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INTRODUCTION



Sexual Violence Response and Prevention: Studies of Campus Policies and Practices

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This special issue under the guest editorship of Bonnie Fisher and Pam Wilcox is the second in a two-issue sequence devoted to examining recent research on sexual victimization on college campuses. The first issue in the sequence consisted of studies largely focused on the prevalence, correlates, service utilization, and disclosure of different forms of sexual violence against the general population of college students and various subgroups (e.g., sexual minorities, racial, and ethnic minorities). This second issue is comprised of articles that examine various issues surrounding the campus policies and practices aimed at sexual violence and sexual harassment response and prevention.

Background of the special issue

Extensive research has been dedicated to estimating the prevalence of sexual victimization occurring at institutions of higher education (IHE). The earliest research by Koss, Gidycz, and Wisniewski (1987) reported the oft-cited “one in four statistic”—that 1 in 4 women who were enrolled in college had experienced some type of sexual violence since the age of 14. Since that landmark study, much effort has been dedicated to providing a more accurate picture of sexual violence on college campuses. One key component of the improved methodology is the use of behaviorally oriented questions, which ask students about specific nonconsensual sexual behaviors. This limits students from self-defining types of sexual violence and rape, which likely contributes to the underreporting of these events on sexual victimization surveys. Research using improved methodology has estimated that approximately 5% to 25% of women experience some form of sexual violence while enrolled in college (Cantor, Fisher, & Chibnall, et al., 2015; Fisher, Cullen, & Turner, 2000; Kilpatrick, Resnick, Ruggiero, Conoscenti, & McCauley, 2007; Krebs et al., 2016; Krebs, Lindquist, Warner, Fisher, & Martin, 2007). One of the most recent large-scale efforts has approximated that 11.7% of all students at 27 institutions of higher education experienced sexual violence since enrolling in college. More specifically, 23% of women; 6% of men; 12% of students who identified as transgender, genderqueer or nonconforming, questioning, or not listed (TGQN); and 13% of students who declined to state their gender indicated they experienced some type of sexual violence while enrolled in college (Cantor et al., 2015). With regard to the prevalence rates different forms of sexual victimization, Krebs and colleagues (2016) found an average of 10.3% for completed sexual violence experienced by an undergraduate female, 5.6% for completed sexual battery, and 4.1% for completed rape during the 2014–15 academic year.

Sexual harassment is also a pervasive problem on college and university campuses. Sexual harassment includes behaviors such as comments about a person’s body, sexual comments, sexual jokes, and continuing to ask a person out on a date after being told “no.” This behavior may occur online or in person (Cantor et al., 2015). Paludi’s (1990) comprehensive work examining the issue of sexual harassment occurring at institutions of higher learning spearheaded interest in researching

this issue. Subsequent studies conducted in the 1990s reported that female college students experience a high rate of sexual harassment perpetrated by professors, athletic coaches, and fellow students (Cortina, Swan, Fitzgerald, & Waldo, 1998; Shepela & Levesque, 1998; Volkwein, Schnell, Sherwood, & Livezey, 1997). Much like the sexual violence research, studies examining sexual harassment have made a concerted effort to improving methodology to improve the reliability of prevalence and incidence estimates (e.g., Coker, Follingstad, Bush, & Fisher, 2016; Hill & Silva, 2005). The most recent large-scale estimate of sexual harassment indicates that that approximately 48% of all college students experience sexual harassment. While female students were the most likely to be sexually harassed, nearly 43% of male undergraduate students reported experiences of sexual harassment. Further, TGQN students had the most reports of sexual harassment (Cantor et al., 2015).

Partially motivated by the results of research such as those summarized previously, the prevention of sexual violence and sexual harassment is at the forefront of safety efforts at colleges and universities. In this special issue of the *Journal of School Violence*, scholars review the current status of sexual violence and sexual harassment prevention and response policies at institutions of higher education. From their efforts, we learned that several barriers exist to reducing sexual violence and sexual harassment on university and college campuses.

First, the definitions of consent, sexual violence, and sexual harassment vary widely across institutions and are often vague or incomplete. Further, even with the Clery Act's *Handbook for Campus Safety and Security Reporting* (U.S. Department of Education, 2016) there is inconsistency between campuses as to which IHE parties are responsible for responding to and reporting sexual violence to the Title IX officer. Second, while the intention of implementing mandatory reporting of sexual violence and sexual harassment was to protect students, several of the authors in this volume identify unintended negative consequences of this practice on victims. Third, the exclusive focus of policy and procedure on victims of sexual violence and sexual harassment is problematic. While there is little question that victims should be the primary focus of research and policy efforts, it is imperative to acknowledge that there are other stakeholders in cases of sexual violence and sexual harassment. The needs and input of accused students, faculty, staff, and victim advocates warrant consideration when addressing and preventing sexual violence and sexual harassment on college campuses. Fourth and finally, the relationship between campus characteristics and effective sexual violence and sexual harassment policy has gone unexplored and underappreciated until the work presented in this special issue. These four themes are discussed in detail in the articles that follow, and after reading this special issue we can be clear about the additional time, resources, and commitment that are necessary to achieve the goals of reducing all forms of sexual violence and sexual harassment on college campuses and providing support and resources to victims.

History of campus-focused policy

Before presenting additional elaboration of the key themes of this special issue, it is relevant to briefly and succinctly describe the history of policy and legislation regarding campus sexual violence and sexual harassment. Spurred by federal legislation, lawsuits, research, and grassroots activity (Fisher, Hartman, Cullen, & Turner, 2002; Sloan & Fisher, 2011), institutions of higher education have developed and implemented a range of various policies and procedures designed to prevent sexual violence and provide assistance and services for victims. Two key pieces of legislation are employed by the federal government to mandate colleges and universities to address sexual violence.

The first piece of legislation is *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act* (Public Law 105-244). Originally titled the *Crime Awareness and Campus Security Act of 1990*, the act was renamed in 1998 to honor Jeanne Clery, who was raped and murdered on the campus of Lehigh University by another student who had broken into her residence hall room to rob it (Janosik & Gehring, 2003). The Clery Act originally required colleges and universities to make public any incidents of Part 1 index crimes as defined by the Federal Bureau of Investigation's *Uniform Crime Report*. Specific to sexual violence, the act was amended in 1992 to

require colleges and universities to develop and implement policies about sexual violence prevention and intervention which were mandates beyond the original incident statistics reporting requirements (Fisher et al., 2002). In 2013, the *Campus Sexual Violence Elimination (SaVE) Act* amended the Clery Act to require campuses to expand reportable incidents to include domestic violence, dating violence, and stalking. Related to these specific types of incidents, the SaVE Act also clarified standards for institutional disciplinary procedures, required education for students and employees, and encouraged collaborations between universities, local and state government agencies, and nonprofit organizations (Wies, 2015).

Title IX is the second article of federal legislation that is relied upon to hold colleges and universities accountable for implementing and delivering policy and procedure addressing sexual violence and harassment on campuses. Passed in 1972, Title IX originally required equal opportunity for men and women in all educational programs that received federal funding (Poertner-Buchanan, 2012). Since its original inception, Title IX has grown to address ten key areas of gender equality in education including access, athletics, career education, education for pregnant and parenting students, employment, learning environments, math and science, sexual harassment, standardized testing, and technology (History of Title IX, n.d.). With regard to sexual harassment, Title IX has been interpreted as a means to protect all students from unwanted sexual behavior on campus that could impede their opportunity to obtain an education. Title IX affords protections to both students who report sexual violence or sexual harassment and students who are accused of sexual violence or sexual harassment. This, in combination with the Clery Act, has resulted in colleges and universities drafting and implementing policies that (a) separate its judicial process from the criminal justice process; and (b) handle sexual violence and sexual harassment differently than in the criminal justice system which includes provisions for advocacy, resources, and treatment (Wies, 2015).

Theme 1: Lack of clarity and consistency in policy definitions

As mentioned previously, there are several themes within the present volume that present challenges and opportunities to improve the legally mandated college and university responses to sexual violence and sexual harassment. The first theme that emerges is that there are unclear and inconsistent definitions within the legislation that informs IHEs and the policies that guide their adjudication processes. Graham and colleagues (2017) examine this very issue by reviewing college and university websites for the words and definitions utilized in sexual violence and sexual harassment policies. While it is encouraging that nearly 93% of colleges and universities provided their sexual violence policy on their websites, the authors report that nearly 13% of these policies did not define the concept of “consent.” They conducted additional content analyses of 10% of their sample to review the definitions of consent that were outlined in policy. Graham and colleagues note that there are multiple components within a suitable definition of consent that make it difficult for IHE to achieve consistency. Of the 30 components that were coded in the analyses, there was a considerable range in the number of components included in consent definitions. Only 14 of 30 components were included in more than 50% of the sample definitions. In other words, the definition of consent included in IHE sexual violence and sexual harassment policies is incomprehensive.

The lack of clear definitions within campus sexual violence policies is further explored by Weiss and Lasky (2017). The authors raise concerns over the behaviors listed in the policies as reportable since many of the reviewed policies are worded vaguely (e.g., sexual misconduct) and critics argue that there are differences between “harmless pranks” and sexual violence, Weiss and Lasky (2017) point out that vague definitions and cultural scripts can substantially reduce the likelihood of student reporting behaviors, particularly those behaviors that can potentially cause them harm. At the same time, students may feel the need to report behavior that is considered mundane and not serious (Weiss & Lasky, 2017). These concerns are punctuated by findings that IHEs are providing rape prevention information that is steeped in rape myths and aimed at potential victims, as opposed to addressing the cultural context of rape (Kafonek & Richards, 2017). In their review of IHE prevention policies, Kafonek and Richards also found

considerable variation in the types of gender-based violence that were targeted for prevention programming. Only two thirds of the IHE's prevention programs included sexual violence, and less than half of them included the additional acts that were required by the SaVE Act to be added to policy (i.e., domestic violence and stalking). Policies that are not clear about which behaviors warrant reporting and who has a responsibility to respond to reports can lead to inaccurate data collection, misappropriated resources, and a failure to provide victims with appropriate services.

Theme 2: The unintended consequences of mandatory reporting

Another policy related issue is the requirement that IHEs designate mandatory reporters who must advise their Title IX offices of any reports of sexual violence or sexual harassment disclosed to them by students. The work in this volume indicates that there is little consistency in classifying IHE employees as mandatory reporters, and that in at least one instance an IHE designated the campus victim advocates mandated reporters (Brubaker & Mancini, 2017). This is problematic because the primary role of a victim advocate is to provide confidential services to victims. Weiss and Lasky (2017) identify the designation of faculty as mandatory reporters as cause for concern. Students sometimes confide personal issues to faculty members whom they trust as part of the relationship-building process. The research in this volume concludes that requiring victim advocates and faculty members to report disclosure of sexual violence deprives students of an additional confidential resources.

A second recurring theme in this volume is the unintended consequences of mandatory reporting on victims. For example, Harper, Kirkner, Maskaly, and Lorenz (2017) explore the potential impact of Title IX and mandatory reporting on both victims and accused students. They contend that mandatory reporting takes control away from victims, who no longer have a choice in whether or not to report a sexual violence to the Title IX office once they disclose to a mandatory reporter. Respondents in Brubaker and Mancini's (2017) qualitative study indicate they are concerned mandatory reporting will discourage people from reporting sexual violence because of the additional loss of control or unanticipated consequences. Weiss and Lasky (2017) also share this concern as they contend that mandatory reporting contributes to secondary victimization. The authors argue that a written policy prohibiting retaliation does not in effect prevent it from occurring. Further, victims expect to remain part of the campus community after reporting sexual violence and sexual harassment, but the reporting action does not always immediately and clearly lead to a happier or more cohesive community. Harper and colleagues (2017) further argue that despite rules about what information can be used in adjudication hearings victims are often harmed in this process by inappropriate questioning and lenient punishment of offenders found responsible for sexual violence.

Theme 3: Lack of inclusion

A third theme evident across the articles included in this special issue is the lack of an inclusive approach to understanding and responding to sexual violence and sexual harassment on college campuses. Many stakeholders (i.e., alleged perpetrators, advocates, and mandatory reporters) have been omitted from the policy-making process. Harper and colleagues (2017) point out that respondents in sexual violence cases are sometimes targeted by fellow students for sexual harassment, which may be a violation of their Title IX rights to an education. In addition, they argue there is little to no guidance on what constitutes 'preponderance of the evidence,' which is the burden of proof used in the student judicial process. This may lead to inconsistent applications of this standard within and across universities, adversely impacting both victims and students accused of sexual violence.

The perspectives of advocates and mandatory reporters also go unheard and subsequently unaddressed in campus sexual violence and sexual harassment policies. Brubaker and Mancini (2017) administered a survey to victim advocates and university personnel in effort to discover opinions of the newly adopted mandatory reporting requirements in the state of Virginia. Respondents consistently expressed concern and frustration that they were not included in the creation of policies and processes to

govern the actions that occur when a sexual violence is reported. These stakeholders were concerned about the potential for further loss of control by victims, but they also expressed concern about decreased confidentiality, the impact on marginalized communities, and a lack of training for campus personnel. From this theme of exclusive policy, it is clear that federal and state legislation dictate what must be done in accordance with IHE policy for sexual violence and sexual harassment. In turn, campus administration interprets that legislation in a way that can be translated to practice and procedure. This has resulted in a lack of consideration for victims, alleged perpetrators (who are often times also students) and the staff and advocates who provide the critical support for victims.

Theme 4: The importance of campus context

Finally, the fourth theme found in this volume of work is the influence of campus characteristics on the existence, comprehensiveness, and effectiveness of sexual violence and sexual harassment policy and procedure. In their review of IHE websites, Graham and colleagues (2017) report that campus demographics such as size, geographic location, being public or private, and percentage of female students are related to the existence of sexual violence and harassment policies. Related, Boyle, Barr, and Clay-Warner (2017) focus on the relationship between campus characteristics related to feminism and university reporting of sexual violence as required by the Clery Act. Through analyses of data from 407 top-ranked U.S. universities, they reported that campuses with a more visible female presence as measured by having gender-based antiviolence activism groups, a women's center, and a women or gender studies program have higher reporting rates than campuses without a visible female presence. Additionally, having a female president was particularly influential on the reporting of sexual assaults. As a further illustration of the importance of campus climate as it relates to the issue of sexual violence, Brubaker and Mancini (2017) reported that several campuses did not participate in their study because administrators were hesitant to share Title IX and Clery information with them, citing "tension" around the issue. The identification of campus characteristics that are positively (or negatively) associated with effective policies is just one mechanism for prompting cultural and procedural change to better respond to reports of campus sexual violence and sexual harassment.

Conclusion

The articles presented in this volume represent an important logical next step in analyzing the response of IHEs to sexual violence and sexual harassment. Inconsistency in the definitions of what constitutes sexual violence or sexual harassment, the unintended consequences of mandatory reporting, the lack of inclusiveness in the development of policies, procedures, programs, and the impact of the campus climate on policy and practice are key points for future research. The use of evaluative research methods to analyze college sexual violence and sexual harassment policies and procedures is practically nonexistent and should be given more attention by the federal government, the Department of Education, colleges and universities, and academics. It is prudent to invest in evaluation research to better insure that time, money, resources, and effort are not being used ineffectively. Further, the goal is to establish evidence-based practices for preventing and responding to victimization on college campuses, including sexual violence and sexual harassment. The importance of this goal cannot be understated: victims of these acts need to receive the assistance and services to which they are not only legally entitled, but are also ones that effectively and completely address their present needs to prepare them for their future.

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