



Sexual Violence on Campus:

An Analysis of Sexual Assault Policies on Minnesota Campuses

April 29, 2011

Authored by Jen Kaltveit

Minnesota Women's Consortium
Equality and Justice for All Women and Girls
550 Rice St St. Paul, MN 55104
651-228-0338 www.mnwomen.org



Table of Contents

Introduction.....	2
Sexual Assaults at Colleges and Universities.....	3
Federal Law.....	4
Minnesota Campus Policies.....	5
Definitions.....	5
Responses of the Institution.....	6
Resources.....	7
Conclusions.....	8
Suggested Reading.....	9
About the Consortium.....	11

Sexual violence is a social problem for every person living in the world. While acts of sexual violence are disproportionately directed at women, men and children are also victimized. Sexual violence exists in every culture and is perceived and handled in a variety of ways. In the United States, much progress has been made in terms of recognizing, combating, and preventing sexual violence. However, the problem persists and is especially relevant to those individuals attending a college or university. Statistics show that college women are at a high risk for sexual violence victimization, which makes the policies, responses, and resources at colleges and universities particularly important.



SOME BASICS¹

- 1 in 6 women will be sexually assaulted in their lifetime
- 1 in 33 men will be sexually assaulted in their lifetime
- 73% of rapists are known to the survivor
 - Of that 73%:
 - 38% are a friend or acquaintance
 - 28% are an intimate partner
 - 7% are a relative

*Rape is the **Most** Underreported Violent Crime*

There are several reasons why survivors might choose not to report an attack. The social tendency to “blame the survivor” or attribute partial responsibility based on their actions during the assault or their choice of clothing can be emotionally devastating. If a person chooses not to resist (often to protect themselves from increased harm) or wears “revealing” clothing society often claims they were “asking” to be assaulted or should have taken more precautions to prevent the incident. Additionally, some survivors might not initially recognize the episode as sexual assault. This reaction is more likely in cases of date/acquaintance rape or rape by an intimate partner (i.e. boyfriend/girlfriend/spouse). Similarly, in cases where the survivor knows the attacker the survivor might be unwilling to publically accuse, therefore label, that individual as a sex offender.

Reactions to Sexual Assault

Survivors of sexual assault experience a wide range of emotional and physical maladies in response to the incident. Posttraumatic Stress Disorder (PTSD) is common among survivors. According to the National Center for Victims of Crime², “nearly one-third of all rape victims develop Rape-related Posttraumatic Stress Disorder sometime during their lifetimes, and more than eleven percent still suffers from it.” Reactions to sexual assault often depend on the victim’s background, kind of force used, relationship of the offender to the victim, age, etc. The Minnesota Coalition Against Sexual Assault reports, “most victims experience levels of fear, anger, self-blame, depression and anxiety that can be exhibited

¹ Rape Abuse and Incest National Network. *Statistics*. 12 Apr. 2011. <<http://www.rainn.org/statistics>>.

² The National Center for Victims of Crime. *Rape-related Posttraumatic Stress Disorder*. 12 Apr. 2011. <<http://www.ncvc.org/ncvc/main.aspx?dbName=DocumentViewer&DocumentID=32366>>

both emotionally and physically. Difficulty sleeping and concentrating, nightmares, flashbacks, emotional numbing are all common reactions to sexual assault.”³

SEXUAL ASSAULTS AT COLLEGES AND UNIVERSITIES

- College women are four times more likely than any other group to be sexually assaulted. ⁴
- In 50% of college sexual assaults, either the survivor or assailant had been drinking alcohol.⁵
- In one study, one in 20 (4.7%) women reported being raped in college since the beginning of the year - a period of approximately 7 months - and nearly three quarters of those rapes (72%) happened when the victims were so intoxicated they were unable to consent or refuse.⁶



Rape Supportive Attitudes

Rape supportive attitudes are pervasive in mainstream American culture and contribute to the incidence of sexual assaults on college campuses (and elsewhere). Essentially, rape supportive attitudes are beliefs that do not directly promote rape but when acted upon constitute rape. Some examples of rape supportive attitudes are: “Your partner is required to have sex with you because you are in a relationship;” “once you say ‘yes’ you cannot say ‘no;” the expectation of sex or sexual activity based on appearance; and the expectation of sex or sexual activity because money was spent on another person, often in the form of a date. While these attitudes persist across age groups they are generally most strongly embraced by those who fall in the high school and college age ranges.

Alcohol and Drugs

Alcohol use is linked to sexual assaults on college campuses for several reasons. Young men and women often see alcohol as a social facilitator because consumption relaxes the system and lowers inhibitions. These effects are dangerous because communication becomes unclear and thought processes disrupted. It is not uncommon for offenders to zone in on victims that are heavily intoxicated and thus may be unable to verbally or physically resist. Offenders then argue that lack of resistance is equivalent to consent, which it is not. The presence of alcohol may also cause authorities to question the validity of the accusation – simply because the victim was intoxicated. Alcohol is also a prime way to administer “date

³ Minnesota Coalition Against Sexual Assault. *About Sexual Violence*. 12 Apr. 2011. <<http://www.mncasa.org/about.html>>

⁴ Rape Abuse and Incest National Network. *Statistics*. 12 Apr. 2011. <<http://www.rainn.org/statistics>>.

⁵ Abbey, A. (2002). “Alcohol Related Sexual Assault: A Common Problem among College Students.” *Journal of Studies on Alcohol*, Supplement 14: 118-128

⁶ Mohler-Kuo, Meichun, Dowdall, George, Koss, Mary, and Wechsler, Henry. “Correlates of Rape While Intoxicated in a National Sample of College Women.” *Journal of Studies on Alcohol*. 65: 37-45. 2004.

rape” drugs to victims. Rohypnol (roofies) is the most commonly used date rape drug. It physically and mentally incapacitates victims and causes memory loss.⁷

FEDERAL LAW

In 1990, Congress enacted two laws to ensure colleges and universities have strategies to prevent and respond to sexual assault on campus. The laws require schools to provide students and their parents accurate information about campus crime.

Student Right-to-Know and Campus Security Act of 1990 (also known as the Cleary Act). This law, Title II of Public Law 101-543, requires schools to annually disclose information about crime in and around campus. This includes specific categories on sexual crimes.

Campus Sexual Assault Victims' Bill of Rights of 1992. An amendment to the Cleary Act, this law requires schools to develop prevention policies and provide certain assurances to victims. This law was amended in 1998 to expand these requirements.

A 1999 Department of Justice study found that while schools are compliant with federal law in some areas, they must continue efforts to keep students safe. Findings from the study include:

- Four year and historically African-American institutions are doing better than other schools.
- While most schools are compliant with the requirement to report crime data, only a third are fully consistent with federal law.
- Only half the schools offer anonymous reporting as an option.
- Few than half the schools inform students how to file criminal charges.⁸



The study also noted that many schools do not have sexual assault response policies or were unable to provide it for the study. In addition, the researchers noted that many policies lacked clarity.

According to the study, practices that move schools toward better compliance include:

- Prevention- Schools should provide comprehensive education to dispel rape myths.
- Sexual Assault Policies- Policies should be accessible, easy to read, and widely distributed. For a comprehensive list of provisions a policy should include, download the report at www.ojp.usdoj.gov/nij.
- Reporting- Schools should allow anonymous, confidential, and third party reporting.

⁷ "Women's Health: Date Rape Drugs." *WebMD*. 12 April 2011. <<http://women.webmd.com/date-rape-drugs>>.

⁸ "Sexual Assault on Campus: What Colleges and Universities Are Doing About It." U.S. Department of Justice, Office of Justice Programs. 2005. <<http://www.ojp.usdoj.gov/nij>>.

- Investigation- Schools should ensure confidentiality for all parties during the investigation, shared collection and use of information, and access to a trained, certified Sexual Assault Nurse Examiner.
- Adjudication- The format of all proceedings should balance the rights of the complainant and the accused.
- Victims Support Services- Schools should form relationships with community partners in order to provide student victims access to service providers.

MINNESOTA CAMPUS POLICIES

For this report, information was requested from thirty-eight higher education institutions in Minnesota. These included four-year colleges/universities as well as two-year community colleges/technical schools. Of the thirty-eight schools, thirty-seven responded with information on their sexual assault policies and resources. Bethany Lutheran was the only institution that declined inclusion. For analytical purposes, policies were broken into three parts: definition, reactions of the institution, and resources. As an overview of policies and resources, this report does not seek to provide an in depth comparison of federal guidelines and Minnesota school's sexual assault policies but seeks to open a dialogue around the current sexual assault policies on Minnesota college campuses.

Definitions

Some policies included a separate section dedicated to defining terms like consent, sexual assault, or sexual harassment. Other policies defined these terms as they were introduced throughout the document. 100% of institutions used gender-neutral language; Minnesota West, located in Canby, Minnesota, even affirmed, "Men or women may be victims, men or women may be offenders."

78% of official policies included date/acquaintance rape in their discourse. This number may seem discouraging but it is important to note that it reflects information in *official policies* only. Generally, institutions had information about date/acquaintance rape on their counseling/education website even if it was not officially defined. While the absence of this aspect of sexual assault is no doubt problematic at least it is not being totally ignored. A related issue no longer *totally* ignored is the possibility of the survivor and offender engaging in a sexual relationship before the attack. 29% of institutions included this issue in their policy; each policy stated a previous sexual relationship would have no impact on determining whether or not an assault did occur. Additionally, 70% of institutions covered attempted assaults in their policies.



A key-determining factor in a charge of sexual assault is the presence of consent, for which 90% of institutions had a specific definition. Minnesota State Colleges and Universities (MNSCU) provided a definition for consent that was typical of most policies analyzed:

Consent is informed, freely given and mutually understood. If coercion,

intimidation, threats or physical force are used, there is no consent. If the complainant is mentally or physically incapacitated or impaired so that the complainant cannot understand the fact, nature, or extent of the sexual situation, and the condition was known or would be known to a reasonable person, there is no consent; this includes conditions due to alcohol or drug consumption, or being asleep or unconscious. Whether the respondent has taken advantage of a position of influence over the complainant may be a factor in determining consent.

As stated in MNSCU's definition, the use of alcohol or drugs voids the ability of the complainant to give consent. Some institutions approached alcohol and drug use only in their definition of consent while others addressed it separately; but 94% of institutions discussed the role alcohol and drug consumption plays in sexual assault. Generally, alcohol and drug use was seen as an aggravating factor in terms of the respondent's guilt but was not considered to compromise validity of the complainant's accusation. Several schools also maintained that secondary violations (i.e. minor consumption ticket) would *not* be issued if the complainant came forward to report a sexual assault.

Responses of the Institution

In general, institutions stated reports of sexual assault would be handled through a disciplinary process. Typically, this process would be instigated by a formal report from the survivor. Investigations would follow, culminating in a hearing to determine the respondent's guilt or innocence. Typical sanctions included: suspension, expulsion, and probation. Some policies were more specific than others when describing disciplinary proceedings. Saint Thomas University, Macalester College, and Carleton College's policies did the best job of clearly outlining who would perform the investigation, who would be investigated (i.e. the accused, the accuser, and witnesses), who would comprise the hearing committee, how guilt or innocence would be determined, and punishment if applicable.

Generally, institutions used less assertive language when describing sanctions for accused students. Policies typically stated the accused *may* be suspended or expelled if found guilty, and only 65% of institutions maintained they would provide separate housing accommodations for the survivor and offender *if feasible*; 65% also stated that they would provide a change in classes, *if feasible*.

Several institutions provided options for "informal resolutions." Informal resolutions would not result in disciplinary action against the respondent. Rather, they culminated in a form of mediation between the complainant and respondent – to talk through the implications of the incident. The option of an *unofficial report* was also included in several policies. An unofficial report was typically anonymous and used for statistical purposes. Reporting unofficially was seen as a first step in the healing process – most institutions with this option stressed the ability of an unofficial report to become an official report if the survivor wished to do so.

The importance of reporting to law enforcement was also addressed in the majority of policies. In fact, 92% promoted reporting to the police, and with the exception of Saint Mary's University, stated disciplinary proceedings within the institution would proceed independently of the criminal justice system. 81% of policies also promoted medical exams after an assault. Medical exams were endorsed as ways to protect against sexually transmitted infections, prevent pregnancy, treat injuries, and gather evidence.



Resources

Resources are an important part of how an institution handles incidents of sexual assault. Providing valuable and accessible information on what to do after an assault, as well as education about sexual assaults, is key. The majority of institutions provided, at minimum, contact information for police, on-campus police, and on-campus counseling services. Most institutions went beyond this realm and listed information for several on and off campus resources. Several institutions also provided information on how survivors should respond right in the policy. Typically, advice for immediate responses included: getting to a safe place, calling someone you trust, preserving evidence, and getting medical attention.

Often, if there was no education/resource information written into a policy it could be easily accessed through the school's website. Generally, if education/resource information was separate from the policy, directions on how to access that information were included at the end of the official policy.

Anoka Ramsey Community College, Alexandria Technical and Community College, and Rochester Community and Technical College provided no resource information in their policies. If resource information for these schools does exist, it was not made available for this report.

Many other institutions had strong resources in place on campus. One excellent way institutions dealt with sexual assaults was to have a specific team, of either students or employees, whose sole responsibility was to counsel and assist survivors. The following schools had sexual assault response teams in place:

- Gustavus Aldophus College
- Bemidji State University
- Carleton College
- Moorhead State University
- College of Saint Scholastica
- Saint Olaf University
- University of Minnesota Duluth
- University of Minnesota Morris
- University of Minnesota Twin Cities



A key way to prevent sexual assault is education. Most institutions had some form of education written into their policies or available elsewhere on their website. However, some institutions exceeded expectations in terms of education. The following institutions had extensive information on healthy relationships, healthy sexuality, preventing sexual assault, sexual assault myths, helping friends/family, coping after an assault, reactions to sexual assault, and reviews for books/websites/videos regarding sexual assault:

- Saint John's University/College of Saint Benedict
 - Included a "Pledge for Action"
- Macalester College
- Mankato State University
- Concordia University Saint Paul
- College of Saint Scholastica
- Bemidji State University
- University of Minnesota
 - Aurora Center's resources are made available to all campuses

CONCLUSIONS

Overall, the Minnesota colleges and universities included in this study have procedures and policies in place to handle sexual assaults and other forms of sexual violence. In terms of how they compare to the specific requirements of federal laws, more in depth research is needed. The way institutions respond to sexual violence is extremely important, particularly for survivors. Proper responses prevent re-victimization, provide validation, and possibly closure.

While Minnesota colleges and universities are doing well in the creation of policies and procedures, this report did not seek to investigate if policies and procedures are followed during instances of sexual violence on campus. More research is needed to determine the effectiveness of and adherence to sexual assault policies on college campuses in Minnesota.

Another way to handle sexual violence is through prevention. Prevention requires education and action. Sexual violence is a result of oppressive and dangerous attitudes; to prevent future incidents, attitudes, behaviors, and values must be challenged and eliminated. Colleges and universities are typically faced with this task, but sexually violent attitudes are embedded before men and women reach the college level. In addition to colleges adding or strengthening prevention efforts, high schools should also offer sexual violence education to reach students sooner. Sexual violence is a pervasive social problem – so society should take responsibility for prevention and elimination.

SUGGESTED RESOURCES

Websites

Rape, Abuse and Incest National Network (RAINN), www.rainn.org/get-involved/college

- Student Activism
 - This portion of RAINN’s website provides information specific to college students; some topics addressed are campus safety legislation, volunteering and safety tips.

Minnesota Coalition Against Sexual Assault (MNCASA), www.mncasa.org/svji_facts.html

- Publications and Fact Sheets
 - This section of the MNCASA website provides a list of publications/fact sheets about sexual assault. Of most interest is “School Sexual Violence and Sexual Harassment”

College of Saint Benedict and Saint John’s University: Counseling, Health Promotion and CSB Health Services, www.csbsju.edu/CHP/Sexual-Assault.htm

- Sexual Assault
 - An excellent comprehensive resource including topics such as common feelings of survivors, resources, how to help and much more.

Mankato State University Women’s Center, www.mnsu.edu/here4you/

- Here For You
 - Another comprehensive resource. In addition to sexual assault information other related topics, like stalking and intimate partner violence, are discussed.

National Sexual Violence Resource Center (NSVRC), www.nsvrc.org

- NSVRC provides information on all types of sexual violence and serves as a center for information exchange, collaboration and prevention tactics.

University of Minnesota Aurora Center, www1.umn.edu/aurora

- The Aurora Center provides resources and education information on sexual assault and other forms of violence against women.

Publications and Books

I Never Called it Rape: The Ms. Report on Recognizing, Fighting, and Surviving Date and Acquaintance Rape. Robin Warshaw, 1994.

May I Kiss You? A Candid Look at Dating, Communication, Respect, & Sexual Assault Awareness. Mike Domitrz, 2003.

The Date Rape Prevention Book: The Essential Guide for Girls and Women. Scott Lindquist, 2000.

If He is Raped: A Guidebook for Parents, Partners, Spouses and Friends. Alan McEvoy, Debbie Rollo, and Jeff Brookings, 2003.

If She is Raped: A Guidebook for Husbands, Fathers, and Male Friends. Alan McEvoy, Debbie Rollo, and Jeff Brookings, 1991.

If You Are Raped: What Every Woman Needs to Know. Kathryn M. Johnson, 1985.

Sexual Assault in Context: Teaching College Men about Gender. Christopher Kilmartin and Alan Berkowitz, 2000.

Stopping Rape: A Challenge for Men. Rus Ervin Funk, 1993.

Trust After Trauma. A Guide to Relationships for Survivors and Those Who Love Them. Aphrodite Matsakis, 1998.

Sexual Assault on Campus: What Colleges and Universities Are Doing About It. U.S. Department of Justice, Office of Justice Programs, 2005. www.ojp.usdoj.gov/nij

Toll Free Hotlines

National Sexual Assault Hotline, 1-800-656-HOPE

Minnesota Coalition Against Sexual Assault (MNCASA), 1-800-964-8846

National Organization for Victim Assistance (NOVA), 1-800-TRY-NOVA

National Sexual Violence Resource Center (NSVRC), 1-877-739-3895



About the Consortium

The Minnesota Women's Consortium is an association of more than 160 diverse member organizations as well as thousands of individuals, together reaching an estimated 300,000 Minnesotans, committed to achieving full equality and justice for all women and girls. Our mission is to connect organizations and individuals that share this goal.

The Consortium is the resource center from which we share space, equipment, skills, knowledge, and especially information. The Consortium staff coordinates/facilitates and informs about the activities and issues of our member organizations, increasing their effectiveness as advocates and agents of change. The Consortium provides a physical and philosophical roof under which diverse groups can meet for research and education. We are the largest network of women's organizations in the nation.

Membership in the Consortium is open to any organization and individual committed to the Consortium's common purpose and whose goals are not in conflict with those set out in the National Plan of Action adopted at the National Women's Conference in 1977 in Houston, Texas.

For more information about our programs and activities visit www.mnwomen.org.

Minnesota Women's Consortium

www.mnwomen.org

www.equalityquilt.org

550 Rice Street

St. Paul, Minnesota 55103

651-228-0338

