

Campus Sexual Assault Series

Series Editor: Cortney A. Franklin, Ph.D.

Crime Victims' Institute

College of Criminal Justice | Sam Houston State University



Federal Efforts to Combat Campus Sexual Violence

*Cortney A. Franklin, Ph.D.
Alondra D. Garza, B.S.*

Scholars, policy makers, university administrators, and state coalitions have long been concerned with sexual assault on college campuses as rates of perpetration have not changed in six decades (Black et al., 2011; Fisher, Cullen, & Turner, 2000; Koss, Gidycz, & Wisniewski, 1987). Additionally, these experiences have had serious adverse consequences for survivors, including a host of mental and physical health sequela, such as posttraumatic stress disorder, sleep disruptions, elevated startle and fear responses, sexual dysfunction, gastrointestinal abnormalities, migraine, unwanted pregnancy and sexually transmitted infections (Foa & Riggs, 1993; Mason & Lodrick, 2013; Tjaden & Thoennes, 2006). Additionally, sexual assault survivors have faced significant challenges to academic achievement (Sabina & Ho, 2014), including decreased classroom/grade performance and attrition—where they are more likely to drop out than those who have not been victimized (Baker et al., 2016; Jordan, Combs, & Smith, 2014; Mengo & Black, 2016). To be sure, women who go to college face a significant increase in the likelihood of being sexually assaulted as compared to those who do not pursue post-secondary education (Basile, Chen, Black, & Saltzman, 2007). To that end, a series of federal responses have been implemented to augment campus safety, prevent victimization, and guide university responses to sexual assault among college students. The current issue of the Campus Sexual Assault series focuses on these federal efforts and include the Clery Act, Title IX, Campus SaVE and the White House Task Force to Protect Students from Sexual Violence.

Federal Government Response to Sexual Assault on College Campuses

There have been a number of developments in federal law that have required university campus administrators to address sexual assault with transparency and accountability through mandated reporting, investigation, and crime report dissemination. These efforts have also produced guidelines on victim-centered responses to sexual assault and appropriate prevention programs for campus communities (Gregory & Janosik, 2002; Koss, Wilgus, & Williamsen, 2014).

The Clery Act. In 1990, the federal government mandated institutions of higher education receiving federal funds to report and maintain information about crimes that have occurred on or near campus with the passage of The Jeanne Clery Disclosure and Campus Security Policy and Campus Crime Statistics Act [referred to as The Clery Act; 20 U.S.C. § 1092(f)]. Institutions of higher education are, as a result, required to publish these incidents in a daily crime log and provide publicly available data in an annual crime report that is made accessible to potential students, parents, faculty, staff, administrators and other stakeholders. This federal effort was the result of lobbying that followed a widely-publicized crime involving a female undergraduate student. In 1986, 19-year-old Jeanne Ann Clery was enrolled as a freshman at Lehigh University, located in rural Pennsylvania. During her spring semester, a male student

entered her residence hall building through doors that had been propped open by a pizza box, entered her third floor dorm room, and raped and murdered her. Her parents learned during the trial that, in the three years prior to Clery's murder, 38 violent crimes had occurred—none of which were made public by campus administrators. By 1990, The Clery Act was passed that required institutions of higher education to disclose crime statistics. The intention of The Clery Act was to provide interested parties with the appropriate safety information necessary for decision-making about a particular university in terms of admission, enrollment, and attendance (King, Mahaffie, & McLarnon, 2016).

Title IX. Passed in 1972, Title IX of the Education Amendments has prohibited discrimination on the basis of sex in educational programs that receive federal financial assistance. This has typically been manifested through sex equality in sports funding, opportunity, and programming on college and university campuses. In 2011, Title IX was extended to sexual assault. Obtaining a college degree has often been thought of as “the great equalizer” but research has consistently demonstrated that doing so significantly increases a woman's risk of sexual assault victimization (Fedina, Holmes, & Backes, 2016; Krebs et al., 2009). This experience has had detrimental life-long, physical and mental health consequences for victims and thus was reasoned “sex discrimination” and a civil rights issue. In 2011, the U.S. Department of Education's Office of Civil Rights (OCR) issued a “Dear Colleague Letter” to expand the provisions of Title IX to address sexual violence on college campuses (Koss et al., 2014). The legal consequences of the expansion of Title IX to sexual violence imply that colleges and universities must promptly address and respond to any form of sex-based discrimination, including sexual assault and harassment. Additionally, under Title IX, institutions receiving federal funds must designate a Title IX Coordinator who is responsible for an investigation and judicial procedure when reports of sex discrimination are made. Institutions must also publicize procedures for addressing grievances, rights of complainants and perpetrators, and any sanctions that have been imposed, post-investigation.

Campus SaVE. With a renewed focus on campus sexual violence, the federal government amended the Clery Act in 2013 through passage of the Campus Sexual Violence Elimination (SaVE) Act [Violence Against Women Reauthorization Act (VAWRA), 2013; Pub. L. No. 113-4, § 304, 127 Stat. 54, 89-92]. Like Title IX, Campus SaVE focused heavily on increasing sexual violence awareness, mandating transparency surrounding university administrative action to prevent and respond to campus sexual assault, and on improving the measurement and reporting of campus sexual violence. Campus SaVE also included provisions for campus-wide sexual assault prevention programs, enhanced rights for survivors of sexual assault, and clarity surrounding the

enforcement and proceedings that surround campus disciplinary procedures.

White House Task Force to Protect Students from Sexual Assault

Renewed awareness on American college campuses also led to the creation of the White House Task Force to Protect Students from Sexual Assault (White House, 2014). The task force has served as a working group responsible for addressing host of issues about sexual assault on college campuses. Objectives for the Task Force included the provision of specific recommendations for university administrators to address sexual violence, while engaging campus community members and local stakeholders. These recommendations have included resources to augment existing strategies through enhanced program development and victim-centered prevention and response policies. An important focus for the Task Force has been the widespread development and implementation of campus climate surveys to assess a university's informal atmosphere surrounding sexual violence by looking at the attitudes, behaviors, experiences, and knowledge surrounding sexual assault among faculty, staff, and students. The Task Force also clarified the importance of campus-wide policies geared toward help-seeking behaviors for victims, appropriate responses to sexual assault disclosure among campus community members, and avenues for recovery in the aftermath of trauma.

What's Next?

Certainly, sexual violence on higher education institutions continues to receive significant attention despite changes in federal administration. The recently appointed Secretary of Education has publicly spoken about revisiting the aforementioned “Dear Colleague Letter,” which offered needed guidance for universities in adequately addressing sexual assault on college campuses. Proposed changes include clarification to former guidelines, extending the protection of due process rights for defendants accused of sexual assault, and narrowing the definition of sexual misconduct (Svrluga, 2017). The importance of empirically supported, evidence-based research is necessary to guide response to sexual assault victimization on college campuses. To date, federally implemented policy changes such as the Clery Act, Title IX, Campus SaVE, and the “Dear Colleague” guidance are promising for survivor helpseeking behavior and facilitate safer learning environments for students. Existing research has underscored the utility of prevention programs and appropriate response to campus sexual assault.

Forthcoming strategies should reaffirm progress made in combatting the pervasiveness of campus sexual assault, hold institutions accountable and transparent in Title IX compliance, ensure the safety of survivors and the right for all students to an education free from sexual violence.

Summary

In response to renewed attention toward sexual violence prevalence on college campuses, the U.S. federal government has recently implemented a number of proactive and positive changes toward the prevention of and response to sexual violence on American university campuses. These efforts show promise in facilitating wide-spread awareness and victim-centered response to sexual assault. Next steps to follow federal efforts include widespread strategies to track compliance among institutions of higher education in terms of prevention programs, resources for survivors, disciplinary proceedings for assailants, and system responses to sexual assault. Additionally, the scientific evaluation of programming that has been implemented post-Campus SaVE will provide additional directions for policy makers, university administrators, and state coalitions as they look forward to protecting the sexual safety of American college students.

REFERENCES

- Baker, M.R., et al. (2016). Sexual victimization history predicts academic performance in college women. *Journal of Counseling Psychology, 63*, 685-692.
- Basile, K.C., Chen, J., Black, M.C., & Saltzman, L.E. (2007). Prevalence and characteristics of sexual violence victimization among US adults, 2001–2003. *Violence and Victims, 22*, 437-448.
- Black, M.C., Basile, K.C., Breiding, M.J., et al. (2011). *The national intimate partner and sexual violence survey (NISVS): 2010 summary report*. Atlanta, GA: National Center for Injury Prevention and Control, Centers for Disease Control and Prevention.
- Fedina, L., Holmes, J.L., & Backes, B.L. (2016). Campus sexual assault a systematic review of prevalence research from 2000 to 2015. *Trauma, Violence, & Abuse*, doi: 1524838016631129.
- Fisher, B.S., Cullen, F.T., & Turner, M.G. (2000). *The sexual victimization of college women* (NCJ 182360, U.S. Department of Justice). Washington, DC: U.S. Government Printing Office.
- Foa, E.B., & Riggs, D.B. (1993). Posttraumatic stress disorder and rape. In J.M. Oldham & A. Tashman (Eds.), *Review of Psychiatry*, (pp. 273-303). Washington, D.C.: American Psychiatric Press.
- Gregory, D.E., & Janosik, S.M. (2002). The Clery Act: How effective is it-perceptions from the field-the current state of the research and recommendations for improvement. *Stetson Law Review, 32*, 7-59.
- Jordan, C.E., Combs, J., & Smith, G.T. (2014). An exploration of sexual victimization and academic performance among college women. *Trauma, Violence, & Abuse, 15*, 191-200.
- King, J.B., Mahaffie, L., & McLarnon, G. (2016). *The handbook for campus safety and security reporting, 2016 Edition*, U.S. Department of Education, Office of Postsecondary Education, Washington, D.C.
- Koss, M.P., Gidycz, C.A., & Wisniewski, N. (1987). The scope of rape: Incidence and prevalence of sexual aggression and victimization in a national sample of higher education students. *Journal of Consulting and Clinical Psychology, 55*, 162-170.
- Koss, M.P., Wilgus, J.K., & Williamsen, K.M. (2014). Campus sexual misconduct: Restorative justice approaches to enhance compliance with Title IX guidance. *Trauma, Violence, & Abuse, 15*, 242-257.
- Krebs, C.P., Lindquist, C.H., Warner, T.D., Fisher, B.S., & Martin, S.L. (2009). College women's experiences with physically forced, alcohol-or other drug-enabled, and drug-facilitated sexual assault before and since entering college. *Journal of American College Health, 57*, 639-649.
- Mason, F., & Lodrick, Z. (2013). Psychological consequences of sexual assault. *Best Practice & Research Clinical Obstetrics & Gynaecology, 27*, 27-37.
- Mengo, C., & Black, B.M. (2016). Violence victimization on a college campus. *Journal of College Student Retention, 18*, 234-248.
- Sabina, C., & Ho, L.Y. (2014). Campus and college victim responses to sexual assault and dating violence: Disclosure, service utilization, and service provision. *Trauma, Violence, & Abuse, 15*, 201-226.
- Svrluga, S. (2017, Sept. 7). Transcript: Betsy Devos's remarks on campus sexual assault. *Washington Post*. Retrieved from https://www.washingtonpost.com/news/grade-point/wp/2017/09/07/transcript-betsy-devos-remarks-on-campus-sexual-assault/?utm_term=.5185a712ac5f
- Tjaden, P., & Thoennes, N. (2006). *Extent, nature, and consequences of rape: Findings from the National Violence Against Women Survey*: NIJ Report, NIJ, U.S. DOJ, DC.
- Violence Against Women Reauthorization Act (2013). Pub. L. No. 113-4, § 304, 127 Stat. 54, 89-92.
- White House. (2014). Not alone: The first report of the White House Task Force to Protect Students From Sexual Assault. Washington, DC.

About the Authors

Cortney A. Franklin, Ph.D., is an Associate Professor in the Department of Criminal Justice and Criminology and the Director of the Crime Victims' Institute at Sam Houston State University. Her research focuses on sexual assault, intimate partner violence, and police responses to victims. She is currently the Principle Investigator for an Office of Violence Against Women grant to evaluate police responses to sexual and family violence. Her work has appeared or is forthcoming in *Psychology of Women Quarterly*, *Criminal Justice and Behavior*, *Journal of Interpersonal Violence*, *Violence Against Women*, and *Journal of School Violence*.

Alondra D. Garza, B.S., graduated with *Highest Honors* in Criminal Justice from Sam Houston State University in 2016. She is currently a second year Master's student in the Department of Criminal Justice and Criminology at SHSU. Her research interests include victimology, specifically violence against women and gender and crime.

Resources

Department of Justice, Intersection of Title IX and the Clery Act

- ♦ <https://www.justice.gov/ovw/page/file/910306/download>

Handbook for Campus Safety and Security Reporting (2011)

- ♦ <https://www.justice.gov/ovw/file/902146/download>

The Second Report of the White House Task Force to Protect Students From Sexual Assault

- ♦ <https://www.whitehouse.gov/sites/whitehouse.gov/files/images/Documents/1.4.17.VAW%20Event.TF%20Report.PDF>

Dear Colleague Letter from the Department of Education, Office for Civil Rights

- ♦ <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.html>

Crime Victims' Institute Advisory Board

Blanca Burciaga, Ft. Worth
Director, Victim Assistance Unit

Victoria Camp, Austin
Consultant

Dottie Carmichael, College Station
Texas A&M PPRI

Stefani Carter, Austin

Robert Duncan, Austin
TTU System Chancellor

Ana Elizabeth Estevez, Amarillo
District Judge

Ann Matthews, Jourdanton
Domestic Violence

Rodman Goode, Cedar Hill
Law Enforcement Teacher

Henry Porretto, Galveston
Chief, Galveston Police Department

Geoffrey Puryear, Georgetown
District Attorney

Richard L. Reynolds, Austin
Psychotherapist

Stephanie Anne Schulte, El Paso
ICU Nurse

Jane Shafer, San Antonio
San Antonio PD Victim Liaison

Debbie Unruh, Austin
Ombudsman

Ms. Mary Anne Wiley, Austin
Office of the Governor

Mark Wilson, Hillsboro
Hill County Sheriff's Office

Texas State University System

Rossanna Salazar, Chairman
Austin

William F. Scott, Vice Chairman
Nederland

Charlie Amato
San Antonio

Veronica Muzquiz Edwards
San Antonio

Dr. Jaime R. Garza
San Antonio

David Montagne
Beaumont

Vernon Reaser III
Bellaire

Alan L. Tinsley
Madisonville

Donna N. Williams
Arlington

Kaitlyn Tyra
Student Regent, Huntsville

Brian McCall
Chancellor

We're on the web

www.crimevictimsinstitute.org