

Sexual Assault On Campus

A Frustrating Search for Justice

A culture of secrecy surrounds higher education's handling of sexual assault cases



THE CENTER FOR
PUBLIC INTEGRITY

Investigative Journalism in the Public Interest

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Go online for more about sexual assaults on campus including video interviews, audio clips, supporting documents and related stories at: http://www.publicintegrity.org/investigations/campus_assault

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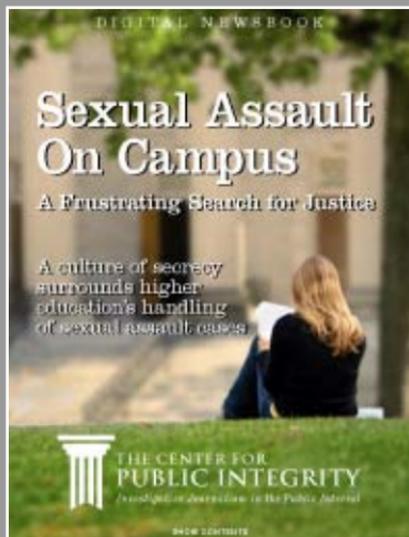
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About the Project

Starting in February 2009, the Center for Public Integrity fielded a team of reporters to lift the curtain on how colleges and universities respond to reports of sexual assault.

Reporters Kristen Lombardi and Kristin Jones began by surveying crisis services programs and clinics on or near college campuses across the country; 152 of these facilities completed the survey. The Center's team then interviewed nearly 50 current and former college students who say they were raped or sexually assaulted by other students and, in some cases, professors. The journalists also interviewed students accused of sexual assault, as well as dozens of student affairs administrators, judicial hearing officers, victim advocates, sexual assault scholars, and lawyers.

Three federal laws that govern the way colleges and universities respond to sexual assault complaints became a topic of intense focus: Title IX, the Clery Act, and the Family Educational Rights and Privacy Act, or FERPA. Through a Freedom of Information Act request, the Center compiled a database of 10 years' worth of complaints filed with the U.S. Department of Education against colleges and universities for allegedly violating Title IX, which bans sex discrimination in federally funded education. The Center culled documents from lawsuits filed against schools for alleged Title IX violations, and built a second database of complaints filed with the Education Department against schools for allegedly violating the Clery Act, which requires that schools provide key rights to

victims, and that they collect and retain statistics of crimes occurring on or near their campuses.

FERPA, which protects the privacy of student education records, complicated reporting of these stories. As a practical matter, the law required that the Center obtain disclosure or privacy waivers from students in order to conduct interviews with school administrators about their cases or file successful Freedom of Information Act requests to gain access to documents related to those cases.

The Campus Assault project is generously supported by grants from the Dart Society, the John S. and James L. Knight Foundation, and the NoVo Foundation. Support for this and other Center for Public Integrity projects is provided by the Carnegie Corporation of New York, the Ford Foundation, Greenlight Capital LLC Employees, the John D. and Catherine T. MacArthur Foundation, the Open Society Institute, the Park Foundation, the Rockefeller Brothers Fund, and many other generous institutional and individual donors.

About the Survey

The Center for Public Integrity conducted a survey of on-campus and off-campus crisis clinics and programs that service students, faculty, and staff at four-year public universities. The Center took a stratified random sample of those clinics and programs so that universities in all regions of the United States were represented. The Center received responses from August 2008 through April 2009, and conducted follow-up interviews of survey respondents from May 2009 to July 2009. Of the 260 clinics and programs in the sample, 152 completed the survey for a 58 percent response rate. Respondents were asked, among many questions, how many student sexual assault cases they serviced in the past year.

To compare their answers to official numbers, the Center analyzed Education Department university crime data, which campuses are required to report under the Clery Act. The Center acquired its copy of the data from the National Institute for Computer-Assisted Reporting.

For the analysis, the Center computed a five-year average of sexual assaults for universities whose on-campus and nearby off-campus clinics and

programs responded to the survey. The years 2002-2006 were used as these represented the most recent final numbers. Universities can change their initial reports as they learn more about crime on their campuses, meaning the 2007-2008 numbers were still subject to change when the analysis was done. A five-year average was used to smooth out any years with exceptionally high or low incidents. Finally, those averages were compared to the most recent numbers reported by the clinics and programs that service those campuses.

About the Center

The Center for Public Integrity is a nonprofit, nonpartisan, and independent digital news organization specializing in original investigative journalism and research on significant public policy issues.

Since 1990, the Washington, D.C.-based Center has released more than 475 investigative reports and 17 books to provide greater transparency and accountability for government and other institutions. It has received the prestigious George Polk Award and more than 32 other national journalism awards and 18 finalist nominations from national organizations, including PEN USA, Investigative Reporters and Editors, Society of Environmental Journalists, Overseas Press Club, and National Press Foundation.

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Our work could not be completed without your generous support. Donors of \$500 or more in a 12-month period will be acknowledged on our website and in publications.



A Litany of Barriers... A Culture of Secrecy

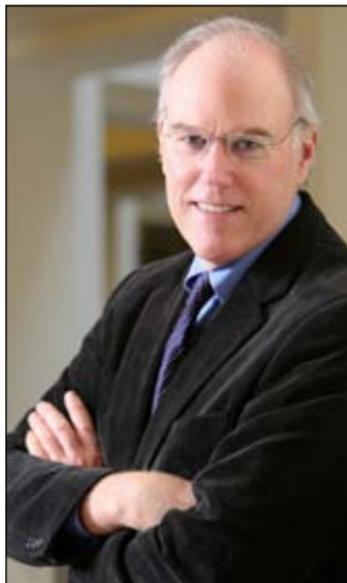
SEXUAL ASSAULT VICTIMS BEING RE-VICTIMIZED ON CAMPUSES
ACROSS THE COUNTRY

Commentary by Bill Buzenberg

Executive Director of the Center for Public Integrity

HUNDREDS of thousands of American teenagers enter college every year and soon find themselves jumping head first into a world of classes, friends, extracurricular clubs and activities, and a host of other lifestyle changes that come with living far from home.

While college can be a stressful time for all students, it can quickly morph into a nightmare for those students who become victims of sexual assault. One out of five female students can expect to be assaulted, according to a Justice Department



study, though colleges themselves tend not to make such statistics clear to all.

Over the course of a year-long investigation, the Center for Public Integrity found that students who have been the victim of sexual assaults on campus face a depressing litany of barriers that often assure their silence and leave their alleged assailants largely unpunished.

The majority of students who are sexually assaulted on campus remain silent. According to another national study, 95 percent of victims do not end up reporting the incident

to the police. Many victims do not report because they blame themselves, sometimes because drugs or alcohol was involved, or they do not identify what happened as sexual assault. Friends frequently do not know how to respond, and colleges

do not bother to teach them.

Institutional obstacles only serve to compound the problem.

Victims who find the courage to pursue justice and closure via university judicial proceedings must maneuver

through a system shrouded in secrecy where they encounter mysterious disciplinary proceedings, closed-mouthed school administrations, and off-the-record negotiations. Rather than guidance and support, these victims encounter closed-door meetings and stern words about never telling anyone. Through every step of the process, victims are faced with a litany of barriers that put justice even further out of reach.

Victims' advocates say that these institutional barriers have become the norm at universities nationwide,

and are a telling sign of schools' priorities. By silencing victims and turning judicial hearings into something like kangaroo courts, colleges prioritize their own reputations over victims' safety and support and turn their campuses into hostile environments for victims of sexual assault.

The Center for Public Integrity's study demonstrates how these trends affect real women: nearly fifty percent of the students we interviewed claimed that they unsuccessfully sought criminal charges, and instead had to seek justice in closed, school-run proceedings that led to either light penalties or no punishment at all for their alleged assailants. Nearly a third said that administrators discouraged them from pursuing rape complaints. Eleven students reported experiencing extreme confidentiality edicts, sometimes followed by threats of punishment if they were to disclose any information about their case.

The stories of these students make this much clear: as if being a victim of sexual assault isn't difficult enough, it becomes even more traumatic when survivors' schools become barriers to justice. Unfortunately, these judicial proceedings often do little more than re-victimize an already vulnerable student. ■

Key Findings

THE CENTER'S INVESTIGATION FOUND THAT EXISTING PROCESSES HAVE LITTLE TRANSPARENCY OR ACCOUNTABILITY

KATHRYN RUSSELL said it happened in her on-campus apartment. For Megan Wright, the venue was a residence hall. According to a report funded by the Department of Justice, roughly one in five women who attend college will become the victim of a rape or an attempted rape by the time she graduates. But official data from the schools themselves doesn't begin to reflect the scope of the problem. And student victims face a depressing litany of barriers that often either assure their silence or leave them feeling victimized a second time, according to a 12-month investigation by the Center for Public Integrity.

The probe reveals that students found “responsible” for alleged sexual assaults on campuses often face little or no punishment, while their victims' lives are frequently turned upside down. Many times, victims drop out of school, while students found culpable go on to graduate. Administrators believe the sanctions administered by the college

judicial system are a thoughtful and effective way to hold abusive students accountable, but the Center's investigation has discovered that “responsible” findings rarely lead to tough punishment like expulsion—even in cases involving alleged repeat offenders.

Research shows that repeat offenders actually account for a significant number of sexual assaults on campus, contrary to what those who adjudicate these cases on college campuses believe. Experts say authorities are often slow to realize they have such “undetected rapists” in their midst.

Critics question whether faculty, staff, and students should even adjudicate what amounts to a felony crime. But these internal campus proceedings grow from two federal laws, known as Title IX and the Clery Act, which require schools to respond to claims of sexual assault on campus and to offer key rights to victims.

The Education Department en-

forces both laws, yet its Office for Civil Rights rarely investigates allegations of botched school proceedings by students, largely because students don't realize they have a right to complain. When cases do go forward, the civil rights office rarely rules against schools, the Center's probe has found, and virtually never

Institutional barriers compound the problem of silence, and few actually make it to a campus hearing.

issues sanctions against institutions.

Many student victims don't report incidents at all, because they blame themselves, or don't identify what happened as sexual assault. Local

criminal justice authorities regularly shy away from such cases, because they are "he said, she said" disputes sometimes clouded by drugs or alcohol. That frequently leaves students to deal with campus judiciary processes so shrouded in secrecy that they can remain mysterious even to their participants.

Institutional barriers compound the problem of silence, and few actually make it to a campus hearing. Those who do come forward, though, can encounter secret disci-

plinary proceedings, closed-mouth school administrations, and off-the-record negotiations. At times, school policies and practices can lead students to drop complaints, or submit to gag orders—a practice deemed illegal by the Education Department. Administrators believe the existing processes provide a fair and effective way to deal with ultra-sensitive allegations, but the Center's investigation has found that these processes have little transparency or accountability.

The Center interviewed 50 experts familiar with the college disciplinary process—student affairs administrators, conduct hearing officers, assault services directors, and victim advocates. The inquiry included a review of records in select cases, and examinations of 10 years' worth of complaints filed against institutions with the Education Department under Title IX and the Clery Act, as well as a survey of 152 crisis services programs and clinics on or near college campuses. The Center also interviewed 33 women who reported being sexually assaulted by other students. ■

UNDERSTANDING THE LAW ►►

