

Campus Sexual Assault Study and Consensus

At the May 2015 61st Biennial State Convention delegates adopted a resolution to conduct a study of Sexual Assault on College Campuses in order to determine how best to respond to the alarming increase in reported campus sexual assaults.

The LWVNJ study was begun to determine:

The definition of sexual misconduct, sexual assault, and rape

Proper formulation and requirements for consent

Appropriate role of campus administration and security, local law enforcement,
federal intervention and student services

Viable means of prevention (including the role of men)

The results of the study will be used to establish a position to advocate on behalf of victims of sexual assault, the elimination of sexual assaults in the New Jersey college community, as well as advocate for legislation, public awareness and education programs.

Sexual Assault Data

20% of college women and 6% of college men will be sexually assaulted during their college career
NJ campuses reported 181 sexual offenses in 2013 (could be 3,000 as only 5% of incidents are reported).

80% of these campus assaults/rapes are committed by acquaintances

50% of college women victims of attacks that met the definition of rape did not consider it to be rape

70% of campus rape victims knew their attackers, compared to half of other violent crime victims

Less than 5% of attempted or completed rapes are reported to authorities

Men can be raped by men or women

Nearly 27% of college-aged men reported obtaining sexual contact through coercion (physical force,
alcohol or drugs)

Only 1 in 1000 date rapists is ever convicted.

Cultural Aspects of Sexual Assault

We are fighting elements of a phenomenon that sociologists call a "rape culture".

Rape culture is the domination and objectification of women

Countries that are described as having "rape cultures" include, but are not limited to Pakistan, India, US,
UK, Canada, Australia, and South Africa.

College students have reported being ostracized if they report an assault especially if the alleged
perpetrator is a popular figure or noted athlete.

Contemporary media sources have long focused on the sexual objectification of women and suggest
violence towards women is not only normal, but cool.

To dismantle rape culture requires the undoing of the normalization and tolerance of sexual assault and
rape and the changing of gender stereotypes.

Education should begin for both genders (combined with drug/alcohol programs) in Junior High School

Myths Regarding Sexual Assault

It's the victim's fault

Rape is merely "rough sex"

Most allegations of Rape/ Sexual Assault are false

The presence of drugs or alcohol makes it difficult to investigate allegations

Acquaintance rape is not rape

It is rape or sexual assault only if a stranger jumps out of a bush in a dark parking lot, threatens or beats a victim

If a woman drinks less, wears more clothing, takes a self-defense course etc. she can eliminate the likelihood of sexual assault

Barriers for Victims Reporting Rape or Sexual Assault

Don't believe they have proof that the incident occurred

Fear of retaliation

Fear of hostile treatment by the authorities

Not knowing how to report the incident or their legal rights

Desire to prevent family and others from learning about it

Fear that they cannot get justice in the system

Embarrassment and self blame (e.g. "my fault" "what did I do wrong?")

What Constitutes Sexual Offences

Forced touching of a sexual nature even if it is over clothes

Oral sex, Anal sex

Sexual penetration with a finger or object

Sexual intercourse

NJ Legal Definitions of Sexual Offences:

http://lwvnj.org/issues_womenfamily.html

Click on [Campus Sexual Assault Background Materials](#)

Colleges and Universities have a wide range of categories and terminology to define "sexual misconduct". There is no consensus.

Consent & Affirmative Consent

What legally constitutes consent is ambiguous. New Jersey only defines *who cannot* give consent (cognitive impairment; unconscious/sleeping; voluntarily/involuntarily under the influence of alcohol or other substances)

Affirmative consent changes "no means no" to "yes means yes" (i.e unambiguous, voluntary agreement re-affirmed throughout which can be withdrawn by either party at any time).

Federal Legislation Title IX

Requires schools to address sexual harassment and sexual violence.

Employees of the campus must promptly report sexual harassment

If a school knows or reasonably should know about sexual harassment or sexual violence the school must take immediate action.

A criminal investigation by law enforcement does not relieve the school of its duty under Title IX.

Jeanne Clery Act

Requires all colleges and universities that participate in federal financial aid programs to keep and disclose information about crime on and near their respective campuses.

2014 "IT IS ON US" Initiative

Establishes a website (NotAlone.org) to help young women and others to navigate issues such as resources available, reporting procedures, etc.

Helps schools respond effectively when a student is assaulted.

Enlists men to help eliminate sexual assault.

Enlists "bystanders" to intervene on behalf of victims.

Early intervention in K-12 is recognized as necessary to combat assault

The Role of Campus Authorities vs. Law Enforcement

There have been no standardized or legislated positions or policies on who must handle campus assault cases. Title IX requires that the school carry out its own prompt investigation and execute appropriate measures. However, rape is an incredibly serious crime that college administrators may not be well equipped to handle.

Campuses have been severely criticized (when discovered) that they have perpetrators who have been accused more than once or several times and they have not acted promptly or at all when incidents have been perpetrated by noted athletes or children of donors or political figures.

Role of Campus Administration/Campus Security

Campus Administrations are currently responsible for the development and dissemination of policies regarding Campus Sexual Assault. These include:

Information about what is unacceptable sexual behavior

Continuing prevention programs and techniques

Training for both students on the campus policies and campus staff

Procedures for reporting incidents by students and staff handling of these reports

Services to support victims such as medical help and counseling

Remedies for offences

Current Role of Local Law Enforcement

Current police procedures are long and arduous for the victim. Time passes, nothing seems to happen and the victim and the alleged perpetrator are free to go about their business. In New York State, there is a pocket guide for police response to sexual assault which provides officers with step by step procedures to follow. None of these procedures are mandated nationally.

Student Support Services

Campuses around the country are routinely provide support services (not clearly defined) for sexual assault. Campuses depend on local hospitals for rape kits and more advanced medical needs.

Recommendations for Prevention

Combine sexual assault prevention education with alcohol/drug education beginning in high school or earlier.

Visual portrayals of acceptable and unacceptable behaviors

Bystander training

Teach effective sexual assault resistance strategies

Stress the importance of reporting incidents and the importance of seeking services

Students are ultimately responsible for determining (1) whether or not a woman/man has consented to sexual contact, and (2) whether or not a woman/man is capable of providing consent.

Educate all students that an intoxicated person cannot legally consent to sexual contact. Having any sexual contact with an intoxicated or incapacitated person is unacceptable and illegal.

Current New Jersey Legislative Action

The State of New Jersey Task Force on Campus Sexual Assault (S-2812-passed and signed December 2015) is scheduled to issue a final report to the Governor and Legislature within a year with its findings and recommendations concerning campus sexual assault.

Numerous other bills have been proposed strengthening public schools and institutions of higher learning to develop prevention and response programs and authorizing penalties for failure to comply. As of this date, none have been passed and signed.

Conclusion

The League of Women Voters of New Jersey will establish a position through study and consensus whereby League members will be able to advocate for legislative action to enforce transparent reporting procedures from Universities and Colleges, to educate and train administrators, students, teachers, and staff on relevant policies and procedures designed to handle sexual misconduct and sexual assault cases, and to train and sensitize local law enforcement and finally to raise public awareness through local programs of this serious national crisis and relevant preventive measures.