

# Sexual violence on US college campuses: history and challenges

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In the United States, research about sexual violence on campus goes back into the 1950s (Kanin, 1957; Kirkpatrick and Kanin, 1957). Many more studies have followed (Fisher, Daigle and Cullen, 2010), and successive waves of rape prevention programmes have been rolled out on campuses across the country. The US Congress has weighed in with federal legislation, the White House took on the issue in 2014,<sup>1</sup> and media reporting of campus sexual assault scandals has soared. Yet, the problem continues. Why this is is difficult to answer. This chapter makes three points:

1. It is necessary to take a historical perspective to see where things have changed and where they have not.
2. While we know much about victimisation, the interplay between perpetration dynamics, campus culture, and institutional governance are not well understood.
3. The current policy emphasis on reporting is troubling because it ignores most of what we know about crime reporting and challenges neither perpetration nor university governance.

## Use of terms

In this chapter the terms higher education institution (HEI), college and university are used interchangeably to refer primarily to four-year institutions in the US granting advanced degrees (typically, a Bachelor's degree is based on a four-year programme; a Master's degree may require an additional two years in graduate school). The expression 'on campus' is used to refer to sexualised violations in the context of higher education whether incidents occur on or off university premises. Regardless of place, the involvement of students or staff raises questions about a university's responsibility and its capacity to intervene, support and protect. When discussing specific findings, the terminology of the

authors is used. Otherwise, the term 'sexualised violations' is used to refer to a broad range of actions from sexualised text messages to rape. Referencing such a range with one broad term has advantages and disadvantages. Broad terms allow an overarching analysis that examines diverse patterns of behaviour and links campus debates to broader issues of sexual violence in contemporary societies. However, for practical interventions, broad terms may be less useful. Specific violations need tailored interventions which require specific naming. Speaking of, and advocating against, sexualised violations or sexual violence in general also means that all forms of transgressions need to be taken seriously, from the seemingly trivial to the blatantly brutal. This does not mean that these actions have the same impact on victims. Actual impact is highly personal and depends on individual, social and cultural context. What is important, though, is to recognise that even seemingly minor incidents of sexual harassment are serious in that they constitute discriminatory contexts that undermine academic learning, personal development and social equality. The current US President is on record making disturbing misogynist remarks about men's sexual aggression against women. His electoral success shows that significant numbers of voters, women included, either condone or trivialise sexualised violations. Against such attitudes it is important to emphasise the seriousness of the entire range of sexual aggression, from online insults to bodily assaults. The term 'sexual misconduct', common in campus debates, is unsatisfying because it puts rape within the framework of student conduct codes and thus in the vicinity of transgressions such as drinking beer in public or cheating on coursework.

Next, very early research is described in detail because it serves to set the stage for an examination of the progress and stagnation that followed. A discussion of victimisation and perpetration follows, which leads into questions of policy framing, and the current focus on crime reporting.

## **Beginnings**

In 1957, Clifford Kirkpatrick and Eugene Kanin published two studies with which they pioneered research on campus sexual violence. The studies show that in some ways little has changed over the past 50 years; male cultures of sexual aggression against women continue, underreporting by victims remains a problem, the social networks of victims and perpetrators play a role, and perhaps prevalence has remained similar, although because of methodological differences that is difficult to determine. The authors were outspoken about the

existence of a male culture of sexual aggression against women. Indeed, they seemed to take it for granted. With bitter academic irony both studies illustrate how sexist assumptions can blind researchers to their own findings, stare misogynist practices in the face, and yet ignored them in the advancement of 'knowledge'.

The first paper, 'Male sex aggression on a university campus', appeared in a top academic journal, *American Sociological Review*, and thus was a piece of cutting-edge research done to the highest academic standards of the time (Kirkpatrick and Kanin, 1957). From today's vantage point, the language is sexist and the theoretical framework lacks a gender analysis even though gendered inequities scream off the page. In the 1950s, the civil rights movement was gaining strength, second wave feminism was in its infancy; gender was not yet an analytical category; there were no intersectional frameworks. Yet, there were sociological concepts of social stigma and exploitation in unequal relationships. The study was prompted by 'some case material reporting instances of violent male aggression with reluctance on the part of the offended girls to invoke protection and punishment' (Kirkpatrick and Kanin, 1957: 52–3). Here already are two observations still relevant today; university authorities were aware that sexual violence occurred on campus and victims were reluctant to report assaults to them.

The study was a survey of female students on one university campus. Two key findings, as well as the overall tenor of the conclusions, ring strikingly familiar even today. First, instances of sexual violence (from unwanted fondling 'above the waist' and 'below the waist' to attempted rape) were common. Of 291 female students, 162 (55.7%) 'reported themselves offended [by male students] at least once during the [1954–55] academic year at some level of erotic intimacy' (Kirkpatrick and Kanin, 1957: 53). Second, the majority of assaults (over 90%) were not reported to the authorities and none of the attempted rapes were. Of the recommendations, the first focuses on the victim; 'college girls should be trained in *informed* self-reliance' (p 58, emphasis in original). Measures addressing victims still rank high on today's agendas. However, the authors also emphasize that 'parents, peer groups and formal agencies should operate so as to avoid stigmatization [of the victim]' (p 58). No recommendations concern the perpetrators (who, as fellow students, are also part of the peer groups that ought to avoid stigmatising the victim). Today, victims are still concerned about stigma and shame, policies against alcohol consumption can deter reporting, peer groups are not effectively restraining perpetrators, and the campus

officials responsible for advice are often the same officials responsible for punishment.

The violations were serious; 27% of them were what we would now call attempted rape. The women experienced a range of emotions, including a lot of anger and fear as well as guilt and disgust. The authors ignore the findings about anger, fear and disgust and focus only on guilt. Yet, despite their explicit theoretical premise that stigma may make victims more vulnerable to exploitation, they do not relate women's guilt over pre-marital sexual activity to 1950s societal norms expecting young women to be chaste before marriage. Instead, the authors speculate that guilt may be associated with emotional involvement in the relationships and 'possibly provocation' (p 57). Nowhere in the paper is there any empirical evidence of provocation or misunderstanding. There is evidence that a high proportion of offenders were fraternity men but in conclusion the authors emphasise misunderstanding instead of fraternity culture. The text shows how deep-seated assumptions about male sexual aggression against women remain unquestioned despite contradictory evidence. Facts alone are unlikely to unseat such assumptions.

In a follow-up study Kanin (1957) interviewed first year female students about their experiences in the last year of high school and the summer before attending university. This study was to 'test hypotheses suggested by the earlier investigation', namely 'the protective influence of the family, the provocation of the aggressive episodes, and situation factors, such as the influence of alcohol and the site of occurrence' (Kanin, 1957: 197). Note that 'provocation' is now a hypothesis even though Kirkpatrick and Kanin (1957) did not find any evidence of provocation. Alcohol also features, although Kirkpatrick and Kanin (1957) did not even mention alcohol. Of 262 young women in Kanin (1957), 62% reported 'offensive episodes at some level of erotic intimacy', including 30% who reported attempted rape and violent attempted rape. Overall, only 16% of attacks were reported to parents or other authorities (10% of the attempted rapes).

Kanin (1957) makes frequent mention of 'male sex exploitation' and 'the male culture' that threaten women with 'erotic aggression and the tactics of exploitation' (p 199). He writes that to 'some extent, both the male and the female subcultures contain the notion that sex aggression is somehow the "fault" of the female' (p 201) but what the young women actually report is that they had done nothing to provoke the men but rather were attacked out of the blue. What is remarkable is how a sexist male culture of sexual aggression and exploitation is

explicitly mentioned but never acknowledged as the central problem in men's sexual violence against women.

## **Victimisation**

Since this early research much has changed. Inspired by the civil rights movement, second wave feminists refused to take sex discrimination for granted and revealed rape and other forms of violence against women as unacceptable social problems. Civil rights activists and feminists lobbied to end sex discrimination in employment and education. As a result, federal legislation from the early 1970s (Title IX of the Higher Education Amendments) banned sex discriminatory practices in the entire education system, from kindergarten to university. In studies that pioneered measurement and nationally representative sampling, academic researchers developed methodologies to assess 'the true scope' of rape (Koss et al, 1987: 162; Koss and Oros, 1982). The work by Koss and colleagues initially did not focus on campuses per se but saw students as representative of the population age group at high risk of perpetration and victimisation. Over the years, evidence has accumulated from different types of studies including national surveys of college students (Fisher et al, 2000; Koss et al, 1987), studies restricted to one campus or a small number of campuses (Krebs et al, 2007), and the National Crime Victimization Survey (NCVS) that surveys the general population but can distinguish between students and non-students (Sinozich and Langton, 2014). Because the NCVS is built as a crime survey it uses narrower definitions of rape and sexual assault and narrower screening questions than studies that focus on public health, use broader definitions and more specific questions (Fisher et al, 2000; Krebs et al, 2007). In addition, different studies have assessed prevalence over different time periods such as since age 14, during the year prior to the survey, or while in college. Estimates vary accordingly. Based on an analysis of NCVS data from 1995 to 2013, Sinozich and Langton (2014) estimated a prevalence rate of rape and sexual assault of 6.1 per 1,000 students and 7.6 per 1,000 non-students in the 18 to 24 year age bracket (over the previous 12 months). Using a longer time period from age 14, Koss et al (1987) reported that among 3,187 women 44% had experienced unwanted sexual contact; 2% had been raped. Ten years later Fisher et al (2000) found that, of 4,446 college women, 2.8% had experienced an attempted or completed rape over the past seven months. Because some women were victimised more than once, the rate of incidents was higher (35.3 per 1,000 female students) than the rate of victimised individuals (27.7 per 1,000 female students).

Sexualised violations can have serious health and mental health consequences (Centers for Disease Control and Prevention, 2016). Of particular concern to universities should be impacts on students' academic performance and employment prospects due to a range of long-term problems including depression, eating disorders, alcohol or drug use, suicidal thoughts, loss of confidence, fear of leaving the house, and difficulty trusting other people (Feltz et al, 2012; Horsman, 2006). Victimised students may come to the attention of university staff not because they disclose abuse but because they fall behind academically (Freeman and Klein, 2012, 2013). Victims may miss classes to avoid the perpetrator, and some students drop out of higher education altogether (Feltz et al, 2012; Freeman and Klein, 2013). Sexual assault impacts students' grades with more severe violence associated with worse academic performance (Jordan et al, 2014).

## **Perpetration**

Research on perpetration has taken two different approaches, one focusing on perpetrator behaviour and attitudes, the other on social contexts that may encourage rape (Buchwald, et al, 2005). Of 341 unmarried male undergraduates who Kanin interviewed in 1969, 87 (25.5%) reported aggressive attempts at sexual intercourse in which the perpetrator saw 'the female responding with offended reactions, e.g., fighting, screaming, crying, etc.' (p 13). A decade later, Rapaport and Burkhart (1984) found that ,among 190 male undergraduates, 28% self-disclosed acts of sexual coercion of a woman; 15% disclosed raping a woman. Koss, et al (1985) reported that, of 1,846 male students, 4.6% self-disclosed having raped. In Koss et al (1987) 19% of college men self-disclosed having coerced a woman to have sexual contact; 1% of men admitted oral or anal penetration by force.

According to Lisak and Miller (2002), of 1,882 male undergraduates, 120 (6.4%) self-disclosed rape or sexual assault or attempted rape/sexual assault, a small fraction of the entire sample. The 120 self-disclosed rapists admitted a total of 483 rapes. Of these, 44 rapes (9%) were admitted by men who said they raped only once. This leaves 439 (91%) rapes committed by 76 repeat rapists. Thus, it is conceivable that a small but critical minority of college men commit the vast majority of rapes. However, Swartout et al (2015) argue that too much emphasis on serial rapists is misguided. Based on an analysis of the trajectory of rapist behaviour over a period of about ten years the authors found that of 1,642 male college students 10.8% (178) disclosed that they had perpetrated at least one rape from when they were 14 years old through

to the end of college. Over this time period, 93% of self-acknowledged rapists raped only once or stopped after a short while; 2% raped more over time. However, during the time in college only 52% of rapists had a brief trajectory of raping, and 15% increased their raping. Even though such trajectories are not yet well understood (Lussier and Cale, 2016), they raise the disturbing possibility that campuses provide contexts that offer opportunities to rapists, which they would otherwise not have. In the college context debates are wrapped up with concern over excessive drinking and the role of fraternities (Marine, 2016; Sanday, 2007) and athletics departments (Crosset, 2016). The interplay of drug use, peer pressure, popularity rankings and misogynist practices at parties and around sports events create rape-prone contexts in that they may encourage men to be sexually aggressive, to be disrespectful to women, and to boast of sexual conquest to other males. Fraternities and athletics departments may also be able to shield perpetrators from scrutiny, and victims who were drunk or high on other drugs make easy targets for victim-blaming, regardless of whether they consumed drugs willingly or were manipulated, and even though drug consumption and sexual violence are separate issues. Thus, misogynist rituals and subcultures (Godenzi et al, 2001; NUS, 2012) could model, encourage or demand that college men who want to participate enact the very misogynist, hostile and aggressive attitudes and behaviours that have been observed in convicted rapists (Lisak and Miller, 2002). Such contexts may also attract men with a propensity of violence against women by promoting shared norms in which violence against women is acceptable and giving perpetrators 'cover' under which they can proceed with impunity (DeKeseredy and Schwartz, 2013; Raghavan et al, 2009; Silverman and Williamson, 1997). Still, how rape-prone contexts, or attitudes for that matter, translate into actual raping is not well understood and probably involves the confluence of multiple factors (Hagemann-White et al, 2010).

Sexist dating cultures have continued for decades, supported by rape myths and victim-blaming (Burt, 1980). Kanin (1969) simply assumed 'female-provoked sex aggression' which, even though he had no empirical evidence, he thought 'reasonable to suspect' (p 17). He took 'for granted ... that there are sufficient numbers in the male population who will aggressively respond to provocative females' but rather than investigating male sexual aggression he chose to 'concentrate on the conduct of the female and the perceptions made of her conduct by the male' (p 18). Rape myths and victim-blaming include troubling ideas of 'communication' that continue to this day. Instead of examining male sexual aggression, women are blamed for not understanding 'the

male subculture'; 'Some females, deficient in socialization in the male subculture, unwittingly engage in provocative behavior' (Kanin, 1969; p 19). Women are blamed for not deferring to men's expectations. While young women today may be more outspoken about sex than they were decades ago, they still describe dating cultures imbued with victim-blaming and male aggression (Mogilevsky, 2016).

Our understanding of perpetration is hampered further by the fact that what is perpetrated includes a broad array of problematic behaviours and actions that range from 'minor' sexual harassment to forceful rape. Terminology, methodology and policy have yet to settle on a better way to take the entire range of sexualised violations seriously, without dismissing any as trivial but also without treating all violations as the same. In addition, the policy response to sexual violence, which will be addressed next, has focused more on the risk of victimisation, and how to manage that risk, than on the risk of perpetration; in university policies perpetrators are nearly invisible (Iverson, 2016).

## **Problem framings in law and policy**

Notwithstanding the significance of research, in the US two pieces of federal legislation – Title IX and the Clery Act – have had a profound impact on the university response to sexual violence on campus. Both will be discussed below along with their impacts and limitations. As influential as this legislation has been, it also has led to a relatively narrow focus on student-to-student violence and formal crime reporting. A more comprehensive approach would be desirable that also considers sexual harassment of employees and thus the entire cluster of problematic practices indicative of structural inequality and exploitative hierarchies in HEIs and society at large (Armstrong et al, 2006; Marine, 2016; Weale and Batty, 2016). Worryingly, underreporting of sexual violence remains a complex social problem that is unlikely to be resolved by legislation.

From the 1960s, when many HEIs were still closed to women, pressure from the civil rights and women's movements forced Congress to address sex and racial discrimination in successive pieces of legislation; Title VII of the Civil Rights Act 1964 prohibiting employment discrimination on the basis of sex, race, religion, and national origin; the Equal Credit Opportunity Act 1974 allowing women to own credit cards; the Pregnancy Discrimination Act 1978 prohibiting the firing of female employees who became pregnant. Since 1972, Title IX of the Education Amendments has prohibited sex discrimination in all federally funded education programmes and activities (from



kindergarten to college, and including private institutions that benefit from federal financial aid programmes). Title IX focuses on equal access to educational opportunities for male and female students and is best known for its impact on college athletics where it led to increased spending on women's sports. 'The principal objective of Title IX is to avoid the use of federal money to support sex discrimination in education programmes and to provide individual citizens effective protection against those practices'.<sup>2</sup> For decades, debates about sexual violence on campus have focused almost exclusively on students and the implementation of Title IX, rendering this issue separate from sex discrimination against employees and the institutional structures implicated in all forms of discrimination.

Under Title IX students can sue HEIs for damages, which raises the question at which point and according to what standard of liability campuses can be held responsible for failing to provide equal access to education opportunities. Since a 1998 court ruling, the legal standard for liability has been *deliberate indifference* to known instances of sexual harassment (*Gebser v. Lago Vista Independent School District*, 524 U.S. 274, 290 (1998)). MacKinnon (2016) argues that this standard is inconsistent with Title IX's mandate and should be replaced with the 'due diligence' standard of human rights law. According to MacKinnon, to focus only on deliberate indifference to known harassment does not meet the law because many other practices contribute to unequal access such as inequality, hierarchical relations and climates of abuse.

The Office for Civil Rights (OCR) in the US Department of Education is responsible for enforcing Title IX. This is done by issuing guidance to HEIs and threatening to withdraw federal funds should campuses be found in violation of the law. In 1997, the OCR interpreted sexual harassment as a form of sex discrimination; in 2001 it emphasised that 'preventing and remedying sexual harassment in schools is essential to ensuring a safe environment in which students can learn'; and in 2011 it specifically addressed sexual violence as a form of sexual harassment and sex discrimination (OCR, 2011). HEIs need to investigate allegations of sexual violence even though their own investigation may conflict with investigations by police. HEIs come to know of harassment through 'responsible employees', defined by the OCR as employees who have

the authority to take action to redress the harassment, who [have] the duty to report to appropriate school officials sexual harassment or any other misconduct by students or

employees, or an individual who a student could reasonably believe has this authority or responsibility.<sup>3</sup>

Who exactly is a responsible employee has been controversial. One response by HEIs has been to include teaching staff among responsible employees, expecting them to report disclosures of sexualised violations even if the disclosing student does not want the matter to be shared with campus officials. For instance, the University of Maine has been requiring its teaching staff to put language into their syllabi that warns students that the lecturer needs to report disclosures. Despite the guidance, critical matters remain unresolved such as balancing the institutional need to know with students' need to remain confidential. In addition, loopholes exist. For instance, at the point of this writing the University of Maine System's 'Policy Manual – Sexual Harassment'<sup>4</sup> states that the university does not consider itself to know of sex discrimination if disclosures were made in the context of research projects or at public speak-outs. As a result, a 'cottage industry' (Napolitano, 2014: 400) has sprung up in consulting firms trying to help universities to interpret and implement legal mandates. Lastly, although several hundred HEIs have been investigated by the OCR (Kingkade, 2016), and withdrawal of federal funds has been threatened, it seems that as of August 2016 in no case had funding actually been withdrawn.

While Title IX focused specifically on eliminating discrimination, the Clery Act of 1990 concerns crime reporting. It is based on the premise that crimes may be averted if students, parents and staff were aware of campus crime statistics. Under Clery, HEIs are required to compile and publish crime statistics (not limited to but including sex crimes) and crime prevention and safety policies. So-called 'campus security authorities' must report crimes in and around campus. They include police, security staff, officials with significant responsibility for student and campus activities, and persons designated campus security authorities. As with Title IX, enforcement of the Clery Act lies with the US Department of Education. It can fine HEIs up to \$35,000 for a violation of the law such as noncompliance with regard to sexual assault policies and procedures. The Campus Sexual Violence Elimination Act 2013 amends Clery by requiring HEIs to address dating violence, domestic violence and stalking as well as sexual violence. The need to pass legislation that includes additional forms of violence reflects the fragmented framings of these issues in policy (and practice; while I was project director of VAWA (Violence Against Women Act) campus grant from 2002–06 grantees had to focus strictly on sexual assault,

dating and domestic violence, and stalking against students and were barred from addressing sexual harassment of employees).

As of 2013, the three most common violations of the Clery Act included '(1) failure to disclose crimes based on Clery Act geography; (2) improper classification and disclosure of crimes; (3) lack of or inadequate policy statements' (Kiss and Feeney White, 2016). Campuses continue to struggle with the requirements of Title IX and Clery; the gap between officially reported and informally disclosed violations remains wide; it is unclear to what extent campuses have the capacity and training to adequately investigate allegations; it is unclear and perhaps doubtful if investigations, when they do happen, contribute to improved gender equality on campus (MacKinnon, 2016).

The still evolving Department of Education ... regulatory apparatus that surrounds campus sexual violence and sexual assault drives [HEIs] to devote significant resources to prescriptive compliance regimes, often at the expense of improving prevention, response, and support programmes. Both by federal rule and by agency 'guidance,' universities and colleges are required to act as investigators and adjudicators of sexual violence and sexual assault cases, even where victims choose not to pursue criminal prosecution and do not want law enforcement involvement. At the same time, university student conduct processes may be inadequate if they end up supplanting the criminal justice system. (Napolitano, 2014: 388)

Campus-based victim advocates (specialist service providers) fear that the current legislative environment has created a narrow focus among universities on technical and procedural compliance to avoid institutional liability, while fundamental changes towards gender equality and violence prevention have yet to happen (Moylan, 2016). While many campus officials believe that the Clery Act has improved law enforcement and students' ability to protect themselves, there is no clear evidence that students are safer and campuses are more gender equal (Kiss and Feeney White, 2016; Sloan et al, 1997). The current emphasis on formal reporting illuminates the challenges that have plagued campus violence prevention for decades and that still lie ahead.

## **Formal reporting, campus culture and university governance**

Spurred by the activist movement – Know your IX – more students who were sexually assaulted have filed Title IX complaints against their university. Even so, formal reporting significantly underestimates the extent of the problem. Fisher et al (2000) estimated that in a single academic year there may be 35 rapes per 1,000 female students on US college campuses. This figure is much higher than the number of rapes that appear in official campus crime reports. Fisher et al (2003) found that only 2% of female students who experience sexual violence reported the incident to police, and only 4% reported to campus authorities. Similar low reporting rates have been found in other countries (NUS, 2010; Sloane and Fitzpatrick, 2011) and in comparison with other offences (Hart, 2003) with students less likely than non-students to report (Sinozich and Langton, 2014).

However, lack of formal reporting does not mean lack of informal disclosure (Klein, 2012). Fisher et al (2003) found that although fewer than 5% of victims reported sexual victimisation to police or a campus administrator, 70% told somebody in their social networks (mostly friends). This discrepancy is not unique to student populations nor to the US (Smith et al, 2011; Stenning et al, 2012).

The difference between what is formally reported and what is informally disclosed is so large that reporting and disclosure can be considered separate social and interpersonal processes. They may intersect at some point, such as when a victim, after consultation with and support from specialist services or informal contacts, decides to file a formal report. However, disclosure is based on trust (and opportunity), and can be a long process (Ullman, 2010). It seems unlikely that this could be forced by legislation or that this would be desirable. Informal third parties know more about sexualised violations because they are trusted confidants or happened to witness an attack (Ahrens et al, 2007). Authorities know less because they often are not trusted and are not part of victims' lives. Furthermore, only a small number of victims ever access specialist services such as rape crisis centres or domestic violence projects although when they do, they tend to be highly satisfied with the support received, (Klein, 2012). Thus, the formal systems responsible, respectively, for apprehending perpetrators and supporting victims are also the ones who know the least about what actually happened. Formal reporting is a poor way to get a sense of how many sex crimes and sexualised violations actually occur on campuses. The emphasis on reporting and compliance with

procedural detail has led HEIs to frame the problem as a need to know (about incidents) rather than a need to act to change campus culture and university governance (Klein, 2013).

In recognition of the limits of formal reporting the White House has been pushing HEIs to undertake regular climate surveys (Krebs et al, 2016). And while university members such as deans of students, equal opportunity officers, and legal counsel may be focusing on procedural compliance, students and faculty, for decades, have been organising awareness events and prevention education. Since 1999, with funding from the Campus Grant Program under the Violence Against Women Act, many HEIs have overhauled their policies, increased staff training, and experimented with outreach to students (Karjane et al, 2006). Early rape prevention workshops were often limited to short-term improvement in self-reported attitudes with little evidence of long-term behaviour change (Anderson and Whiston, 2005). Such programmes may have other beneficial impact such as helping victims to connect with services. The recent bystander intervention programmes promise to be effective in educating students how to intervene in the build-up of a sexual assault and support victims (Foubert et al, 2007; Moynihan et al, 2011). On balance, these approaches to violence prevention have aimed at students (not employees, or the institution), in particular female students and students as bystanders. Programmes to teach women how to stay safe have been criticised for implicit victim-blaming but such programmes continue, and self-defence courses seem to offer women benefits (Senn et al, 2015). From today's perspective, much of the history of campus policies and prevention programmes reveals a white, heterosexist bias is evident (Wooten, 2016). Yet, although we now have a better understanding of intersecting oppressions, the current focus on 'student sexual misconduct' is in danger of losing sight of the structural inequalities in higher education that continue to this day (Marine, 2016). They concern the reproduction of inequality and sexism in elements of student life and institutional practices. Although different on the surface (binge drinking at parties versus sober meetings of the president's cabinet), these practices have in common the role of high status males in enacting and reinforcing particular forms of sexist masculinity, to which those who want to belong need to adapt (Armstrong et al, 2006; Hsu and Reid, 2012; Sanday, 2007). '[S]exualized peer cultures organized around status' (Armstrong et al, 2006: 484) may seem a far cry from the mundane work of authoring campus policy. Yet, in the process of implementing policy, institutional practices occur that are shaped by a legacy of high status (often white)

men in leadership positions with little or no understanding of sexual violence.

Even a thoughtful and thorough process of creating a campus sexual assault policy is only a small step towards changing campus culture and university governance. The process of creating a sexual assault policy usually involves the formation of a committee charged to produce the text, followed by a period of drafting, discussing and editing versions of the text. The policy document then moves through the institutional chain of command across the desks of deans, vice presidents, legal counsel, presidents and perhaps boards of trustees. Once approved, a policy may be implemented by publicising the text among students and staff members, perhaps even training staff on how to implement the policy. The institutional actions taken after a policy text has been officially adopted involve informal practices that go beyond what is stated on the written page: university authorities discuss cases among their peers and with their supervisors; case details that ought to be confidential are nonetheless shared with colleagues or parents; deans may decide whether to feed allegations of sexual violence through the official hearing process or decide the matter for themselves; athletics departments often have their own rules; donors (often former members of fraternities) and ‘boosters’ of athletic programmes may weigh in, perhaps threatening legal consequences if the university goes too hard on a star athlete; university lawyers may counsel caution in pursuing alleged offenders. Some staff members can speak their mind, while others are afraid to jeopardise their job if they do. If anything seeps out, it is in the form of rumour. Unlike policy documents, much of this activity is not accessible to the public. It occurs behind closed doors and is shielded from scrutiny.

In an ironic twist, HEIs are capable of, on one hand, producing progressive, feminist research on sexual violence, while on the other ignoring the import of that research for governance. Noting decades of useless change work at Harvard, Marine (2016) deplored that while this university ‘has produced ... and employed ... a small army of noted feminists who have written copiously on the topic of men’s violence against women, these analyses were mistrusted and muted from the analysis of the issues at Harvard’ (Marine, 2016: 67). In particular, confronting violent masculinity, male white privilege and sexual subordination of women at Harvard ‘was untenable’ (Marine, 2006: 67).

## Final thoughts

In 2016, the state of media reporting about sexual violence at US universities is dominated by a seemingly endless stream of scandals in which institutions failed to investigate, did not support victims and treated perpetrators with impunity. While institutions are blamed for not responding well or at all, they have, in fact, tried to respond, writing and revising policies, investigating allegations and teaching prevention programmes. They have been doing this for decades. Occasionally, high-ranking officials do step down, victims win lawsuits, and perpetrators are held to account. The question is whether this adds up to true change or whether it is a new normal in which abusive practices are more visible yet continue as before. Since the 1950s the volume of research about sexual violence on campus has increased considerably, measurement has been refined, and significant strictures have been placed on universities through legislation and policy. But none of these changes has fundamentally changed the nexus between gender inequality and sexual violence. Indeed, the presence of gender equality policies in areas of equal employment opportunity or family policy does not necessarily translate into less sexual violence against women (Michalski, 2004). It is debatable whether campus sexual assault policies have produced radical change in sexual violence on campus. It seems that campuses still struggle to truly overcome victim-blaming and rape myths (Stoll, Lilley and Pinter, 2017). In some ways, much progress has been made: sexual violence is talked about more openly, and truly inspiring efforts have been made to educate campus communities. Yet, it sometimes seems as though underneath these positive changes sexual violence continues unabated. University leaders may need to take a closer look at university governance. In contrast to the remit of a rape crisis organisation, sexual violence prevention is not the primary mission of a university. But nor are fire safety, food safety and building safety. Yet, these are fully incorporated into campuses' core operating procedures. It is time to do the same with sexual violence prevention.

## Notes

<sup>1</sup> [www.changingourcampus.org](http://www.changingourcampus.org)

<sup>2</sup> US Department of Justice, 'Overview Of Title IX Of The Education Amendments Of 1972, 20 U.S.C. A§ 1681 Et. Seq.', [www.justice.gov/crt/overview-title-ix-education-amendments-1972-20-usc-1681-et-seq](http://www.justice.gov/crt/overview-title-ix-education-amendments-1972-20-usc-1681-et-seq)

<sup>3</sup> Revised Sexual Harassment Guidance, [www2.ed.gov/about/offices/list/ocr/docs/shguide.html](http://www2.ed.gov/about/offices/list/ocr/docs/shguide.html)

<sup>4</sup> [www.maine.edu/about-the-system/board-of-trustees/policy-manual/section402/](http://www.maine.edu/about-the-system/board-of-trustees/policy-manual/section402/)

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