Sexual Assault on Campus: What Colleges and Universities Are Doing About It

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This Research for Practice is based on the authors’ congressionally mandated report, *Campus Sexual Assault: How America’s Institutions of Higher Education Respond*, submitted to the National Institute of Justice, October 2002, available online at www.ncjrs.org/pdffiles1/nij/grants/196676.pdf.

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ABOVE THIS REPORT

Sexual assault on the Nation's college campuses has been receiving more attention lately. Schools are not the safe havens they once appeared to be; college women are at higher risk for sexual assault than their non-college-bound peers. Congress has enacted several laws requiring schools to disclose their security procedures, report crime data, and ensure victims' rights. In 1999, it asked the National Institute of Justice to study school compliance with Federal law. The resulting research report provides a comprehensive benchmark of sexual assault policy on the Nation's campuses. This Research for Practice presents key findings from the report.

What did the researchers find?

Sexual assault is widely considered to be the most underreported violent crime in America. Most sexual assaults on campus are committed by an acquaintance of the victim, which explains, in part, why these crimes are underreported. Reporting procedures were a special concern of the study. Individual and institutional barriers to reporting were identified.

Schools are complying with Federal law unevenly. Overall, 4-year and historically black institutions are doing better than other schools. Most schools comply with the requirement to report crime data, but only about a third do so in a way fully consistent with Federal laws. Anonymous reporting, which encourages victims to come forward, is an option at just half of the Nation's schools. Schools also provide basic resources unevenly. Fewer than half the schools studied inform students how to file criminal charges.

These findings show that schools need guidance. The researchers identify promising practices, recommend development of model policies and guidelines, and suggest areas for more research.
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Campus crime in general and sexual assault in particular have been receiving more attention than in the past, and concern has been expressed at the highest levels of government. On the Federal level, Congress responded by enacting several laws requiring institutions of higher education to notify students about crime on campus, publicize their prevention and response policies, maintain open crime logs, and ensure sexual assault victims their basic rights.³ The Clery Act, the most notable of these laws, mandates an annual security report from each Federally funded school (see “Recent Federal Laws on Campus Crime”).

In 1999, Congress asked the National Institute of Justice to find out what policies and procedures schools use to prevent and respond to reports of sexual assault.⁴ The resulting study revealed that schools are making strides

### Recent Federal Laws on Campus Crime

Starting in 1990, Congress acted to ensure that institutions of higher education have strategies to prevent and respond to sexual assault on campus and to provide students and their parents accurate information about campus crime. The major Federal laws pertaining to this study are:

**Student Right-to-Know and Campus Security Act of 1990 (the “Clery Act”*) (20 U.S.C. § 1092).** This law, Title II of Public Law 101–542, requires that schools annually disclose information about crime, including specific sexual crime categories, in and around campus.

**Campus Sexual Assault Victims’ Bill of Rights of 1992.** This amendment to the 1990 act requires that schools develop prevention policies and provide certain assurances to victims. The law was amended again in 1998 to expand requirements, including the crime categories that must be reported.

*The act was renamed in 1998 the “Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act” in honor of a student who was sexually assaulted and murdered on her campus in 1986.
in some areas but must continue efforts to increase student safety and accountability. After summarizing what is known about the nature and extent of sexual assault on campus, the researchers highlighted findings regarding response policies and procedures; reporting options; barriers and facilitators; reporter training and prevention programming; victim resources; and investigation, adjudication, and campus sanctions. The study’s baseline information can be used to measure progress in how institutions of higher education respond to sexual assault.

The scope of the problem

Administrators want their campuses to be safe havens for students as they pursue their education and mature intellectually and socially. But institutions of higher education are by no means crime-free; women students face a high risk for sexual assault.

Just under 3 percent of all college women become victims of rape (either completed or attempted) in a given 9-month academic year. On first glance, the risk seems low, but the percentage translates into the disturbing figure of 35 such crimes for every 1,000 women students. For a campus with 10,000 women students, the number could reach 350. If the percentage is projected to a full calendar year, the proportion rises to nearly 5 percent of college women. When projected over a now-typical 5-year college career, one in five young women experiences rape during college.

Counter to widespread stranger-rape myths, in the vast majority of these crimes—between 80 and 90 percent—victim and assailant know each other. In fact, the more intimate the relationship, the more likely it is for a rape to be completed rather than attempted. Half of all student victims do not label the incident “rape.”

Given the extent of non-stranger rape on campus, it is no surprise that the majority of victimized women do not define their experience as a rape.

These reasons help explain why campus sexual assault is
not well reported. Less than 5 percent of completed and attempted rapes of college students are brought to the attention of campus authorities and/or law enforcement. Failure to recognize and report the crime not only may result in underestimating the extent of the problem, but also may affect whether victims seek medical care and other professional help. Thus, a special concern of the study was what schools are doing to encourage victims to come forward.

**Federal law and the schools’ response**

Institutions of higher education vary widely in how well they comply with Clery Act mandates and respond to sexual victimization. Overall, a large proportion of the schools studied—close to 80 percent—submit the annual security report required by the Act to the U.S. Department of Education; more than two-thirds include their crime statistics in the report. Yet, according to a General Accounting Office study, schools find it difficult to consistently interpret and apply the Federal reporting requirements, such as deciding which incidents to cite in the annual report, classifying crimes, and the like.

Definitions, even of such terms as “campus” and “student,” are often a challenge and contribute to inconsistency in calculating the number of reported sexual assaults. Only 37 percent of the schools studied report their statistics in the required manner; for example, most schools failed to distinguish forcible and nonforcible sex offenses in their reports as required by the Clery Act.

**The issues and the findings**

Congress specified the issues to be investigated (see “Study Design”). Key areas of concern were whether schools have a written sexual assault response policy; whether and how they define sexual misconduct; who on campus is trained to respond to reports of sexual assault; how students can report sexual victimization; what

For definitions and explanation of terminology such as “acquaintance rape,” see Karjane et al., *Campus Sexual Assault: How America’s Institutions of Higher Education Respond*, Oct. 2002, NCJ 196676: 2–3; for an analysis of how colleges and universities define sexual assault, see chapter 3.
In 1999, Congress mandated investigation of nine issues concerning how colleges and universities are responding to campus sexual assault. Most of these issues are discussed in this Research for Practice.\textsuperscript{b}

To collect the mandated information, the researchers studied a random sample of schools in the United States and Puerto Rico that receive student financial aid from the Federal Government and therefore must comply with the Clery Act. Almost 2,500 schools were in the sample, including all Historically Black Colleges and Universities and all Tribal Colleges and Universities. Schools were classified using the U.S. Department of Education’s classification system. Results were reported by school type. The policy analysis was derived from almost two-thirds of the dataset of results from 4-year and 2-year public institutions and 4-year private nonprofit schools.

The researchers used three methods to study how schools are complying:

- Content analysis of the written sexual assault policies of the schools.
- A survey of campus administrators that asked about the issues mandated for study.
- Using 29 criteria, onsite examination of 8 schools found to use promising practices in addressing sexual assault on campus.

The eight schools with promising practices were:

- Central Washington University, Ellensburg, Washington.
- Lafayette College, Easton, Pennsylvania.
- Lewis & Clark College, Portland, Oregon.
- Metropolitan Community College, Omaha, Nebraska.
- Oklahoma State University, Stillwater.
- University of California at Los Angeles.
- University of California at Santa Cruz.
- West Virginia State College, Institute, West Virginia.

Response rates varied by type of institution. Overall, 1,015 schools sent their policies, and 1,001 campus administrators participated in the survey.

Notes


b. A list of the nine issues mandated for study can be found at ibid.: 12–13.
resources are available to victims; and what investigation and adjudication procedures are followed once a report is made. Researchers also examined policies that encourage or discourage reporting and some promising practices (see “Promising Practices” on page 12).

**Definitions of sexual assault**

Although the Clery Act instructs schools to use the FBI’s Uniform Crime Report crime classification system as the basis for their annual statistics, schools may also define forms of “sexual misconduct” in their student code of conduct. Clear behavioral definitions—including definitions of consent and scenarios with nonstrangers—can help victims decide whether what happened to them should be reported to campus or law enforcement authorities. This strategy, used at schools with promising practices, directly challenges stranger-rape myths that disguise the problem and provide a false sense of safety.

Congress asked about the prevalence and publication of school and State definitions of sexual assault. The researchers found:

- States have their own criminal codes; thus, definitions of acts that constitute sexual assault vary.
- Like State definitions, school definitions vary widely.
- A slight majority of the schools studied mentioned acquaintance rape in their sexual assault response policy.

**Sexual assault response policy**

A formal policy that addresses sexual assault on campus is a statement of the school’s commitment to recognizing and dealing with the problem. To meet the intent of the Federal laws, the policy should be widely and easily accessible to students.

Congress asked whether the schools have and disseminate a sexual assault response policy. The researchers found:

- Traditional 4-year public and private nonprofit schools—which educate the majority of students—are the most likely to have a written sexual assault response policy.
About half the schools studied spell out specific policy goals; for example, not tolerating sexual offenses on campus or pursuing disciplinary action against perpetrators. This is more common in 4-year institutions and Historically Black Colleges and Universities (HBCUs).

Who is trained to respond?

Students who are sexually assaulted are most likely to tell their friends first. Research shows that social support from friends—and other “first responders”—can help the victim recognize what happened as a violation of the school’s sexual misconduct policy and potentially a crime and encourage the victim to report it to the authorities. For this reason it makes sense for schools to train students and staff in what to do if someone discloses that she or he has been sexually assaulted.

Congress wanted information about who is trained to respond to sexual assault and how much training is offered. The researchers found:

- Overall, only about 4 in 10 schools offer any sexual assault training. What training is available is usually for resident advisers and student security officers, not the general student population.

- Of the schools that provide training, about half train their faculty and staff in the school’s response policies and procedures.

- Fewer than two in five schools train campus security personnel, even though formal complaints are likely to be reported to campus security. The majority of 4-year public institutions and HBCUs require this training.

How do students report an assault?

If students know what to do in the event of a sexual assault (for example, whom to notify) and what steps the school will take, they are more likely to feel reassured and report to authorities. The probability of reporting is also linked to concerns about confidentiality. Victims may be embarrassed or fear reprisal; and victims who may have been drinking before the assault might fear sanctions.
for violating campus policy on alcohol use. Confidential reporting can be essential in these instances. Some victims prefer anonymous reporting, which allows the crime to be “counted,” while letting the victim decide whether to file an official report.

Congress asked what on- and off-campus reporting options are available to victims and what procedures the schools follow after an assault. The researchers found:

- Although 84 percent of the schools studied offer confidential reporting, only 46 percent offer anonymous reporting.

- Contact procedures are specified in the sexual assault response policies of almost three in four schools, with campus or local police the most frequently named contact.

- Even though almost half of schools with a contact procedure listed a phone number, less than half provide service after business hours.

- Information about filing criminal charges and campus reports is included in the policies of less than half the schools, although, following the pattern, the figures for 4-year institutions are higher.

Prevention efforts and resources for victims

Services for victims are essential, but prevention is also key. Many 4-year colleges and universities offer a variety of educational programs geared to prevention, including rape awareness and self defense. Many schools also offer a combination of on- and off-campus services.

Congress asked what resources are available for victim safety, support, and health. The researchers found:

- About 6 in 10 schools offer safety-related educational programs. Of the programs offered by these schools, 6 in 10 address sexual assault.

- Of the schools that offer general educational programs, less than one-third include acquaintance rape prevention in the program. Even in 4-year public schools, less than half do so.
Only about one-fourth of schools provide residence hall staff with safety training, have security staff on duty in the residences, or require overnight guests to register.

For students who have been sexually assaulted, mental health crisis counseling is the most widely available service.

What discourages victims from reporting?

The small proportion of sexual assault victims who report the offense to authorities attests to the existence of multiple reporting barriers. When schools adopt sexual assault response policies, their goal is to protect victims and the general student population by holding the perpetrator accountable while also protecting the rights of the accused. But any policy that compromises or restricts the victim’s ability to make informed choices about how to proceed may deter reporting. At the individual level, some victims do not initially recognize the assault as a crime, or they have concerns about their confidentiality. Others may not want to participate in adjudication because they want to avoid public disclosure; they are not certain they can prove a crime occurred or that the perpetrator will be punished. Nonstranger rapists are rarely convicted of their crimes.14

Congress asked what policies and practices may prevent reporting or obstruct justice. The researchers found:

- Campus policies on drug and alcohol use have been adopted at three-fourths of the schools studied. At more than half of these schools, administrators say these policies inhibit reporting.

- A majority of campus administrators believe that requiring victims to participate in adjudication discourages reporting; about one-third of schools still have such a policy.

- Campuses may unintentionally condone victim blaming by overemphasizing the victim’s responsibility to avoid sexual assault without balancing messages
stressing the perpetrator’s responsibility for committing a crime and strategies bystanders can use to intervene.

- A trauma response, which may involve high levels of psychological distress, some of it triggered by shame and self-blame, inhibits reporting.

- The desire to avoid the perceived—and real—stigma of having been victimized also inhibits reporting.

**What promotes reporting?**

Because barriers to reporting exist at many levels, a single policy or approach, such as allowing confidential reporting, is inadequate. The optimum approach to encourage reporting would be to combine a number of strategies, including making campus staff more responsive to reports of sexual assault and offering prevention education for the general student population as well as for specific groups.

Congress asked what policies aid in encouraging reporting. The researchers found:

- Services for victims, written law enforcement response protocols, coordination between campus and community, new student orientations, and campuswide publicity about past crimes are seen by administrators as facilitating reporting.

- Administrators at almost 90 percent of the schools studied believe that prevention programs targeting athletes and students in the Greek system encourage reporting. Only about one in five schools offers such programs, however, although over half of 4-year public schools have them.

- As noted earlier, most administrators believe that a policy allowing confidential and anonymous reporting encourages both victims and other students to report assaults.

- Most administrators consider sexual assault peer educators to be conducive to reporting, but only about one in five schools offers this type of program. Again,
4-year public institutions and HBCUs are more likely to have such programs. Although campus administrators believe these policies encourage reporting, few have adopted them.

**Investigating and punishing victimizers**

In responding to and adjudicating reports of sexual assault, schools need to balance the victim’s need for justice with the rights of the accused. Bringing victimizers to justice is made more complex by the dual jurisdiction of campus administration and law enforcement. Sexual assault may be a violation of the school’s sexual misconduct policy, with the accused brought before a disciplinary board or other body to determine his or her responsibility in violating the student code of conduct, but it is also a crime and therefore within the jurisdiction of the criminal justice system to determine guilt.

Congress asked what procedures schools have adopted for investigating sexual assault and disciplining and punishing perpetrators. The researchers found:

- Most reports of sexual assault on campus are dealt with through binding administrative actions, such as no-contact orders.
- An information-gathering or investigative process is used at only one-fourth of schools overall, only one-fourth of 4-year private non-profit schools, and less than half of 4-year public schools.
- Due process for the accused is guaranteed in fewer than 40 percent of schools that have disciplinary procedures.
- In about 80 percent of schools, the body that decides whether the student code of conduct has been violated is the disciplinary board. In just over half the schools, this body also decides what sanction will be imposed.
- The most common penalty is expulsion, imposed by 84 percent of the schools. Many schools suspend offenders or place them on probation. Offenders may
also be censured, required to make restitution, or lose privileges.

- Only about half the schools keep the complainant apprised of the progress of the case; they are far more likely to notify the accused.

- Use of protocols for coordinating the responses of campus and local law enforcement agencies were found to be a promising practice, but only about one in four schools have them, most of these 4-year public institutions and HBCUs.

**Do schools need to do more?**

The study confirmed that there is much confusion among schools about what the Clery Act requires. The fact that only 37 percent fully comply in reporting crime statistics indicates a need for guidance. The researchers recommend development of a policy that includes explicit and behavioral definitions of consent, sexual offenses, and other terminology and practices.

Many schools either do not have a sexual assault response policy or could not provide it for the study. The larger, 4-year institutions and HBCUs tend to have policies, often available on their Web sites, but these vary in clarity and thoroughness. This suggests a model policy could be useful to the schools as a template in developing their own.

More could be done to increase reporting. Practices that are perceived by college administrators to discourage or encourage reporting need to be examined empirically.

Because underreporting may be linked to the victim’s inability to recognize sexual victimization as a violation of the school’s student code of conduct and, further, as a crime, more research is needed into such issues as the perpetuation of stranger-rape myths, the relationship of the victim to the assailant, use of alcohol before the assault, and other contributory factors.
PROMISING PRACTICES

The researchers identified promising practices at eight schools (see “Study Design”) in the areas of prevention, sexual assault policy, reporting, investigation, adjudication, and victim support services. Some examples are included here.a

Prevention

A campus sexual assault education program should include comprehensive education about 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. To reach the entire student body, these messages should be disseminated in many forms, i.e., through student orientation, curriculum infusion, resource center trainings, campus events, and public information materials. For example, Lafayette College’s sexual misconduct policy is communicated to students where they live as well as where they learn, in a kind of “road show.” Much larger University of California, Santa Cruz (UCSC), conducts a weekly saturation campaign of flier dissemination all over campus.

Several schools have peer educators and advocates who present programs that feature scenarios followed by facilitated discussion. Some campuses gear prevention and intervention programs to all-male groups, such as male athletes, fraternity members, and male members of ROTC. These prevention programs 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. For example, UCSC supports a “Mentors in Violence Prevention” program that emphasizes the bystander’s role in violence prevention, in part by using a “playbook” of strategies men can use to interrupt their peers when they believe they may be edging toward criminal behavior.b

Sexual assault policy

A school’s sexual assault policy should be a reader-friendly, easily accessible, and widely distributed statement of the school’s definitions and expectations regarding sexual conduct. The policy should:

- Clearly define all forms of sexual misconduct, including operational and behavioral definitions of what acts constitute consent and what acts constitute a sexual assault.
- Discuss the prevalence of nonstranger sexual assault.
- Describe circumstances in which sexual assault most commonly occurs.
- Advise what to do if the student or someone she/he knows is sexually assaulted.
- List resources available on campus and in the local community.

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Identify a specific person or office to contact when a sexual assault occurs (preferably available 24/7) and when and where to file a complaint.

Strongly encourage victims to report the incident to campus authorities and to the local criminal justice system.

Provide for and list available reporting options, including a confidential option and preferably including an anonymous option.

State the school’s sanctions for violating the sexual misconduct policy.

Provide an official statement prohibiting retaliation against individuals who report rape or sexual assault and specifying the school’s disciplinary actions for retaliation attempts.

Provide an official statement noting the separate actions available to the victim, i.e., reporting; investigating the report; informal administrative actions, such as issuing a no-contact order; formal adjudication on campus; and criminal prosecution.

**Reporting**

All eight schools allow anonymous, confidential, and third-party reporting. Highly recommended are reporting and response policies that allow the victim to participate in decisionmaking, to exert some control over the pace of the process, and to be in charge of making decisions as she/he moves through the campus adjudication and/or the local law enforcement system. Written response protocols ensure a coordinated, consistent, victim-centered response.

For example, Oklahoma State University counsels student victims that reporting an incident, choosing to prosecute, adjudicating a complaint through the University, and filing a civil action are separate steps. Reporting the incident does not obligate the victim to prosecute, but does allow gathering of information. The student chooses whether to move to the next step in the process and is advised of the consequences of each action, what to expect, and how confidentiality will be maintained.

**Investigation**

Protocols to ensure confidentiality for the victim and the accused during the investigation are essential. Also important are protocols for shared collection and use of information to eliminate the need for the victim to retell the experience multiple times.

One of the most promising practices is providing victims access to a trained, certified Sexual Assault Nurse Examiner (SANE). SANE practitioners provide appropriate treatment and forensic examination. Their documentation of evidence can corroborate a victim’s account.

*Continued on page 14*
Many schools offer a range of adjudication options, from informal administrative actions that do not require a formal complaint to a formal adjudication board hearing. Proceedings should follow an established, documented, and consistent format that balances the rights of the complainant and the accused. Sexual misconduct adjudication boards are not criminal proceedings; their purpose is to establish whether the accused is responsible for violating the school’s policy, not to determine the accused’s guilt or innocence.

Victim support services

The most promising practice in this area is the formation of partnerships between the school and the community to provide student victims access to a comprehensive, coordinated network of service providers—medical, psychological, advocacy, legal, and safety. More research is needed to help schools determine which practices are best for their campus and students.

Notes


c. See Karjane et al., *Campus Sexual Assault*: 133–134.


e. For more about adjudication protocols and practices, see Karjane et al., *Campus Sexual Assault*: chapter 6 and 135–136.
Notes


3. These laws affect all institutions of higher education that receive student financial aid from the Federal Government.

4. The study was mandated as part of the 1998 amendments to the Higher Education Act of 1965, Public Law 105–244.

5. Fisher et al., The Sexual Victimization of College Women: 10–11.


Additional reading


Security on Campus, Inc., a nonprofit organization whose mission is safer campuses, maintains information about the Clery Act and other campus security issues. See www.securityoncampus.org.
The National Institute of Justice is the research, development, and evaluation agency of the U.S. Department of Justice. NIJ’s mission is to advance scientific research, development, and evaluation to enhance the administration of justice and public safety.

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