

Campus Sexual Assault in the United States

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Recent studies on sexual assault in the college and university communities have found that US female college students are at a higher risk of being victims of sexual assault than US women in any other age group – four times as high.¹ In fact, “rape is the most common violent crime on college campuses today,” stated the US Department of Justice.²

In 2002, the U.S. Department of Justice added the term “party rape” to its lexicon, establishing a distinct type of rape that falls under the acquaintance rape umbrella.³ Acquaintance rape of US female college students is a common form of rape – 90% of all victims know their assailant.⁴ However, the popularity of the term “date rape” is inappropriate, as most campus rape (87%) takes place in various on- or off-campus locations and not on or at the end of a date.⁵ Party rape, on the other hand, is defined as occurring in “an off-campus house or an on- or off-campus fraternity” and is associated with “plying a woman with alcohol or targeting an intoxicated woman.”⁶ Though party rapes are considered acquaintance rapes, victims need not necessarily know the perpetrators by more than sight or a general familiarity.⁷

The connection between US campus rape and alcohol use is a growing and problematic area of study. Studies show that about 50% of US college sexual assaults involve alcohol use on the part of the victim, the perpetrator, or both.⁸ 81% of cases involved both the victim and the perpetrator having consumed alcohol.⁹ However, the presence of alcohol does not show that alcohol “causes” sexual assault by any means; there are many possible complicating variables at work, including personality, past history of sexual abuse, and perceptions about the “types” of women who drink alcohol.¹⁰ These studies merely establish patterns in sexual assault that takes place on or off college campuses.

Though sexual assault on the US college campus is a serious problem, it is infrequently and inconsistently reported – U.S. Bureau of Justice Statistics states that rape is the most underreported of all violent crimes.¹¹ There are many reasons that sexual assault victims choose not to bring charges against perpetrators, but one may be that it is very difficult to provide sufficient evidence. To that end, in April 2011, US Vice President Biden and US Department of Education Secretary Arne Duncan released updated guidelines for how colleges and schools should respond to allegations of sexual assault.¹² These guidelines stated that in order to comply with federal [Title IX](#) regulations, schools should judge cases based on a “preponderance of the evidence” standard rather than the stricter “clear and convincing evidence” standard previously used.¹³ Activists hoped that these guidelines would increase momentum for the “Campus Sexual Violence Elimination Act,” ([H.R. 6461](#)) which would have required that sexual violence prevention programs be given on college campuses. This version of the bill was proposed in the 110th Congress but died in committee. It has been reintroduced to the current session of Congress as H.R. 2016, and was referred to the House Committee on Education and Workforce in May 2011.¹⁴

College and university communities foster an atmosphere of rape culture that promotes rape myths and encourages victims to be silent about their experiences – so much so that fewer than 5% of campus sexual assaults are ever reported to law enforcement.¹⁵ Another barrier to reporting exists in victims' hesitancy to describe their experiences as sex crimes - in many cases because they fear university-imposed retribution or retaliation from a perpetrator they know – an area where colleges and universities must work to improve.¹⁶ A 2009 study conducted by the Department of Justice found that in some cases, college administrators participated in victim silencing by encouraging victims to keep quiet about their charges and occasionally threatening punishment for victims who brought their cases to the attention of law enforcement.¹⁷ The study also showed that many colleges utilize informal negotiations between students via a school administrator, and sometimes hosted “mediation” between the victim and perpetrator in the same room. Vice President Biden and Arne Duncan’s newly-released Title IX guidelines explicitly state that such mediation is inappropriate.¹⁸ The guidelines also contain language (“If the complainant requests confidentiality or asks that the complaint not be pursued, the school should take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation.”) that has led some school officials to suggest that they retain the option to “do nothing” should the victim “choose” not to pursue charges.¹⁹ Given the pressure that victims are likely to face from schools, which are aware of the negative press such reports would draw, as well as from peers and the perpetrators themselves, victims of campus sexual assault may be unfairly influenced to elect to not pursue an investigation.²⁰ To be consistent with the intention of the guidelines, as well as to comply with federal law, school officials must always investigate incidences of rape and sexual assault.

Current college assault prevention programs are inadequate, and under reporting has likely given college administrators a false sense of security about the safety of their own campuses.²¹ Acknowledging the widespread and persistent nature of the problem is an important step in beginning to combat sexual assault in higher education. Finally, colleges must insist upon full accountability for perpetrators and consider the safety of women students to be their top priority.

¹ Burnett, Amy.; Mattern, Jody L.; Herakova, Liliana L.; Kahl Jr., David H.; Tobola, Cloy; Borsen, Susan E. (2009). “Communicating/Muting Date Rape: A Co-Cultural Theoretical Analysis of Communication Factors Related to Rape Culture on a College Campus.” *Journal of Applied Communication Research*, 37 (4), 465-485.

² Sampson, Rana. “Acquaintance Rape of College Students.” Community Oriented Policing Services, U.S. Department of Justice. August 2003.

³ Armstrong, Elizabeth A.; Hamilton, Laura; Sweeney, Brian. (2006). “Sexual Assault on Campus: A Multilevel, Integrative Approach to Party Rape.” *Social Problems*, 53 (4), 483-499.

⁴ Sampson, Rana.

⁵ Sampson, Rana.

⁶ Armstrong, Elizabeth A et al.

⁷ Armstrong, Elizabeth A et al.

⁸ Abbey, Antonia. “Alcohol-Related Sexual Assault: A Common Problem among College Students.” *Department of Community Medicine, Wayne State University*. 2002.

⁹ Abbey, Antonia.

¹⁰ Abbey, Antonia.

¹¹ Bureau of Justice Statistics. "Rape and Sexual Assault."

<http://bjs.ojp.usdoj.gov/index.cfm?ty=tp&tid=317>

¹² Sieben, Lauren. (2011). "Education Department Issues New Guidance for Colleges' Sexual-Assault Investigations." *Chronicle of Higher Education*, 57 (32).

¹³ Sieben, Lauren.

¹⁴ WashingtonWatch.com. http://www.washingtonwatch.com/bills/show/112_HR_2016.html

¹⁵ Burnett, Amy et al.

¹⁶ Fisher, Bonnie et al. "The Sexual Victimization of College Women." *National Institute of Justice*. December 2000.

¹⁷ Fisher, Bonnie et al.

¹⁸ Sieben, Lauren.

¹⁹ Murphy, Wendy. "Investigate Campus Sex-Assault? It's a Must-Do." *Women's E-News*. August 2011.

²⁰ Murphy, Wendy.

²¹ Fisher, Bonnie et al.