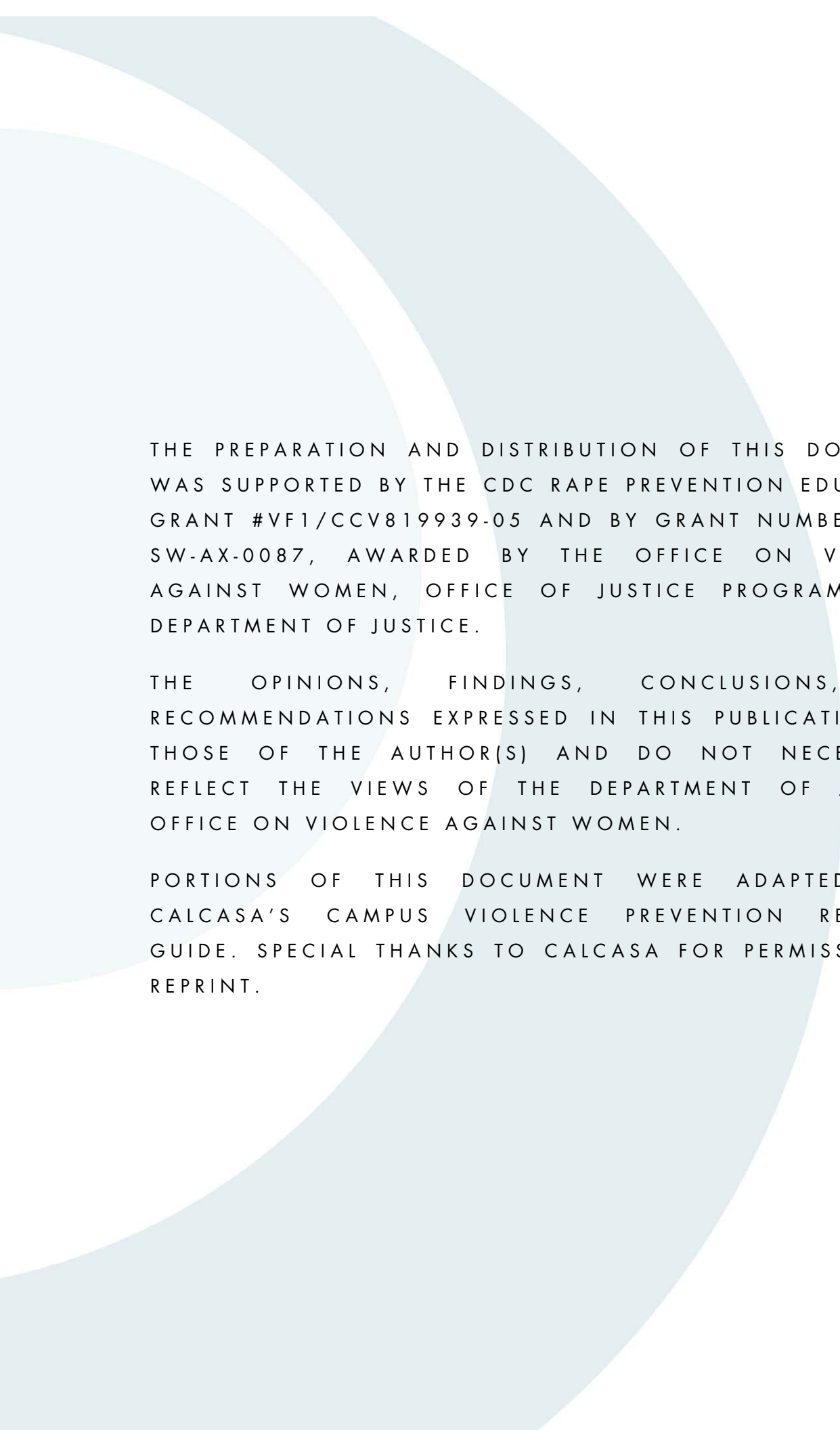


COLLABORATIONS FOR CREATING A
COMPREHENSIVE APPROACH TO
SEXUAL VIOLENCE ON CAMPUS



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Introduction

The U.S. Department of Justice calls violence against women on campuses “a serious, widespread problem.”

Recent surveys have revealed that sexual victimization of female college students has escalated significantly.

Numerous research studies have also indicated that sexual assaults and other forms of violence against women on campus are gravely underreported, suggesting that the problem is far more pervasive than statistics reveal.

This document provides information that can help Utah colleges and universities create a safe campus environment, whether they are developing and implementing new policies and programs or working to enhance existing ones.

In the past few decades, many local and state agencies across the county have developed programs and adopted policies to address the problem of violence against women. In 1994, to enlarge the scope of those efforts, Congress passed the Violence Against Women Act (VAWA).

In accordance with the Higher Education Amendments of 1998, The Violence Against Women Office (VAWO) established the Grants to Reduce Violent Crimes Against Women on Campus Program, which provides an opportunity to bring these critical efforts to college and university campuses.

The Grants to Reduce Violent Crimes Against Women on Campus Program enables institutions of higher learning to develop and strengthen effective security and investigation strategies to combat violence crimes against women on campus.

The Utah Coalition Against Sexual Assault (UCASA) provides technical assistance services to colleges and universities under the Utah Men Against Sexual Violence (UMASV) program.

Creating a violence-free environment requires collaborative efforts by all stakeholders on campus. Working together, the campus community can – and must – make a difference by intervening and ultimately, preventing rape and sexual violence on your campus.

Understanding Your Obligations

The Act states that "rape, acquaintance rape, and other sex offenses, forcible or non-forcible" should all be addressed in campus violence prevention policies.

The mere existence of such programs is not enough.

The intent of the programs and their content must be conveyed to all members of the university community in a clear and consistent manner.

As a result of the 1992 amendments to the Federal Crime Awareness and Campus Security Act (20 U.S.C. Section 1092), every postsecondary educational institution that receives Federal Title IV funding is required to develop and promulgate a sexual assault prevention and response policy.

Ask yourself:

- 1) Does your institution have a sexual violence policy?
- 2) Do you have any formal programming to address the sexual violence policy with students, faculty and staff?
- 3) Do you have any interactive programming to address the campus violence prevention with students, faculty and staff?

Denying the existence of sexual violence on campus is not an acceptable response to your institutions obligation. The Act states that "rape, acquaintance rape, and other sex offenses, forcible or non-forcible" should all be addressed in campus violence prevention policies.

The mere existence of such programs is not enough. The intent of the programs and their content must be conveyed to all members of the university community in a clear and consistent manner. This message should be reinforced at mandatory orientation sessions for students and staff of "life" courses. These courses and sessions provide the greatest probability of exposing everyone on campus to important information.

While no standard public health model of sexual violence prevention exists at present, UCASA collaboration would help create an approach that focuses on the benefits of healthy relationships that includes a communication skills education component, gender role awareness, power in relationships, and mythology about sexual assault. UMASV's male responsibility component would be enveloped in a statement to students that conveys an attitude of zero tolerance toward sexual violence of any nature.

The U.S. Congress legislation mandating that colleges and universities participating in federal student aid programs "prepare, publish, and distribute... to all current students and employees...an annual security report" containing campus security policies and campus crime statistics.

Recognizing violence on campus as a severe problem, the U.S. Congress passed the Student Right to Know and Campus Security Act of 1990. This legislation mandates that colleges and universities participating in federal student aid programs "prepare, publish, and distribute, through appropriate publications or mailings, to all current students and employees, and to any applicant for enrollment or employment upon request, an annual security report" containing campus security policies and campus crime statistics. (20 U.S.C. Section 1092 (f) (1))

Colleges and universities can no longer deceive themselves into believing that learning environments are ivory towers in which violence does not occur or allow the fear that too strong an emphasis on the problem leads potential students and their parents to believe that rape occurs more often at their college than at others to dictate response. There exists a general awareness that women in college are at greater risk for rape and other forms of sexual assault than women in the general population in a comparable age group.¹ Knowing that these crimes are not exclusive to some schools and not others and that the risk should not be an individual burden, potential students may be looking more closely at what the college or university is doing to implement a community and campus based solution to this problem.

Congress amended the Act in 1992 to include the Campus Sexual Assault Victims' Bill of Rights, which requires colleges and universities to:

- 1) Develop and publish as part of their annual security report their policies regarding the awareness and prevention of sexual assaults; and
- 2) Afford basic rights to sexual assault victims.

The Act was amended again in 1998 to include additional reporting obligations, extensive campus security related provisions, and the requirement to keep a daily public crime log.

Note: The 1998 amendments also officially changed the name of the Act to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

¹ Mary P. Koss, Christine A Gidycz, and Nadine Wisniewski, "The Scope of Rape: Incidence and Prevalence of Sexual Aggression and Victimization in a National Sample of Higher Education Students," *Journal of Counseling and Clinical Psychology* 55 (1987): 162-70.

Understanding Legal Obligations

Colleges have a legal duty to warn students of known risks and to provide reasonable protections.² If a crime is foreseeable, then a college can be held liable for not sufficiently protecting against it.

If "rape(s) occur at predictable times and places, the school must make reasonable efforts to prevent a recurrence; and the school may be liable if it fails to deal effectively with repeat student offenders, including rapists, whose conduct eventually results in more damage."³

Additionally, under Utah state law any citizen may be required to report suspicion of abuse and members of college communities are no exception.

So how do you acknowledge the crime and protect your institution and at the same time protect victim confidentiality?

- Understand Mandatory reporting laws for Utah
- Understand and define mandatory reporting for your institution and disseminate this information campus wide
- Meet with UMASV and clarify mandatory reporting laws and the Confidential Communications Act to protect your institution.

Colleges must:

- Create educational programs to promote awareness of rape, acquaintance and date rape and other sex offenses.
- Maintain public police logs of all rapes and other sex offenses, both forcible and non-forcible, which are available within two business days, to the public.

² Finn, P. (1995). *Preventing Alcohol-Related Problems on Campus: Acquaintance Rape – A Guide for Program Coordinators*. Newton, Mass.: Higher Education Center for Alcohol and Other Drug Prevention.

³ Finn, P. (1995). *Preventing Alcohol-Related Problems on Campus: Acquaintance Rape – A Guide for Program Coordinators*. Newton, Mass.: Higher Education Center for Alcohol and Other Drug Prevention.

- Develop and distribute procedures students are to follow if a sexual offense occurs including: whom should be contacted, to whom the alleged offense should be reported, and the importance of preserving evidence, which may be necessary for criminal prosecution.
- Having a policy on notifying "parents, guardians, and local police agencies about students reported missing". They must also disclose their policy for investigating reports of missing students and for cooperating with local police in such cases.
- Have a policy concerning their dissemination of information received from the state on registered sex offenders either enrolled in or employed by the school. The policy would be made to students and employees in a manner consistent with the reporting program of the state in which the school is located. A school would only be obligated to make registry information available if it is provided by the state, and would not be obligated to provide it to parents or others outside the immediate campus community.

Students must:

- Be notified of the rights of the accuser and the accused, known as the Sexual Assault Victim's Bill of Rights.
- Have the same opportunity (accuser and accused) to have others present during a campus disciplinary proceeding.
- Be informed (both parties) of the outcome of the disciplinary proceeding.
- Inform victims of their options to notify, and to be assisted by campus authorities to notify law enforcement authorities.
- Be notified of existing counseling, medical and student services for victims of sexual assault, both on campus and in the community.

- Be notified of options for changing academic and/or living situations after an alleged incident, if reasonably possible to do so and if the victim requests it.

Understanding the Problem

Payson in Utah County, South Salt Lake, Ogden, Salt Lake City and West Valley City are several jurisdictions with rape rates 2 to 3 times those of the state average.

The presence of colleges and universities is frequently found to be related to high rape rates.

Rape is the most common violent crime on American college campuses.⁴ Women ages 16 to 24 experience rape at rates of four times higher than the assault rate of all women, making the college (and high school) years the most vulnerable for women.⁵ It is estimated that almost 25 percent of college women have been victims of rape or attempted rape since the age of 14.⁶

Utah's rape rates represent a major concern among serious violent crimes. Since 1993, Utah's rape rates have been higher than the U.S. average and the average for western states.

Crime rates in Utah for all violent crime, with the exception of rape, are about half the rate (52.3 percent) of violent crime in the United States. Rape represents an important and serious concern in Utah and steps should be taken to determine the nature, extent and causes of this problem. Salt Lake's average rape rate was 54.28 per 100,000 population for a three year average and Utah County had an average rate of 36.77 per 100,000. Both of these jurisdictions had rape rates higher than the 1998 U.S. rate of 36.1 per 100,000.

Payson in Utah County, South Salt Lake, Ogden, Salt Lake City and West Valley City are several jurisdictions with rape rates two to three times those of the state average. The presence of colleges and universities is frequently found to be related to high rape rates.

⁴ Finn, P. (1995). *Preventing Alcohol-Related Problems on Campus: Acquaintance Rape – A Guide for Program Coordinators*. Newton, Mass.: Higher Education Center for Alcohol and Other Drug Prevention.

⁵ Humphrey, S., and A. Kahn (2000). "Fraternities, Athletic Teams and Rape: Importance of Identification with a Risky Group." *Journal of Interpersonal Violence* 15(12):1313-1322.

⁶ Fisher, B., F. Cullen and M. Turner (2000). *The Sexual Victimization of College Women*. Washington, D.C.: U.S. Department of Justice, National Institute of Justice and Bureau of Justice Statistics.

College students are the most vulnerable to rape during the first few weeks of the freshman and sophomore years⁷, emphasizing the need for prevention programs integrated into orientation. Thirty-four percent of completed rapes and 45 percent of attempted rapes take place on campus.⁸ Almost 60 percent of the completed campus rapes that take place on campus occur in the victim's residence, 31 percent occur in another residence, and 10 percent occur in a fraternity.⁹

Only 20 percent of college rape victims have additional injuries, most often bruises, black eyes, cuts, swelling, or chipped teeth.¹⁰ Thus, investigative practices should be modified to obtain more subtle evidence of lack of consent, rather than just use of force.

The more that rape remains a hidden crime, the less incentive that schools have to invest sufficiently in its prevention. Rape results in dramatic and unwelcome publicity for colleges. Administrators try to prevent such victimization by putting cameras in parking garages, running late-night student escort and/or shuttle services, deploying student patrols, placing emergency telephones throughout campus, locking buildings from entering, trimming obstructive foliage, and improving the lighting in dark or less-traveled areas.

The costs of these prevention initiatives far exceed the dollars spent of acquaintance rape prevention, even though acquaintance rape is a much more likely occurrence. Increased reporting – even anonymous reporting – may push colleges to further invest in more effective acquaintance rape prevention.

⁷ Ostrander, C., and J. Schwartz (1994). *Crime at College: The Student Guide to Personal Safety*. Ithaca, N.Y.: New Strategist Publications.

⁸ Fisher, B., F. Cullen and M. Turner (2000). *The Sexual Victimization of College Women*. Washington, D.C.: U.S. Department of Justice, National Institute of Justice and Bureau of Justice Statistics.

⁹ Fisher, B., F. Cullen and M. Turner (2000). *The Sexual Victimization of College Women*. Washington, D.C.: U.S. Department of Justice, National Institute of Justice and Bureau of Justice Statistics.

¹⁰ Fisher, B., F. Cullen and M. Turner (2000). *The Sexual Victimization of College Women*. Washington, D.C.: U.S. Department of Justice, National Institute of Justice and Bureau of Justice Statistics.

Acknowledging the Problem

Traditionally, efforts to reduce violence on campus have focused on what women should or should not do to protect themselves. This approach “places undue burden on women [and] implicitly communicates the condoning of inappropriate behaviors for men.”

Until recently, the response of many colleges and universities to violent crimes on campus has been that of denial or indifference – an attitude which declared, “Violence does not happen here.”

The silence and shame surrounding rape and violence on campus is perpetuated when:

- 1) Concern with safeguarding the school’s reputation compromises the safety and protection of students.
- 2) Rape, sexual assault, dating violence and stalking are not treated as crimes.
- 3) Students are not advised to report to local law enforcement, whereby they might benefit from the campus judicial system and available legal options.

These trends trivialize the serious nature of these crimes and reinforce the message that violence on campus is tolerated.

Traditionally, efforts to reduce violence on campus have focused on what women should or should not do to protect themselves (i.e., risk reduction methods instead of perpetrator-focused prevention programs). This approach “places undue burden on women [and] implicitly communicates the condoning of inappropriate behaviors for men.”¹¹

New strategies are needed that increase the campus community’s awareness of violence on the part of both men and women so colleges and universities can develop a “proactive and preventive response [to violence against women]

¹¹ Juneau Mahan Gary, ed., *The Campus Community Confronts Sexual Assault: Institutional Issues and Campus Awareness*, Holmes Beach, Florida: Learning Publication, Inc., 1994, p. 3.

before assaults occur," and not simply react to violent behavior when it happens.¹²

Working Together with Utah Men Against Sexual Violence (UMASV)

To enhance the credibility of the [violence prevention] message, males must be portrayed as part of the solution, not just the source of the problem.

The responsibility men have for preventing violence must be emphasized but violence must also be reframed and presented not simply as a woman's issue, but as one that also effects men – directly and indirectly.¹³ The involvement of men is essential to solve the problem of sexual assault, domestic violence and stalking.

The Utah Coalition Against Sexual Assault welcomes the opportunity to collaborate with Utah's colleges and Universities to develop violence prevention programs that include men. Efforts to educate men about violence reflect common goals:

- 1) To change conventionally held attitudes and behaviors that promote violence; and
- 2) To give men the tools with which to speak out against violent behavior.

Particularly on college and university campuses, there is a critical need for such dialogue to take place and for the creation of appropriate, effective prevention programming for male students.

The reality is that most men on campus are not perpetrators. It is with these nonviolent male students that prevention education will prove most productive.

- Prevention campaigns can have a real impact on this significant group of men, who, while

¹² Juneau Mahan Gary, ed., *The Campus Community Confronts Sexual Assault: Institutional Issues and Campus Awareness*, Holmes Beach, Florida: Learning Publication, Inc., 1994, p. 3.

¹³ A. McAvoy,, "Talking About Date Rape to Male Students," *Education Digest*, 57, 7, March 1992, p. 42.

they may feel they are in the minority, do in fact, make up the majority of males on campus.

- When messages that stress positive nonviolent social norms are conveyed to male bystanders of campus violence, these men can be encouraged to openly condemn violence against women instead of remaining silent, thereby unintentionally condoning the behavior of the perpetrators.
- Knowing they share values with the majority of other male students, including a respect for nonviolent behavior, will make it more likely that these men will openly condemn the violence they find disturbing and intervene.

Prevention education needs to go beyond depicting all the wrong ways for men to interact with both women and men. The message must focus on the right way to interact and restructure what it means to be masculine. Non-violent male students must be the model of healthy behavior and attitudes to their peers, conveying the idea that they expect the same behavior from other men on campus.

How to Get Started

UCASA proposes:

- A campus wide needs assessment and inventory of resources, with a representative from the administration, campus police, campus centers, and residence halls just to name a few.
- A meeting with UCASA staff and a strategic planning meeting to discuss best approaches and timeline for creating a campus wide protocol

Keeping the roles and responsibilities of each specific college and department, student service, and campus program in mind, we can create a solution that accommodates your office's education and student service priorities, showcases a strong

technical and multi-disciplinary infrastructure, and demonstrates sound policy, protocol, investigation, and responses on campus.

Collaboration with UCASA can assist your college or university:

- 1) Apply for funding through the Office of Justice Program Grants to Reduce Violent Crimes Against Women on Campus
- 2) Enhance existing approaches to sexually violent crimes on campus
- 3) Respond to allegations and instances of sexually violent crimes in an effective, respectful, and appropriate manner
- 4) Prepare students and administrators to handle sexually violent crimes
- 5) Engage students and college departments in prevention, education, and awareness activities on campus
- 6) Reduce sexually violent crimes on campus.

UCASA will offer the following benefits and liability protection:

- Provide an overview and introduction to sexually violent crimes on campus
- Provide information on and an understanding of Utah statute and criminal code as it relates to sexually violent crimes, protocols in response to allegations of sexual violence, and laws protecting services for victims of rape
- Share examples of protocols and approaches being used on campuses throughout the nation
- Guide campus leaders through the process of assessing campus resources, strengths, opportunities, and barriers for implementing sound approaches to sexually violent crimes on campus

- Provide information on multi-disciplinary campus-based teams
- Share additional resources available to campus administration and student leaders
- Debunk myths about sexual assault and support campus staff and students in recognizing and combating bias

UCASA shares the University of Utah's commitment to education and student safety.

Questions to Consider

Setting School Policy

So, you're looking at your current policy . . .

- Who is a mandated report and/or campus security authority?
- Who is responsible for keeping records, and what kinds of records should be maintained? What information should be recorded?
- What does "confidential" really mean? What professions have privileged communication?
- Who should have access to the records? Under what circumstances should information be released?
- What does the college or university do when the victim is a minor? Who has the authority to contact parents, and when and how should they be contacted?
- Will the school's liability insurance cover the violence against women program? What legal and financial responsibility, if any, will the institution assume for assault cases?
- How should inquiries by the campus and local media be handled? Who will be the institution spokes person, and what type of information should be divulged, if any?

- What role should the school play in taking disciplinary action against those charged with acts of sexual violence?

Rape Recovery Response

So, you're looking at your current response . . .

- What is the mission of the campus program? What are its short- and long-term goals?
- Who has been supportive and who has resisted this program? How can the entire campus community be motivated to support the idea?
- Does the campus have the necessary expertise and resources to develop and staff this program?
- What is the scope of the program? Does it include victim support, advocacy, and education? Does it offer hotline and walk-in services, follow-up care, a speaker's bureau? Does it use paid staff, volunteers, or a combination?
- How does the program relate to campus law enforcement, health services, the women's center, counseling services, the administration, and other campus constituencies? How might these relationships be enhanced?
- What community resources exist to support this program, including law enforcement, health services, women's services, etc.? How could additional resources be cultivated?
- What additional steps could the campus community take to enhance the program?
- What kind of evaluation process is needed to ensure quality program development?

Education and Awareness

So, you're looking at improving education and awareness on campus . . .

- Utah Coalition Against Sexual Assault

Pulling It All Together

You will need a copy of the following documents:

- Existing protocol and policies
- Existing interpretation of local, state, and national legislation and relevant guidelines

You may need someone from each of the following programs, departments, colleges, or organizations on and off campus:

- Presidents, chancellors and provosts
- Deans and administrators
- Faculty and teaching assistants
- Judicial affairs representatives
- Resident assistants/resident advisors
- Student government representatives
- Peer educators
- Greeks and athletes
- Health center staff
- Campus and local law enforcement/security officers
- Campus and local rape crisis counselors

Addendum

1990 Student Right-To-Know and Campus Security Act

1994 Final Regulations Student Right-to-Know and Campus Security Act

1998 FERPA Amendments for Campus Crime Disclosures

1998 FERPA Amendments Regarding Alcohol and Drug Violation Disclosures

Balancing Legalism and Developmentalism in Campus Judicial Proceedings

Burden of Proof in Campus Judicial Proceedings

Complying with the Clery Act – The Advanced Course

Crafting a Code of Conduct for the 21st Century Campus

Disciplinary Appeals: Getting Stickier On Campus

Eliminating Force from Campus Sexual Misconduct Policies

Revised Sexual Harassment Guidance

Right to Council in Campus Disciplinary Hearings

Rules of Evidence in Campus Judicial Hearings

Sexual Harassment Guidance

Strikethrough Version of the 1998 Clery Act

The Elements of Campus Judicial Jurisdiction

Title IX Regulations

Title IX and Sexual Misconduct

