

Phoenix, AZ 2015

## Sexual Assault on Campuses: Innovative Initiatives

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### What if I told you....

that when you send your child off to college there would be a

**1 in 5 chance**

they would be the victim of a violent robbery?

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**As a parent....**

- Would you send your child to that college?
- What steps would you take to ensure their safety?
- What if this college was in your community?
  - Would you demand to know what this college was doing to curb these robberies?
  - Would you demand to know what law enforcement was doing to stop the violence?

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Source: CNN.com (May 20, 2015)

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**In truth...**

- Sexual assaults on campus is nothing new
- However, media has made this a significant issue
  - UVA article in Rolling Stones
  - Duke Lacrosse fiasco
  - Backlash claims of "false reporting"
    - WSJ – March 19, 2015
    - False reports are "widespread" – Fox News
    - Numbers are exaggerated
- Changing the frame of reference from "bad sex" to sexual assault – JURY SELECTION ISSUE

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## In truth...

Campus Sexual Assault (CSA) Study (NIJ - Dec 2007)

- 4 out of 5 rape victims suffer from chronic physical or psychological conditions – EXPERT WITNESS
- rape survivors are 13 times more likely to attempt suicide
- carry highest annual victim cost of any crime: \$127 billion per year
- 50% or more of sexual assaults co-occurred with alcohol or drug use by perpetrator, victim, or both – JURY SELECTION ISSUE
- 28.5% of women reported having experience a sexual assault or attempted sexual assault either before or since entering college (19% since entering college)

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## Just this morning...

### As rape trial begins, elite St. Paul's School in N.H. faces scrutiny of 'sexual scoring'

By Sarah Kaplan August 17 at 6:54 AM



It was called the "senior salute," Owen Labrie told Concord police, according to the Associated Press. Before they graduate, senior men at St. Paul's competed to sleep with as many younger students as possible. "Score" was kept in permanent marker on a wall behind the washing machines, then, after the school kept painting over it, in an online forum.

Labrie was "trying to be number one," he acknowledged to police.

This week, Labrie will stand trial for several felonies, including sexual assault and use of a computer to lure the girl to him, the Concord Monitor reported. But the case is also expected to cast a harsh light on the campus culture at St. Paul's, where, according to an affidavit cited by the Monitor, administrators have been combating a culture of "sexual scoring."

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## Let's talk about the problem

### Reluctance to report

- NCWSV (National College Women Sexual Victimization)(2000) study found that in college women who experienced unwanted completed penetration by force or threat of force, only 46% of the victims reported that they considered the incident to be a rape.
- Most college age women are unlikely to label the incident as "rape" when no weapon is used, no sign of physical injury is evident, or alcohol is involved.

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### Let's talk about the problem

Barriers to reporting

- Not having "proof" that the incident occurred
- Fear of retaliation by the perpetrator
- Fear of hostile treatment by the authorities
- Uncertainty that the authorities would consider the incident serious enough
- Not knowing how to report the incident
- Desire to prevent family and others from learning about it.

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### Let's talk about the problem

Barriers to reporting

- Not having "proof" that the incident occurred
- Fear of retaliation by the perpetrator (and the school)
- **Fear of hostile treatment by the authorities**
- **Uncertainty that the authorities would consider the incident serious enough**
- **Not knowing how to report the incident**
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### Why do we feed into the hype?

Only in a sexual assault case:

- Reference to victim as:
  - "alleged victim"
  - "accuser"
  - "complaining witness"
- Stigma of false reporting – JURY SELECTION ISSUES
- Engaging in high risk behavior - JURY SELECTION ISSUES
- Enhanced Victim Blaming on Steroids ("EVBS")

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### New Challenges in the Digital Age

- Hook up sites
- Facebook issues
- Texting
- Sexting






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### Even we are part of the problem

- Study showed that 41.4% of sexual assault charges were rejected by the prosecutor at the initial screening
- In 11.4 % of the cases, charges were later dismissed by prosecution after initial filing.
- In total from this study, 52.8% of sexual assault cases were dismissed or rejected by the prosecution.

Prosecutors' Charging Decisions in Sexual Assault Cases: A Multi-Site Study  
(Cassia C. Spohn, Ph.D; Dawn Beichner; Erica Davis Frenzel; David Holleran  
(October 2002)

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### Why are DA's not filing charges in college sexual assault cases?

LESS LIKELY TO PROSECUTE	MORE LIKELY TO PROSECUTE
<ul style="list-style-type: none"> <li>▪ Alcohol</li> <li>▪ Delay Report</li> <li>▪ Inconsistent Accounts</li> <li>▪ Lack of witnesses</li> <li>▪ Lack of injuries</li> <li>▪ Non-stranger</li> <li>▪ "High risk" behavior by victim</li> <li>▪ Lack of memory</li> <li>▪ Consent for some acts</li> </ul>	<ul style="list-style-type: none"> <li>▪ No alcohol</li> <li>▪ Immediate report</li> <li>▪ Consistent account</li> <li>▪ Witnesses</li> <li>▪ Injuries</li> <li>▪ Stranger</li> <li>▪ "Innocent" victim</li> <li>▪ Corroborating evidence</li> </ul>

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## On May 1, 2014...

The U.S. Department of Education released a statement regarding widespread Title IX violations across the country.

It also released a list of colleges and universities under investigation for violation of Title IX

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Home • News

**University of Michigan campus survey: 22.5% of female undergrads sexually assaulted**  
 University surveyed 3,000 undergrad, graduate students  
 Author: Local 4 - ClickOnDetroit news staff, local4@clickondetroit.com  
 Published On: Jun 24 2015 02:19:41 PM EDT | Updated On: Jun 24 2015 05:22:54 PM EDT

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**University of Oregon settles lawsuit over sex assault allegations**  
*The University of Oregon agreed to pay \$800,000 to student who claimed she was sexually assaulted by basketball players.*  
 August 5, 2015 1:40AM ET  
 The University of Oregon has agreed to pay \$800,000 to settle a lawsuit brought by a student who claimed she was sexually assaulted last year by three basketball players.

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**Bill to raise police role in campus sex assault cases**  
 David Jesse, Detroit Free Press 10:49 p.m. EDT August 6, 2015

Universities would have to notify the police of sexual assault reports they receive before launching internal investigations, under proposed federal legislation.

Put some pl in your day

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## Let's Talk about Title IX

Notable recent Title IX actions:

- March 15, 2011 – Yale University (16 students)
- October 2002 – Amherst College
- January 2013 – University of North Carolina at Chapel Hill
- April 2013 – Occidental College
- May 2013 – Swarthmore College
- May 2013 – University of Southern California
- 2006 – University of Colorado (\$2.5 Million settlement)
- 2008 – Arizona State University (\$850,000 settlement)
  
- Jury selection issues – getting on the lawsuit bandwagon

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## Let's Talk about Title IX

What happens at the college level?

- Organization within the university may be founded (ex. Office of Institutional Equality and Compliance; Office of Judicial Affairs, etc.)
- May conduct investigations
- May issue findings and rulings about a student's ability to stay on campus
- May conduct investigations that happen off campus involving a non-student

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## Let's Talk about Title IX

- What if they don't do an investigation?
  - Victim impact issues
    - Distrust of system
    - Dropping charges
  - Impact on prosecution
- What if they don't do a thorough investigation?
  - Same victim rights issues?

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## Let's Talk about Title IX

What are the conflicts with law enforcement?

- Timing of an investigation
  - Time critical parts of a sexual assault investigation
    - Pre-text phone call
    - Pre-text texting
    - Seizing of phones and phone records
    - Seizing of social media information
- Victim giving another statement of what occurred
- Witness statements
- Availability of report outside of college

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## Let's Talk about Title IX

What are the challenges with concurrent investigations?

- Inconsistent statements
- How the college records statements
- What if the college finds for the offender?
  - Is that binding?
  - Is that admissible?
- Are the fact finders knowledgeable about sexual assault issues?
- School retaliation?

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## What is being done?

**\$500,000 allocated for initiatives to eliminate sexual assaults on Michigan college campuses**

Thursday, August 06, 2015 7:41 a.m. EDT



LANSING, MI (WTVB) - A half-million dollar pool of money has now been made available to fight the problem of sexual assault on campus. Michigan colleges and universities now have until October 1, 2015 to submit an application to make use of the funding. It's part of the effort by Michigan First Lady Sue Snyder to address the issue, which hasn't always been taken very seriously by the state's institutions of higher learning.

They will be looking for innovative initiatives to improve campus security, treat victims and identify and punish offenders.

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To **RECOGNIZE** that non-consensual sex is sexual assault.

To **IDENTIFY** situations in which sexual assault may occur.

To **INTERVENE** in situations where consent has not or cannot be given.

To **CREATE** an environment in which sexual assault is unacceptable and survivors are supported.

<http://itsonus.org/>

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Virginia.gov | Agencies | Governor Search Virginia Gov



**Attorney General Mark R. Herring**

Home Our Office Media Center Divisions Citizen Resources Programs & Initiatives Contact Us Community Outreach

Search...  
Advanced Search

**Governor's Task Force On Combating Campus Sexual Violence**

**Important Links**

- Final Task Force Recommendations
- Task Force Organization & Membership
- Minutes/Agendas
- 2015 Legislative Update



Click above for the full report. Released May 28, 2015

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**Task Force Recommendations**

Ultimately, the Task Force approved 21 recommendations for presentation to the Governor. Out of these recommendations, five distinct themes emerged. These themes reflect the variety of stakeholders involved and the complexities of the issue of campus sexual violence, which requires a multi-faceted response:

1. **Engaging Our Campuses and Communities in Comprehensive Prevention**
2. **Minimizing Barriers to Reporting**
3. **Cultivating a Coordinated and Trauma-Informed Response**
4. **Sustaining and Improving Campus Policies and Ensuring Compliance**
5. **Institutionalizing the Work of the Task Force and Fostering Ongoing Collaborations**

**Engaging Our Campuses and Communities in Comprehensive Prevention**

While institutions of higher learning often focus on a crisis-oriented response to occurrences of assault, prevention efforts provide an important opportunity to proactively address the issue of campus sexual violence. When prevention efforts are comprehensive and evidence-based, they allow institutions to prevent future victimizations by increasing awareness, changing attitudes, and modifying high-risk behaviors, and to impact campus culture and change social norms. Prevention programming that occurs before and after students arrive on Virginia's college and university campuses can aid in fostering a culture of respect and equality.

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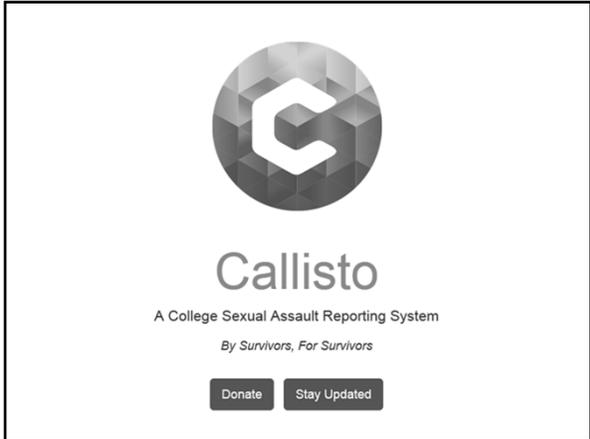
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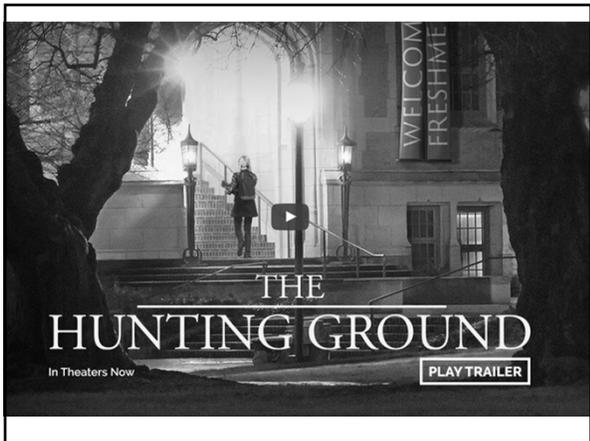
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**Educate**

The Hunting Ground Educational Edition is now available and includes the following:

- Feature Film
- One-hour version
- 45-minute version appropriate for Middle and High School audiences
- University Discussion Guide
- High School Discussion Guide
- Action Guide with materials and resources for:
  - Survivors
  - Parents
  - Alumni
  - Faculty
  - Administrators

For university use, school-wide events, and any public/community screening, please purchase the Institutional & Public Viewing Edition (\$395), which includes an unlimited, site-specific public viewing license.

For small K-12 classroom use, the K-12 Edition may be purchased.

Digital Site Licenses (which include perpetual streaming rights for a single campus) are also available.

Contact Kristin Cooney at [kristin@rococo.com](mailto:kristin@rococo.com) with questions and/or for more information.

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**Challenge to All Attendees**

Local engagement

- Find out how many "higher education" institutions are in your area:
  - For example: Boulder County Colorado
    - University of Colorado – Boulder
    - Naropa University
    - Front Range Community College
    - Auguste Escoffier School of Culinary Arts – Boulder
    - Boulder College of Massage Therapy
    - Institute of Taoist Education and Acupuncture
    - Southwest Acupuncture College – Boulder
- Seattle has 12 listed colleges and community colleges
- Do you have contacts at each of those institutions?
- Do these have police departments? Security departments?
- Have you ever been to these locations?

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**Challenge to All Attendees**

Host a local summit (with food)

- Goals:
  - Education – make sure they provide proper guidance to students; make resource lists available
  - Getting to know you....
- Networking:
  - Local rape crisis centers
  - Education personnel
  - Law enforcement
  - Victim advocate groups
- Reducing barriers to reporting

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## Challenge to Attendees

Provide Training

- Offer a "training institute" for institutes for higher learning  
OR
- Find out who is doing that training at the institute
  - Get involved with the program
  - Offer to host it/co-sponsor it
  - Make yourselves known
- Provide training to law enforcement
  - Don't assume they have received the most current training

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## Challenge to Attendees

Provide an incentive

- Work with your college/university
- Create a student led awareness program
  - For example a poster program
- Aim for Sexual Assault Awareness Month
  - Which is .....

Get a liaison

- Do you have a campus liaison?
- Do you have a fraternity/sorority liaison?

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## Challenge to Attendees

**SEX  
without  
CONSENT is  
SEXUAL  
ASSAULT**

CALL PROJECT SAFE  
**615-322-SAFE**

vanderbilt.edu/projectsafe

IT'S TIME TO ACT  
SAFER CAMPUSES. BRIGHTER FUTURES.  
PREVENT SEXUAL VIOLENCE



Sexual Assault  
Awareness Month

**What would you do?**

74% of college men  
would intervene to  
prevent sexual  
assault.

You could save a friend from becoming  
a victim of sexual assault, or from  
committing a crime.

If you or someone you know needs help, get help:  
National Sexual Assault Hotline: 1-800-656-HOPE  
Police: 911

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**Challenge to Attendees**

The first poster on the left features a woman's face and the text "SHE DIDN'T SAY NO, SO I DIDN'T STOP." Below it, it says "NO EXCUSE FOR SEXUAL ASSAULT" and "STAND UP TO STOP SEXUAL ASSAULT". The middle poster shows a man's face and the text "A GIRL THAT WASTED IS WAY EASY TO HOOK UP WITH". The rightmost poster is a large graphic with the text "THERE ARE NO BLURRED LINES WHEN IT COMES TO CONSENT" and "7000 in Solidarity".

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**Challenge to Attendees**

Host a movie night....

- Hunting Ground
  - Relatively low cost
  - Gets the conversation started about issue on campus

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**Challenge to Attendees**

- Read it....

The book cover for "MISSOULA" by Jon Krakauer features a photograph of a college building at night. The title "MISSOULA" is in large, bold, white letters, with the subtitle "RAPE AND THE JUSTICE SYSTEM IN A COLLEGE TOWN" below it. The author's name "Jon Krakauer" is at the top. The publisher's name "© Doubleday" is at the bottom.

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## Challenge to Attendees

### State wide level

- Do what Michigan did
  - \$500,000 grant to universities for programs
  - Initiative by Sue Snyder (first lady in Michigan)
  
- Do what Colorado did
  - CRS 12-26-335 (2015 SB 128)
  - Allows for anonymous reporting of sexual assault
  - Allows for a SANE exam to be completed anonymously and requires LE to maintain the kit in case victim wants to proceed with prosecution
  
- Others?

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## Questions?

Timothy L. Johnson  
Deputy District Attorney  
20<sup>th</sup> Judicial District  
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tjohnson@bouldercounty.org

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