



In January, President Obama launched the White House Task Force to Protect Students from Sexual Assault to help colleges and universities combat what he called “the prevalence of rape and sexual assault at our nation’s institutions of higher education.”

The announcement came as a growing number of young women have filed federal complaints against colleges around the country over the mishandling of sexual assault cases. How such cases are adjudicated was the focus of a landmark 2010 investigative series from the Center for Public Integrity called “Sexual Assault on Campus: A Frustrating Search for Justice.” The report revealed campus judicial proceedings that were often confusing, shrouded in secrecy, and marked by lengthy delays. Kristen Lombardi, lead journalist on the report, says that regarding the number of sexual assaults on campuses, she was startled to see “statistics that haven’t changed in decades.” She spoke to UB after President Obama’s announcement.

Sexual assaults on campus

A journalist talks about the “frustrating search for justice”

How did the “Sexual Assault on Campus” report come about?

I had met some victim advocates who worked on college campuses. They encouraged me to look into how colleges and universities adjudicate campus rape. While telling me their own experiences, they described this shadowy campus judicial system. My gut reaction was one of disbelief—“What do you mean colleges adjudicate rape?” I had no understanding of how cases of campus sexual assault were handled on college campuses until then.

Did you get a sense of how widespread the problem is?

There were some startling statistics that propelled me forward very early. The first is one you often hear—that one in five college women will become the victim of a rape or an attempted rape by the time she graduates. That’s 20 percent of all college women. For me, thinking about that as a crime rate, I thought it was remarkable that such a substantial crime rate could persist for so long. That suggested to me that whatever attempts had been done in the past systematically and institutionally weren’t working.

The second statistic is that only 5 percent of student victims end up reporting their alleged assaults to authorities—either campus authorities or local police. Those two statistics suggested that this is not a minor problem and it is not isolated. There was a way to connect dots and to see larger commonalities and trends that suggest systemic problems and failures with the way colleges and universities handle these cases. We have the Clery statistics—the campus crime statistics, which tell you how many sexual offenses are reported—but that’s not the same as telling you how many reports of sexual assault a school adjudicated. That’s just not the same thing.

Why do so many cases go unreported?

There are institutional barriers that encourage students to stay quiet. Students who come forward and report being the victim of sexual assault on campus often face a litany of barriers that leave them feeling victimized again. For the 5 percent that make it through the process, they’ve really jumped amazing hurdles to get there.

Some of it is cultural and unique to a campus, like the social peer pressure that exists especially at a small school. There is a lot of disbelief when a student does come forward, even among her peer group. And there is a lot of pressure not to do anything, especially if the accused student is a friend of that peer group or is particularly popular or influential on campus. The social peer pressure is not the same in the general public.

Most of these women are victimized during their first year of school, and often during the first semester. That’s a student who’s 18. To be sexually assaulted at the age of 18 is still a pretty heavy thing to consider and to grapple with. One thing that struck me in interviewing these women was, initially, they didn’t even grasp what had happened to them. They didn’t define what had happened to them as sexual assault. It just wasn’t something that they got. And then once they realized what had happened to them, they didn’t want to handle it.

You wrote: “Data suggests that on many campuses, abusive students face little more than slaps on the wrist.” Can you elaborate?

One of the big things we found through our reporting was that students who have been “deemed responsible” for sexual assaults on campus—which is the equivalent of guilty in the college judicial system—often face little or no punishment from school administrations, while their victims’ lives are frequently turned upside down.

We looked at a database of sexual assault proceedings at colleges and universities nationwide. It is maintained by the Justice Department's Office On Violence Against Women, which gives campus grants to help institutions improve their response to and adjudication of sexual assaults and other forms of sexual violence. Our analysis showed that "responsible" students were expelled only 10 to 25 percent of the time.

Why is there a reluctance to expel culpable students?

We interviewed dozens of people who are familiar with this problem and the campus adjudicatory process. Most of the administrators I talked to were very thoughtful and genuinely seemed to care about how to properly adjudicate these cases. But, at the same time, they seemed to have a visceral reaction to the idea of expulsion.

It's anathema to the educational philosophy. College disciplinary processes are kicked off when a student is accused of violating the school's conduct code. That can include sexual assault, but it also includes other acts, like plagiarism, cheating, vandalism and dorm drinking.

In those other conduct cases, the idea is to educate students who are found responsible. That's why we found so many examples of educational penalties being handed down in these cases, like writing a research paper on sexual violence.

But isn't that trivializing it?

A lot of administrators really bristle because they don't want to be compared to the criminal justice system. Their role is not to punish. Their role is to educate. One former university counsel told me,

"For an educator, expulsion is often seen as failure on their part to do their job."

A student affairs administrator told me that to officials like himself, expulsion is the equivalent of the death penalty. It's reserved for the worst of the worst and you just don't do it. But in interviewing 50 administrators, my sense was there is a disconnect between the gravity of a sexual assault and the fact that a sexual assault is being treated in the same way that plagiarism or cheating or vandalism might be treated on campus.

There is a disconnect between the gravity of a sexual assault and it being treated the same way as plagiarism or cheating on campus.

In one of the cases you highlight, the young woman who reported her attacker wound up as the target of retaliation. Is that common?

Let's just say the concept of discipline for students who come forward is not uncommon. In one instance, a student was told that if she spoke about her case to anyone, she would be the subject of a disciplinary hearing for violating the confidentiality policy.

In the case you mentioned, Margaux J. was charged with alcohol violations for hosting dorm guests who had been drinking. She and her parents were very angry about the punishment that the school meted out to the accused student who was found responsible—he was

suspended for a summer semester when he wasn't going to be in school anyway. Margaux's family appealed to the deans for harsher punishment. During that appeal process she was charged with violating the alcohol policy.

It turned out to be a mistake. Margaux's roommate had used her name and had hosted dorm guests who had been drinking. The school rescinded the charges, and explained to me that it was an error on their part. But, of course, it did have a chilling effect on Margaux.

A Wall Street Journal editor recently said that sexual assaults on campus are victimless crimes in which both parties are equally guilty. What do you make of that?

That writer articulates a sentiment I heard from a number of administrators—that these cases are typically incidents of miscommunication between two drunk students. They genuinely believe that. But this sentiment overlooks some pretty chilling research. According to several studies, over half of student rapists are actually repeat offenders who rape an average of six times. They are predatory in nature over half of the time.

The writer mentions schools are at risk of facing liability for expelling students unjustly. I think any lawyer would tell you that schools face far more liability from student victims under Title IX—because that is a civil rights law—than they do from students who are found responsible for sexual assaults.

So that's the real issue. Schools need to treat these cases as civil rights cases. We are definitely beginning to see a push among college administrators to understand these cases in that way. **UB**