other Offices/Services" include offices of (1) the ombudsperson, (2) the athletics department, and (3) student life.

Campus Sexual Assault: How America's Institutions of Higher Education Respond
101

Table 5.5
Off-Campus Resources Available to Those Who Have Experienced a Sexual Assault[1]

| Type of School | Mentioned at Least One Off-Campus Resource[2] % (n) | Criminal Justice[3,4] | | | Services[3] | | | | | Other[3] | Other Resources[6] |
		Police Agencies[5] % (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)	% (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)

[1] Data source: Content analysis of published sexual assault policies.
[2] Percentages are based on the number of schools that sent any requested information (n = 1,015).
[3] 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.
[4] Note that one school had the public defender's office listed as a resource.
[5] Includes local police and county sheriff's office.
[6] "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 trangendered 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[1]

Type of School	Has at Least One Victim-Related Support Service % (n)	Specific Student Populations[2]					
		Physically Disabled % (n)	Hearing Impaired % (n)	Sight Impaired % (n)	Non-Native English Speaking % (n)	Students Living Off Campus % (n)	Sexual Minority[3] % (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)

[1] Data source: Survey of campus administrators.
[2] 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.
[3] "Sexual Minorities" includes (1) bisexual, (2) lesbian, (3) gay, and (4) transgendered students.

Campus Sexual Assault: How America's Institutions of Higher Education Respond
104

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 PREPETRATOR

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[1]

Type of School	Existence of Procedures[2]					Hearing	Appeals Process		
	Disciplinary Procedures % (n)	Judicial System % (n)	Both Disciplinary and Judicial Terms Used % (n)	Grievance Procedure % (n)	Other Term Used[3] % (n)	Written Description of Hearing Process[4] % (n)	Existence of Appeal Process % (n)	Reasons for Appeal Listed[5] % (n)	Description of Appeal Process[5] % (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)

[1] Data source: Content analysis of published sexual assault materials.
[2] Note that 87 schools implied having a judicial/disciplinary system and then only listed available sanctions (e.g., suspension, probation, fines).
[3] "Other Terms" include (1) conduct policy, (2) lifestyle standards, (3) due process, (4) complaint procedures, (5) honor code, and (6) disciplinary-grievance procedures.
[4] Percentages are based on the number of schools that mention having a judicial system and/or disciplinary procedures (n = 817).
[5] Percentages are based on the number of schools that mentioned having an appeal process (n = 509).

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

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[1]

| Type of School | Has Process to File a Written Complaint[3] % (n) | Where a Written Complaint Gets Filed[2] | | | | | | | | Accused Notified of Written Complaint[7] % (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[4] % (n)	Generic Administrative Office[5] % (n)	Other Office[6] % (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)

[1] Data source: Content analysis of published sexual assault materials.
[2] 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.
[3] There were no specific persons listed to contact within the Office of Student Life.
[4] "Generic Administration" included (1) any administrator, (2) administrative offices, and (3) the provost.
[5] "Other Offices" included (1) university housing, (2) faculty or staff, (3) academic advisors, and (4) human resources.
[6] 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[1]

Type of School	Mention of Where a Written Complaint Gets Filed[2] % (n)	Specific Place Where a Written Complaint Is Filed[3]								
		Judicial or Disciplinary Affairs Office % (n)	Student Affairs Office % (n)	Campus Law Enforcement % (n)	Dean or Director of Students % (n)	Generic Administration[4] % (n)	Office of Student Life % (n)	Human Resources % (n)	Faculty or Staff % (n)	Other[5] % (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)	4.9 (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)

[1] Data source: Content analysis of published sexual assault materials.
[2] Percentages are based on the number of schools that mentioned having a judicial or disciplinary process (n = 817).
[3] 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.
[4] "Generic Administration" included (1) administrative offices and (2) any administrator.
[5] 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[1]

Type of School	Complainant				Accused					
	Mention of Complainant Being Notified of Procedures and/or Outcome[2] % (n)	Only Notified of Procedures[3] % (n)	Only Notified of Outcomes[3] % (n)	Notified of Both Procedures and Outcomes[3] % (n)	Accused Notified of Written Complain[2] % (n)	Accused Notified of Nature of Complaint[2] % (n)	Mention of Accused Being Notified of Procedures and/or Outcomes[2] % (n)	Only Notified of Procedures[4] % (n)	Only Notified of Outcomes[4] % (n)	Notified of Both Procedures and Outcomes[4] % (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)

[1] Data source: Content analysis of published sexual assault materials.
[2] Percentages are based on the number of schools that mentioned having a judicial or disciplinary process (n = 817).
[3] Percentages are based on the number of schools that mentioned notifying the complainant of procedures and/or outcomes (n = 430).
[4] Percentages are based on the number of schools that mentioned notifying the accused of procedures and/or outcomes (n = 583).

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

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[1]

Type of School	Mention of Stage to Determine if Sufficient Evidence of Violation Occurred[2] % (n)	Person Who Determines if there is Sufficient Evidence to Show a Violation Occurred[3]					
		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[4] % (n)	Director or Manager of School % (n)	Other[5] % (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)

[1] Data source: Content analysis of published sexual assault materials.
[2] Percentages are based on the number of schools that mentioned having a judicial or disciplinary process (n = 817).
[3] 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).
[4] "Campus Representatives" include personnel from (1) Student Life, (2) Dean of Students' Office, and/or (3) Judicial or Disciplinary Office.
[5] 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[1]

Type of School	Written Protocol Exists % (n)	Type of Written Protocol									
		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[3] % (n)	Victim Support Service Referrals % (n)	Other % (n)	Don't Know % (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)

[1] Data source: Survey of campus administrators.
[2] 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.
[3] An example of resource sharing is shared medical facilities.

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

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

Heading Composition[1]

Type of School	Mention of the Composition of the Judicial or Disciplinary Hearing[2] % (n)	Composition of Hearing Board[3]									
		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)

[1] Data source: Content analysis of published sexual assault materials.
[2] Percentages are based on the number of schools that mentioned having a judicial or disciplinary process (n = 817).
[3] 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.

Campus Sexual Assault: How America's Institutions of Higher Education Respond
116

Table 6.8
Minimum Number of Judicial or Disciplinary Hearing Participants Required to Hear a Case[1]

| Type of School | Mention of How Many Members Hear a Case[2] % (n) | Minimum Number of Hearing Participants Required[3,4] | | | | | | | | | | | | |
		One % (n)	Two % (n)	Three % (n)	Four % (n)	Five % (n)	Six % (n)	Seven % (n)	Eight % (n)	Nine % (n)	Ten % (n)	Twelve % (n)	Twenty % (n)	Twenty-Four % (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)

[1] Data source: Content analysis of published sexual assault materials.
[2] Percentages are based on the number of schools that mentioned having a judicial or disciplinary process (n = 817).
[3] There may be a higher number of hearing participants. The numbers presented are the minimum number required to hear a case.
[4] 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[1,2]

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[3] % (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)

[1] Data source: Content analysis of published sexual assault materials.
[2] Percentages are based on the number of schools that mentioned having a judicial or disciplinary process (n = 817).
[3] 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[1]

Type of School	Mention of Hearing Being Open to Public[2] % (n)	Condition of Hearings Being Open[3]			
		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)

[1] Data source: Content analysis of published sexual assault materials.
[2] Percentages are based on the number of schools that mentioned having a judicial or disciplinary process (n = 817).
[3] 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[1]

Type of School	Mention of Who Decides If the Accused Has Violated Student Code of Conduct[2] % (n)	Who Decides if the Accused has Violated the Student Code of Conduct[2]				
		Dean or Director of Students % (n)	Generic Administration[4] % (n)	Judicial or Disciplinary Hearing Members % (n)	Judicial or Disciplinary Officer % (n)	Other[5] % (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)

[1] Data source: Content analysis of published sexual assault materials.
[2] Percentages are based on the number of schools that mentioned having a judicial or disciplinary process (n = 817).
[3] Percentages are based on the number of schools that mentioned who decides if the accused has violated the student code of conduct (n = 522).
[4] The "Generic Administration" category included (1) an administrator and (2) a member of upper administration.
[5] 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[1]

Type of School	Mention of Burden of Proof Used in Judicial or Disciplinary Hearing[2] % (n)	Burden of Proof Used in Hearing[3]			Mention of Type of Vote Used in Judicial or Disciplinary Hearing[2] % (n)	Type of Vote Used in Hearing[4]		
		Beyond a Reasonable Doubt % (n)	Preponderance of Evidence % (n)	Other % (n)		Majority Rule % (n)	Unanimous % (n)	Other % (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)

[1] Data source: Content analysis of published sexual assault materials.
[2] Percentages are based on the number of schools that mentioned having a judicial or disciplinary process (n = 817).
[3] Percentages are based on the number of schools that mentioned the burden of proof used in the judicial or disciplinary hearing (n = 183).
[4] 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[1]

Type of School	Mention of Who Decides What Sanctions Will Be Imposed[2] % (n)	Who Decides What Sanctions Will Be Imposed[3]					
		Judicial or Disciplinary Hearing Committee % (n)	Judicial or Disciplinary Officer % (n)	Dean or Director of Students % (n)	School President % (n)	Generic Administration[4] % (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)

[1] Data source: Content analysis of published sexual assault materials.
[2] Percentages are based on the number of schools that mentioned having a judicial or disciplinary process (n = 817).
[3] Percentages are based on the number of schools that mentioned who decides what sanctions will be imposed (n = 458).
[4] 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[3]								
	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[5] % (n)	A Combination of Sanctions May Be Used % (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)

[1] Data source: Content analysis of published sexual assault materials
[2] Percentages are based on the number of schools that mentioned having a judicial or disciplinary process (n = 817).
[3] 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.
[4] Schools in this category mentioned having sanctions but did not specifically list them.
[5] 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.

*"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.[9] 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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[9] 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.

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 junction 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 FACILITORS 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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