

WHAT IS CAMPUS SEXUAL VIOLENCE?

Preventing sexual violence on campus takes more than one department, office, club, team, administrator, professor, staff member, or student. It takes all of us, working together in big and small ways. Everyone can play a role in creating safety, equality, and respect on campus.

What is sexual violence?

Sexual violence occurs when someone is forced or coerced into unwanted sexual activity without agreeing or consenting. Reasons someone might not be able to consent include:

- fear
- being underage
- having illness or disability
- incapacitation due to alcohol and other drugs

Consent initially can be given and later be withdrawn. Sexual violence is a crime that comes in many forms, including forced intercourse, sexual contact or touching, sexual harassment, sexual exploitation, and exposure or voyeurism.

Sexual violence is never the victim's fault. It does not matter what the victim is wearing or doing, whether the victim has been drinking, or what type of relationship the victim has with the person who is sexually abusing them.

Sexual violence on campus

- One in five women will be a victim of completed or attempted sexual assault while in college. (Krebs, Lindquist, Warner, Fisher, & Martin, 2007)
- One in 16 men will be a victim of sexual assault during college. (Krebs et al., 2007)
- Among college women, nine out of 10 victims of rape and sexual assault knew the person who assaulted them (Fisher, Cullen, & Turner, 2000)

- More than 90% of sexual assault victims on college campuses do not report the assault (Fisher et al., 2000)
- 40% of colleges and universities reported not investigating a single sexual assault in the previous five years (U.S. Senate Subcommittee, 2014)

What is affirmative consent?

Consent is understood as an affirmative agreement to engage in various sexual or nonsexual activities. Consent is an enthusiastic, clearly communicated and ongoing "yes". One can't rely on past sexual interactions and should never assume consent. The absence of "no" is not a "yes." When sex is consensual, it means everyone involved has agreed to what they are doing and has given their permission. Nonconsensual sex is rape. A person who is substantially impaired cannot give consent.

Understanding "Title IX"

According to the U.S. Department of Education (2014), "Title IX of the Education Amendments of 1972 protects people from discrimination based on sex in education programs or activities which receive federal financial assistance. Title IX states: No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance (para. 1)."

For the purposes of Title IX, sexual violence falls under the definition of sexual harassment. The Office for Civil Rights (OCR) is responsible for enforcing Title IX and provides guidance to schools/agencies to assist them in complying with the law. If someone is a victim of discrimination, they can file a complaint with OCR under Title IX (U.S. Department of Education, 2014).

What is the Clery Act?

The Clery Act (2008) is a federal law enforced by the U.S. Department of Education that requires colleges and universities that receive financial aid in the U.S. to disclose information about campus crime. As part of the law, schools must publish an annual security report, maintain a public crime log, release crime statistics, issue timely alerts about crime, implement an emergency response plan, and have procedures for handling missing persons cases.

New legislation: the Campus Sexual Violence Elimination (SaVE) Act

In March 2013, the Campus Sexual Violence Elimination (SaVE) Act was signed into law as part of the Violence Against Women Act (VAWA) Reauthorization. The SaVE Act is an amendment to the Clery Act and requires that all institutions of higher learning must educate students, faculty, and staff on the prevention of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking. This legislation increases standards of campus response, disciplinary proceedings, and prevention education.

Resources

- National Sexual Violence Resource Center:
www.nsvrc.org

- Clery Center for Security on Campus:
www.clerycenter.org
- It's On Us: www.itsonus.org
- Not Alone: www.notalone.gov
- Know Your IX: www.knowyourix.org
- SAFER (Students Active For Ending Rape):
www.safercampus.org
- American College Health Association:
www.acha.org
- Victim Rights Law Center: www.victimrights.org

References

Campus Sexual Violence Elimination (SaVE) Act. Pub. L. No. 113-4, § 304, 127 Stat. 89 (2013). Retrieved from <http://www.gpo.gov/fdsys/pkg/PLAW-113publ4/pdf/PLAW-113publ4.pdf>

Fisher, B. S., Cullen, F. T., & Turner, M. G. (2000). *The sexual victimization of college women*. Retrieved from the National Criminal Justice Reference Service: <https://www.ncjrs.gov/pdffiles1/nij/182369.pdf>

Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 USC § 1092(f)) (2008). Retrieved from <http://clerycenter.org/jeanne-clery-act>

Krebs, C. P., Lindquist, C., Warner, T., Fisher, B., & Martin, S. (2007). *The campus sexual assault (CSA) study: Final report*. Retrieved from the National Criminal Justice Reference Service: <http://www.ncjrs.gov/pdffiles1/nij/grants/221153.pdf>

U.S. Department of Education, Office for Civil Rights. (1998). *Title IX and sex discrimination*. Retrieved from the U.S. Department of Education: http://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html

U.S. Senate Subcommittee on Financial & Contracting Oversight Majority Staff. (2014). *Sexual violence on campus: How too many institutions of higher education are failing to protect students*. Retrieved from <http://www.mccaskill.senate.gov/SurveyReportwithAppendix.pdf>

White House Task Force to Protect Students From Sexual Assault. (2014). *Not alone: The first report of the White House Task Force to Protect Students From Sexual Assault*. Retrieved from <https://www.notalone.gov/assets/report.pdf>