

## Clinical and Program Note

# Sexual Violence on the College Campus: A Template for Compliance With Federal Policy

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**Abstract. Objective:** The author introduces a template, the Model Policy for the Prevention and Response to Sexual Assault, to assist institutions of higher education to benchmark campus policy compliance with federal laws directed at sexual assault. The author presents a detailed review of policy criteria recommended by the National Institute of Justice. The author proposes 2 unique criteria not found in the National Institute of Justice report for consideration for a comprehensive campus sexual assault policy. **Conclusion:** The template provides an inclusive system to benchmark campus sexual assault policies. Conforming to the template provides compliance with federal laws and demonstrates that the campus fosters a climate that does not tolerate sexual violence.

**Keywords:** campus sexual assault policy, campus sexual violence, college health, sexual assault

Violence against women includes sexual assault and is a serious problem on the campuses of institutions of higher education (IHE).<sup>1</sup> The incidence of sexual assault documented by Koss, Gidycz, and Wisniewski<sup>2</sup> over 15 years ago remains unchanged despite various policies, legislation, and prevention programs.<sup>3</sup> Additionally, previously silent problems such as the occurrence of stalking and interpersonal violence are now being identified on college campuses at rates similar to community incidence.<sup>4</sup>

There are unique situations on college campuses that complicate the issues surrounding sexual victimization. The victim may continue to live in fear after the assault as the perpetrator may live in the same residence hall or attend the same classes. Revictimization is common when classmates or friends of the perpetrator discover that the victim is pursuing legal action through the college or local police.<sup>5</sup> The

majority of assaults are committed by someone known to the sexual assault victim, yet campus climates continue to foster the belief that sexual assault primarily involves violence committed by a stranger.<sup>6,7</sup>

### Background

Prior to 1987, the National Crime Survey (NCS) reported that sexually violent crimes, such as sexual assault, were infrequent crimes and the rarest of NCS measured violent offenses.<sup>2</sup> The groundbreaking study by Koss, Gidycz, and Wisniewski<sup>2</sup> found that the incidence of sexual assault reported at IHE in the past 6 months was 38 per 1,000 women. These startling statistics were corroborated by subsequent studies which found that 1 in 4 college women reported to researchers they had been sexually assaulted during their lifetime, and 1 in 5 college women reported experiencing a sexual assault during their college years.<sup>6,8-10</sup> The NCS police-based reports were found to account for less than 5% of all sexual assaults.<sup>2</sup> Despite efforts designed to respond to the prevalence of sexual assault in the community and on college campuses, the incidence of sexual assault has not declined, though nationally other violent crimes have declined.<sup>7</sup>

Prior to 1988, less than 4% of American colleges publicly reported crime that occurred on their campuses. In response to a movement generated by the family of Jeanne Clery, a student who was brutally tortured, raped, and sodomized in her dormitory room, Pennsylvania passed legislation requiring mandatory reporting of crime on Pennsylvania IHE campuses. Public persistence with leadership by the Clery family demanded action on a national level. Federal response included several laws initially formulated in 1990 as the Student Right-To-Know and Campus Security Act. The 1990 Act was amended in 1992 and again in 1998, when it was titled the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics.

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In 1999, Congress responded to the public's concern over the incidence of sexual assault on college campuses by mandating that the National Institute of Justice (NIJ) assess IHE compliance with the Clery Act. Specifically, the NIJ explored IHE adherence to federal laws that require IHE to (1) make public their on-campus crime statistics, (2) publicize prevention and actions designed to respond to crime, (3) institute crime logs, and (4) demonstrate that the rights of victims of sexual assault are preserved. The resulting NIJ study published in 2005 identified 9 parameters as essential components for assessing compliance of IHE sexual assault policy with the federal laws.<sup>10</sup>

### Significance

Sexual assault is a crime primarily against women and youth, and the incidence on college campuses is not declining.<sup>10</sup> The unremitting prevalence of sexual assault among college women indicates a need for careful reflection by the IHE regarding policies related to the deterrence of sexual violence on campuses. Examining institutional policies that are designed to protect college students from crime may lead to improved effectiveness in combating the crime on campus. A comparison and self-evaluation for effectiveness and completeness of an IHE sexual assault policy can be accomplished by use of the recommendations obtained from the NIJ report in the format of the presenting template (see the Appendix for the Model Policy for the Prevention and Response to Sexual Assault template.)

The template outlines the 9 parameters identified within the NIJ report essential for determining federal law compliance. Meeting the template criteria indicates that an IHE sexual assault policy comprises (1) a definition of sexual assault that includes verbal and behavioral definitions of consent and sexual assault, (2) specifics of a sexual assault policy, (3) who is to be trained to respond, (4) methods for students to report assault, (5) prevention efforts and victim resources, (6) review for methods or policies that prevent reporting, (7) methods or policies that encourage reporting, (8) methods for investigating and punishing victimizers, and (9) an area that contains methods to evaluate effectiveness of current policies, including methods that enhance reporting.

Campus sexual assault policies must reflect a zero-tolerance response toward sexual violence against faculty, staff, and a diverse student population. Sexual violence may be directed toward men and women, lesbian, gay, and transgendered persons, cultural and religious minorities, and persons with disabilities.

### Template Parameters

The following discussion summarizes the critical areas identified by the NIJ that an IHE policy must contain to comply with the federal laws. Achieving these 9 parameters demonstrates the IHE commitment to promoting a campus climate that does not tolerate sexual violence.

#### Definition of Sexual Assault

The NIJ recommends the policy contain clear behavioral definitions that include explanations of consent to sexual

activity and descriptive scenarios involving sexual assault with non strangers.<sup>10</sup> The rationale for the scenarios is to help combat the misperception that the most common type of sexual assault is a blitz attack, perpetrated by a stranger who inflicts severe physical harm on the victim.<sup>11</sup> The consistent lack of reporting of campus sexual assault is found to be directly related to victims not having a clear definition of sexual assault. The lack of a clear understanding of what constitutes sexual assault causes victims not to see themselves as a victim of the crime.<sup>5</sup>

#### Specifics of a Sexual Assault Policy

The NIJ calls for IHE policy to clearly state the commitment of the institution to the recognition and management of sexual assault. A sexual assault policy meets the intent of the federal laws by openly acknowledging and dealing with the problem of sexual assault on the college campus. Steps taken to widely distribute the policy along with the ease of policy accessibility in the campus community affirm IHE support of the policy.

#### Who Is to Be Trained to Respond?

The NIJ recommends that an IHE policy should provide training for students, faculty, and staff that would detail what to do if someone discloses a sexual assault to them. Research in the area of victim reporting finds that victims of sexual assault initially inform a friend before reporting the assault to anyone else.<sup>5</sup> The NIJ advises adequate assistance for the victim is more likely if the initial contact by the victim is familiar with the importance of helping the victim recognize that he or she is a victim of a crime and needs to report the crime to an authority. The NIJ finds it equally important that the initial contact encourage the victim to obtain medical care.<sup>10</sup> In addition, the NIJ proposes that resident assistants and resident-life coordinators be well informed of the policy and trained in how to respond to a victim.

#### Methods for Students to Report

The NIJ advises the need for the IHE sexual assault policy to demonstrate an awareness of the diverse factors surrounding sexual assault and the components essential to support the victim. The victim is more likely to report if the victim is aware of what to do in the event of a sexual assault, of what the school will do in response to the assault, and the school's confidentiality practices.<sup>10</sup> It must be clear that confidentiality and anonymity of the report will be maintained. Alcohol use is a major factor associated with sexual assault by an acquaintance.<sup>12,13-15</sup> The under age alcohol use or use of alcohol in restricted areas may be addressed in other IHE policy and lead victims to choose not to access help or report sexual assault.<sup>6</sup> The IHE response to these factors in the policy is critical to victims seeking aid.

#### Prevention Efforts and Victim Resources

The NIJ report notes that resources are essential to ensure victim safety, support, and health. In addition, IHE needs to demonstrate strong support for the elimination of sexual violence from the college campus by providing related

services and prevention efforts. The NIJ report summarized promising prevention efforts that were identified on IHE campuses participating in the study. Although some programs appear promising, the NIJ noted that more research is needed in this area because of the lack of evidence that present interventions resulted in the decline of sexual assault on campus.<sup>10</sup>

### Present Methods and Policies That Prevent Reporting

NIJ studies reveal obstacles to a victim reporting a sexual assault. These factors include the victim's lack of knowledge of who to notify, what steps the IHE will take following a report and the extent of confidentiality, and the victim's fear concerning reprisal by the perpetrator and sanctions they may face if alcohol was involved. Other factors identified as reasons for victims not reporting to IHE authorities include victims' concern that the authorities will not believe them and fear that family and friends will find out.<sup>5,9,16</sup>

### Methods and Policies That Encourage Reporting

The NIJ recommends that IHE policies and actions demonstrate a commitment to support a victim to come forward for help. Included in the plan must be measures that remove blockades to victim reporting. The policy and methods to implement the policy should (1) affirm the emotional trauma a victim experiences with services available to aid the victim with this trauma,<sup>17</sup> (2) provide for the safety needs of the victim by coordinating with on- and off-campus services, (3) demonstrate a legal system that is sympathetic to the victim's needs through written law-enforcement protocols, (4) offer essential medical services, (5) educate the campus on the needs of a victim of sexual assault in new student orientation programs and prevention programs directed at Greek organizations and athletics, and (6) assure confidentiality for the victim.<sup>5,9,10,16</sup>

### Investigating and Punishing Perpetrators

The NIJ outlines the need for IHE sexual assault policy to include set procedures to investigate sexual assault and specific sanctions to discipline and punish perpetrators. A balance must be defined that protects the rights of the victim and the accused. For proper implementation of the policy, methods to address the dual jurisdiction between the school and the community law enforcement must be evident.

### Further Recommendations

The NIJ report summarizes that a comprehensive sexual assault policy must provide for a record that readily documents the implementation of the policy and the effectiveness of the policy. Periodic review that the methods outlined in the policy are current and in fact support the victim to become a survivor is also essential.

To enhance the comprehensive nature of the IHE policy, provisions for education in the approach and care of a victim of sexual assault should extend to the campus police officers. Recruitment of individuals to train as advocates from departments where survivors may be more likely to disclose and seek assistance is an important consideration. The departments

where survivors may initiate contact and, where trained advocates are extremely advantageous, include Women's Centers, International Cultural Centers, Offices of Disability Services, Student Life departments, and Greek Affairs.

### Consideration of Additional Parameters

Although the recommendations contained in the NIJ report are essential to demonstrate compliance with federal laws, two additional parameters are recommended for IHE consideration. The recommended parameters address the financial costs a victim faces when receiving care after sexual assault and the victim's need for a trained campus advocate to provide support and knowledge on and off campus.

The Penn State University (PSU) policy is based on the Clery Act as outlined by the NIJ recommendations. In 1999, PSU opted to refine and expand the PSU policy to address the ramifications of financial costs facing a victim seeking health care and the victim's need for a specially trained campus advocate.

The PSU policy demonstrates a strong commitment to addressing sexual assault by providing care for the victim that includes physical, emotional, and legal care at no financial charge to the victim. The PSU policy addresses supporting the victim's access to community resources and additionally recommends a University representative be designated as the victim's advocate. According to the PSU policy, the advocate would provide crisis counseling, assist with academic concerns, and accompany the victim to legal proceedings, thus reducing the strain and potential confusion the victim may feel during an unfamiliar experience. This individual is usually a member of the psychological counseling staff.

### Conclusion

The template, Model Policy for the Prevention and Response to Sexual Assault, provides a comprehensive system for IHE to use as a benchmark for their sexual assault policies. The addition of financial support for the care of the victim and a campus victim advocate provides a comprehensive standard that is recommended for inclusion by IHE sexual assault policies. The presented template outlines a plan that supports survival beyond victimization. However, the ultimate goal is for the IHE to take responsibility for creating campuses that are safe havens for students to live, learn, and work without the threat of sexual violence.

### NOTE

To review the information contained in the Pennsylvania State University Sexual Assault Policy, please refer to <http://guru.psu.edu/POLICIES/Ad12.html>.

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<b>APPENDIX</b>		
<b>Model Policy for the Prevention and Response to Sexual Assault Template</b>		
Parameter/criteria	Identified within IHE policy	
	YES	NO
I. Definition of sexual assault includes:		
A. Explanation of consent		
B. Descriptive scenarios of sexual assault including nonstranger sexual assault		
C. Definition of terms		
II. Design of the sexual assault policy incorporates:		
A. Clear statement of commitment to deter sexual assault		
B. Provisions for public acknowledgement of commitment		
C. Identified methods for policy distribution to campus community		
D. Ease of policy accessibility to entire campus		
III. Provisions for training for:		
A. Resident assistants and resident coordinators		
B. Students, faculty, and staff		
IV. Methods to support student reporting include:		
A. Information about what students are to do if sexually assaulted		
B. IHE response to a report of a sexual assault		
C. Plan to protect victim confidentiality		
D. Availability of anonymous victim reporting		
E. Clear response if victim has violated alcohol or drug policy		
V. Prevention efforts and resources for victims		
A. Published availability of resources that support:		
1. Sexual assault prevention programs		
2. Campus safety within residence halls		
3. Campus safety on campus		
4. Victim's health and on-campus forensic services		
5. Victim's mental health		
VI. Identification of methods/policies that prevent reporting		
A. Annual evaluation of students' knowledge of:		
1. Who to notify when a sexual assault has occurred		
3. IHE response to a sexual assault		
4. IHE policy for victim confidentiality		
5. IHE policy for victim protection		

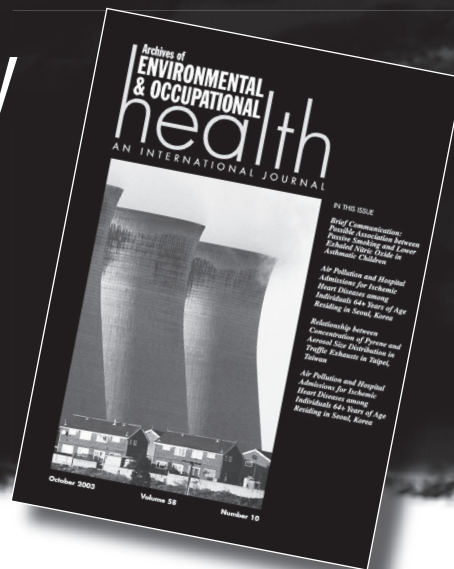
*(appendix continues)*

**APPENDIX (Cont.)**

Parameter/criteria	Identified within IHE policy	
	YES	NO
6. IHE response to victim's use of illegal drugs or under age alcohol consumption		
VII. Encourage victim reporting with inclusion of methods that:		
A. List services to aid victim		
B. Demonstrate victim safety		
C. Outline campus law-enforcement protocols		
D. Provide for health needs of the victim		
E. Outline prevention education for the campus community		
F. Show strong visible commitment to assure victim confidentiality		
VIII. Guidelines to investigate and punish perpetrators include:		
A. Methods to address dual jurisdiction		
B. Set procedures for investigating sexual assault		
C. Identified procedures for discipline and punishment of perpetrators		
IX. Policy demonstrates:		
A. Public record documenting IHE implementation of the policy		
B. Record of assessment of effectiveness of policy		
C. Record of policy implementation		
D. Periodic review for currency of policy		

*Note.* IHE = institutions of higher education.

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