The National Institute of Justice’s report, *Sexual Assault on Campus: What Colleges and Universities are Doing About It*, found that approximately 1 in 5 women will experience rape in college. When you take into account the fact that this figure only includes women and only those who reported, the rate of sexual assault of college students is likely much higher.

However, in the American College Health Association’s (ACHA) *Preventing Sexual Violence Survey*, only 11.8% of survey respondents answered “very effective,” when asked how effective their institution was in addressing the problem of sexual violence.

Advocates working on college campuses or with college students should understand their local college’s sexual assault policy. This will help them be prepared to advocate for a survivor-centered approach when issues arise. This paper outlines some of the most common missteps to watch out for, then identifies promising practices used by campuses in our region, and finally provides tips and resources for advocates.

**Missteps**

Title IX of the Civil Rights Act prohibits discrimination on the basis of sex by any school that receives federal funding. Federally-funded schools must have a policy against sex discrimination and have procedures in place for a student to file a complaint.

Many campus sexual assault policies fail to consider the dynamics of sexual assault or take into account the power imbalance that exists between survivor and perpetrator. Some of the most common missteps are in regard to informality of the complaint procedures, secrecy about the process, and a lack of enforceable consequences for students found “responsible” for violations of campus policy.

**Complaint Procedures**

The process that a campus has in place to investigate and punish reports of sexual assault is called a “complaint procedure.” Campus sexual assault hearings, which can be a part of these procedures, are not criminal proceedings...
to determine if a perpetrator is “guilty.” The hearings only determine if a violation of campus policy has occurred and assign a punishment to the person who violated the policy. Survivors may also be involved with the criminal justice system off-campus.

Issues arise on campus when procedures are so informal that they do not take into account the seriousness of sexual assault. Some schools have one complaint procedure for all violations of the student conduct policies, including sexual assault. This means that a survivor could encounter a process that is not sensitive to the survivor’s needs, hearing panel members who are not trained about sexual assault, or victim-blaming language in proceedings. Other schools have student-only hearing panels that gather facts and make a decision about their peers with no administration guidance or oversight. Still others base their decisions on incorrect legal standards.

One of the most serious problems is the common usage of mediation to resolve reports of sexual assault. Mediation is an informal alternative to traditional types of dispute resolution that involve the judicial system. In mediation, a neutral facilitator encourages dialogue between the parties in order to resolve the dispute. Ideally, the parties involved all acknowledge their individual contributions to the problem and come to a compromise.

The main reason why this is inappropriate in a sexual assault case is because mediation fails to take into account the power imbalance between the survivor and perpetrator. In addition, a process that asks both parties to come together and admit their role in the problem is inherently saying that a survivor is somehow to blame for the sexual assault. A sexual assault is not a dispute that needs to be resolved. It is the intentional act of one person exerting power and control over another person. Any complaint process that a campus puts in place needs to acknowledge this.

**Secrecy**

Most colleges understand the need for a survivor of sexual assault to have confidentiality when reporting the assault and participating in an investigation. Unfortunately, misguided attempts to ensure confidentiality for the survivor have caused some campuses to deem the entire complaint procedure and investigation process a secret.

Survivors may be required to sign confidentiality agreements that prohibit them from talking about the investigation, evidence presented, or the result of a campus hearing. This lack of transparency and accountability can result in inconsistent investigations, which in turn result in insufficient punishments for perpetrators.
In addition, survivors are frequently not informed of developments in the case or the penalties imposed on the perpetrator. According to the National Institute of Justice, "only about half the schools keep the complainant apprised of the progress of the case; they are far more likely to notify the accused."

**Lack of Consequences for the Perpetrator**

The Center for Public Integrity’s *Sexual Assault on Campus* series reported that even those students found “responsible” for sexual offenses received little to no punishment. Although campus sexual assault policies give campus authorities the option to expel a student for sexual assault, serious consequences like that rarely occur in practice.

Punishments are often decided based on consideration of the perpetrator’s disciplinary record in addition to the sexual assault. This may mean that a perpetrator who is perceived as a “good student” receives little to no punishment for sexually assaulting a fellow student. In general, the most common punishments are non-serious things like reprimands, mandated counseling, or social probation.

**Consequences for the Survivor**

Survivors, on the other hand, often drop out of school, unable to overcome obstacles that range from housing safety concerns to the repeated triggering effect of seeing the perpetrator on campus.

When an assault occurs in an on-campus residence hall, college authorities often decide that the survivor is the person who needs to be moved. In WCSAP’s recent webinar, *A Closer Look: Responding to Sexual Violence on College Campuses*, Devlin O’Donnell, Coordinator of Crime and Sexual Assault Services at Western Washington University, explains why this is the wrong approach.

We should be asking what the survivor wants. Does the survivor want to move? Maybe the survivor likes a roommate or feels settled in a residence hall and a move would cause further trauma. This survivor-centered approach acknowledges students’ right to safe housing on their college campus and may prevent survivors from leaving school.

In general, schools should be conscious of checking in with the survivor before making this type of decision. An advocate can help by being aware of what survivor-centered campus sexual assault policies look like.
Promising Practices

Fortunately, a number of schools in the Pacific Northwest region have implemented progressive, survivor-centered sexual assault policies. Advocates can look to these schools’ policies for guidance.

Oregon State University was among the schools commended for “aggressive investigation into sexual assaults and a student conduct process that aims to empower survivors,” in a recent series of articles on campus sexual assault policies published by an investigative journalism nonprofit organization.

When a sexual assault is reported, the survivor is “matched with trauma counselors and medical attention” before being given the choice to report. If a report is made and proceeds to a conduct hearing, protections are in place that take into account the power imbalance between survivor and perpetrator. At Oregon State, one of these protections is in the form of physical distance – the survivor and perpetrator do not sit at the same table during a hearing.

Other schools provide protection by having the survivor and perpetrator in different rooms during the hearing, placing a screen between them if they are in the same room, or not allowing the perpetrator to question the survivor directly.

In addition, Oregon State’s sexual assault policies include a sexual misconduct definition that defines unwanted sexual contact, in part, as contact where “no clear consent is freely given.” This kind of focus on the presence of clear consent rather than the absence of a “no” shifts the responsibility from the victim proving lack of consent, onto the perpetrator to prove consent was present.

The National Institute of Justice recognizes promising practices in eight additional schools, including Central Washington University and Lewis & Clark College.

Some of these promising practices include:

- **Anonymous reporting** – this allows survivors to keep their identity unknown while alerting the campus to a perpetrator and getting the assault counted in the college’s statistics;

- **Shared collection of information** – when all authorities who need information from the survivor have a central collection process, it protects the survivor from revictimization that can occur with multiple retellings of the assault;

- **An adjudication process** that follows an “established, documented and consistent format” – this helps ensure consistent results and treatment of
survivors and prevents any one individual or group from having too much control over the process.

For example, Central Washington’s campus police engage in joint sexual assault training sessions with the city police, are part of a county sexual assault coalition and participate in campus anti-violence events. Meanwhile, Lewis & Clark is one of the only colleges in the country to offer an anonymous online reporting option. While most schools offer a confidential reporting option, only about half offer anonymous reporting, and usually this is in-person or via phone. Anonymous online reporting takes the commitment to the survivor’s choice to be anonymous to the next level.

Examples from other schools are: a policy that prior sexual conduct of the survivor is not admissible evidence at a hearing, explicitly outlined survivor rights, and mandated trainings on sexual assault for disciplinary boards.

Finally, one of the most promising practices identified was the existence of partnerships between the schools and community organizations to provide survivors with broad support and a “coordinated network of service providers.” When community advocates are connected to on-campus resources, social services, medical professionals, law enforcement and other legal professionals, it improves the response to and experience of survivors.

**In Closing: Tips for Advocates**

The most important thing that advocates working on college campuses or with college students can do is be familiar with their local college’s sexual assault policy. These policies can usually be found on the college’s website. If you have any difficulty, contact the Office of Student Affairs or Student Conduct for help locating the policy.

This will allow an advocate working with a student survivor to know what the survivor can expect when reporting an assault and be better able to help the survivor through the process. Also, if survivors are experiencing problems with a campus sexual assault policy, like the missteps noted above, an advocate can help.

First, advocates at community sexual assault programs can connect with on-campus advocacy programs to help navigate the process. On-campus advocates will know how the sexual assault policies and complaint procedures work and can provide guidance. They will also know whether the college interacts with campus police or the local jurisdiction and the ins and outs of who needs to be involved in the conversation.
Working together on a coordinated response improves survivors’ experiences with the system. In addition, on-campus and community advocates can do outreach to educate students, the administration, and the community about sexual assault and what a survivor-centered response looks like.

Second, if no on-campus programs exist, think about partnering with a student group or department on campus that shares your interests, such as the women’s center, gender studies department, the inter-sorority council or the student mental health counseling center. This type of system coordination allows you to speak with a bigger voice and to assess campus community readiness for change, and can provide access to needed campus connections and resources.

Third, an advocate can be present for the survivor if the survivor chooses to report, during the investigation process, and at any campus hearings. Advocacy work is rooted in helping an individual survivor. This can involve crisis assessment of immediate needs, assessment of medical need and desire to report to law enforcement, and offering ongoing support.

If advocates meet resistance from the campus office that coordinates sexual assault investigations and hearings, they need to build rapport with that office to argue that state law, campus policy or best practices dictate that an advocate should be able to accompany survivors during any part of the process.

Campus complaint procedures can be as complex and frightening as any outside system. An advocate can act as liaison, facilitate the survivor’s decision-making process, inform survivors of their rights, prepare the survivor for the complaint procedures, offer comfort to the survivor during the process, encourage the school to keep the survivor informed of any developments in the case, and reach out for other resources. This role is vital.

Finally, advocates can advocate for change in an existing campus sexual assault policy that is not serving survivors well. For guidance on advocating for change, check out the resources and tools below or call WCSAP.
This paper was authored by Kelley Richardson, Advocacy Specialist at WCSAP. Please email advocacy@wcsap.org or call 360-754-7583 with any questions or feedback.

**Recommended Reading and Additional Resources**

There is a wide array of information available on this topic. Here is a short list of recommended materials and tools.

**Reading, Resources & Tools**

- The [National Sexual Violence Resource Center](http://www.nsvrc.org) has an extensive Campus Resources page, including links to materials from the [National Center for Higher Education Risk Management](http://www.higheredrisk.org) about creating a proactive campus sexual assault policy.
- Oregon’s [Sexual Assault Task Force](http://www.oregonstate.edu/safecom/sexual-assault-task-force) also has a number of position papers with guidelines for sexual assault response on campus.
- Students Active for Ending Rape (SAFER) fights sexual violence and rape culture by empowering student-led campaigns to reform college sexual assault policies. The group maintains a [campus sexual assault policy database](http://www.safenow.org/resources) that you can access for free after registering. Check out your local college’s policy.
- SAFER also has a guide for reforming campus sexual assault policies called [Change Happens](http://www.safenow.org/resources).

**References**


