



# Campaign to End Campus Sexual Violence

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## THE BASICS

Student activism has put addressing the campus sexual assault epidemic at the forefront of the feminist movement. Not only are survivors and advocates fighting for better laws and policies—on campus and at the state and federal level—they are also using the courts to hold schools accountable, winning monetary settlements, and forcing universities to change how they handle reports of sexual violence. We demand safer campuses—and by mobilizing this momentum, we can create them!

## RAPE CULTURE

“Rape culture” is a complex set of beliefs that create a social environment in which sexual violence is pervasive and normalized. Rape culture is perpetuated through the use of misogynistic language, objectification of bodies, and glamorization of violence. Behaviors commonly associated with rape culture include victim-blaming, sexual objectification, trivializing rape, denial of widespread rape, or refusing to acknowledge the harm of sexual assault.

## SEXUAL ASSAULT

The term sexual assault refers to any non-consensual touching or sexual activity. Sexual assault is violence that can take many forms, including rape. States have their own legal definitions of sexual assault that often vary. These definitions are typically rooted in heterosexist definitions of sexual activity and may not include violence within the LGBTQIA+ community. Due to the work of the Feminist Majority Foundation and the Women’s Law Project in 2011, the Uniform Crime Report updated their definition of rape to be “the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.”

According to the Dept. of Justice’s Office on Violence Against Women, the definition includes “instances in which the victim is unable to give consent because of temporary or permanent mental or physical incapacity. Furthermore, because many rapes are facilitated by drugs or alcohol, the new definition recognizes that a victim can be incapacitated and thus unable to consent because of ingestion of drugs or alcohol. Similarly, a victim may be legally incapable of consent because of age. The ability of the victim to give consent must be determined in accordance with individual state statutes. Physical resistance is not required on the part of the victim to demonstrate lack of consent.”



## SEXUAL HARASSMENT

Unwelcome sexual advances, requests for sexual favors and other verbal or physical harassment of a sexual nature are all forms of sexual harassment. The U.S. Department of Education Office of Civil Rights states that in order to give rise to a complaint under Title IX, sexual harassment must be sufficiently severe, persistent, or pervasive that it adversely affects a student’s education or creates a hostile or abusive educational environment. For a one-time incident to rise to the level of harassment, it must be severe. Title IX requires schools to take steps to prevent and remedy two forms of sex-based harassment: sexual harassment (including sexual violence) and gender-based harassment. It includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual violence is a form of sexual harassment. Sexual violence, as OCR uses the term, refers to physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent. A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion.

Title IX also prohibits gender-based harassment, which is unwelcome conduct based on a student’s sex, harassing conduct concerning a student’s failure to conform to sex stereotypes. Sex-based harassment can be carried out by school employees, other students, and third parties. All students can experience sex-based harassment, including male and female students, LGBTQ+ students, students with disabilities, and students of different races, national origins, and ages. Title IX protects all students from sex-based harassment, regardless of the sex of the parties, including when they are members of the same sex.



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Sex-based harassment creates a hostile environment if the conduct is sufficiently serious that it denies or limits a student's ability to participate in or benefit from the school's program. When a school knows or reasonably should know of possible sex-based harassment, it must take immediate steps to investigate or otherwise determine what occurred. If an investigation reveals the harassment created a hostile environment, the school must take prompt and effective steps reasonably calculated to end the harassment, eliminate the hostile environment, prevent its recurrence, and, as appropriate, remedy its effects. Legal action is often limited due to outdated definitions of sex that are grounded in the gender binary and may not be inclusive to all transgender, intersex, and gender non-conforming students.

## CONSENT

Consent is the explicit and enthusiastic expression of mutual desire and permission between parties to participate in a sexual activity. Definitions of consent also vary according to campus, state, and localities. Sexual activity without consent is sexual violence. Consent is not always spoken, but the absence of a "no" is not a "yes." Minors, people who are mentally incapacitated or unconscious, and people under the influence of drugs or alcohol are unable to give consent. Consent can be withdrawn at any time during sexual activity.

## COERCION

Coercion refers to threatening or intimidating someone in order to persuade them to engage in a sexual behavior. Someone saying "yes" because they are too afraid to say "no" is not consent. Someone changing their mind about a sex act and then being pressured into engaging in it is not consent.

## INTIMATE PARTNER VIOLENCE

Intimate partner violence (IPV) is actual or threatened physical, sexual, psychological, or emotional abuse by a current or former spouse, or same or opposite sex partner. IPV does not require sexual intimacy between partners. IPV exists along a continuum, but several types of IPV can occur simultaneously. Behaviors on the IPV spectrum include:

- **Physical Violence:** When a person hurts or tries to harm a partner with physical force.
- **Sexual Violence:** Forcing a partner to take part in a sexual act when the partner does not consent.
- **Stalking:** Repeated, unwanted attention and contact that causes fear or concern for someone's safety.

- **Psychological Aggression:** The use of verbal and non-verbal communication with intent to emotionally or mentally harm or exert control over another person.

## SEXUAL ABUSE

Any situation in which you are forced to participate in a degrading sexual activity is sexual abuse. Forced sex, even with a partner with whom you have had consensual sex, is rape, and people with abusive partners are at a higher risk of being seriously injured or killed.

## STATISTICS

- Anyone can be a survivor of rape, sexual assault, or intimate partner violence. 33.5% of multiracial women, 27% of American Indian and Alaska Native women, 15% of Latina women, 22% of Black women, and 19% of white women have been raped. The LGBTQ+ community and people with disabilities are also uniquely vulnerable.<sup>1</sup>
- 1 in 5 women and 1 in 16 men are sexually assaulted while they are in college.<sup>2</sup>
- 43% of college women who are dating report experiencing violent and abusive dating behaviors.
- Some 85-90% of college women who report sexual assault know their attacker and one half of assaults occur on a date. Of female survivors, more than half are assaulted by a current/former partner and 40.8% by an acquaintance. 52% of men and boys report being raped by an acquaintance and 15% by a stranger.
- Sexual offenders are often serial offenders. One study found that of men who admitted to committing or attempting rape, 63% said they committed an average of six rapes each.
- Alcohol is the most frequently used weapon in sexual assaults.
- 46.4% of lesbians, 74.9% of bisexual women and 43.3% of heterosexual women reported sexual violence other than rape during their lifetimes, and 40.2% of gay men, 47.4% of bisexual men and 20.8% of heterosexual men reported sexual violence other than rape during their lifetime.<sup>3</sup>

<sup>1</sup> Black, M. C., Basile, K. C., Breiding, M. J., Smith, S. G., Walters, M. L., Merrick, M. T., ... Stevens, M. R. (2011). National Intimate Partner and Sexual Violence Survey: 2010 summary report. Retrieved from the Centers for Disease Control and Prevention, National Center for Injury Prevention and Control: [http://www.cdc.gov/violenceprevention/pdf/nisvs\\_report2010-a.pdf](http://www.cdc.gov/violenceprevention/pdf/nisvs_report2010-a.pdf)

<sup>2</sup> Smith, S. G., Chen, J., Basile, K. C., Gilbert, L. K., Merrick, M. T., Patel, N., ... Jain, A. (2017). The National Intimate Partner and Sexual Violence Survey (NISVS): 2010-2012 state report. Retrieved from the Centers for Disease Control and Prevention, National Center for Injury Prevention and Control: <https://www.cdc.gov/violenceprevention/pdf/NISVS-StateReportBook.pdf>

<sup>3</sup> Walters, M.L., Chen J., & Breiding, M.J. (2013). The National Intimate Partner and Sexual Violence Survey (NISVS): 2010 Findings on Victimization by Sexual Orientation. Retrieved from the Centers for Disease Control and Prevention, National Center for Injury Prevention and Control: [http://www.cdc.gov/ViolencePrevention/pdf/NISVS\\_S0findings.pdf](http://www.cdc.gov/ViolencePrevention/pdf/NISVS_S0findings.pdf)



## WHAT TO DO IF SOMEONE IS ASSAULTED

### WHAT IS HELPFUL?

- Give them options. When a person is assaulted, their power and control is taken away. Give them control. Listen to them and respect their wishes.
- Tell them it's not their fault.
- Ask before you hug or touch them. After experiencing a physical assault, they might not want to be touched.
- Keep their information private.
- Provide resources for counseling and medical care, including emergency contraception. Survivors have a right to a rape kit and exam by a Sexual Assault Nurse Examiner, but it is advisable to do so immediately but no later than 72 hours after the crime.

### WHAT IS HARMFUL?

- Asking the survivor pointed questions. ("What were you wearing?" or "Why did you get that drunk?")
- Forcing the survivor to report the crime, seek medical attention, or tell their parents.
- Hugging or touching without permission.
- Confronting an attacker. This may endanger a survivor.
- Asking the survivor to relive details of the assault.

## WHAT'S REQUIRED OF YOUR COLLEGE OR UNIVERSITY

### THE JEANNE CLERY ACT

The Clery Act, a federal law passed in 1990, requires all colleges receiving federal funding to report crime statistics for incidents occurring on campus, in areas immediately next to the campus, and at some non-campus facilities (i.e. an off-campus Greek house). Schools must publish incidents reported to a campus security authority or local police agency in publicly available, annual crime reports and alert the campus of known public safety risks. Schools that fail to comply face a fine of \$35,000 per violation.

### TITLE IX

Title IX of the federal Education Amendments of 1972 prohibits sex discrimination in education programs or activities that receive federal funding. It requires universities to remedy and prevent sexual violence, including sexual assault and harassment. Title IX legally obligates schools to investigate sexual and gender-based violence and requires that each school have an established procedure for handling

allegations of sexual assault, sexual harassment, and rape. In addition, Title IX obligates schools to take steps to protect the complainant and ensure their safety, including, if appropriate, issuing "no contact" orders prohibiting accused attackers from contacting survivors. The school must also ensure that survivors are aware of any available resources and that all complainants are protected from retaliation. Under the law, every school must have a Title IX coordinator who oversees all Title IX complaints and who can identify and address any patterns or systemic problems revealed by the complaints.

### CAMPUS SAVE ACT

Congress passed the Campus Sexual Violence Elimination Act (SaVE), a provision of the Violence Against Women Act Reauthorization of 2013, in March of 2013. Campus SaVE strengthens Title IX by requiring schools to create prevention programs and clarifying schools' obligation to make survivors aware of their reporting options. Campus SaVE also strengthened the Clery Act by broadening the range of reportable crimes to include domestic and dating violence, stalking, hate crimes, and four categories of sexual assault: rape, fondling, incest, and statutory rape. After the Campus SaVE Act was passed, the Obama Administration issued new rules, which went into effect in July 2015, that clarify the rights of survivors and the responsibilities of schools to provide information on relevant disciplinary proceedings, possible sanctions for sexual misconduct, and resources available to survivors.

### CHANGES IN FEDERAL POLICY

The Department of Education, under the Obama Administration, put forth in April 2011 a Dear Colleague Letter on Sexual Violence and, in April 2014, a separate Title IX guidance document that advanced protections for victims of sexual violence on campus. Included in these protections were the 60-day guideline for resolving investigations as well as a **preponderance of the evidence standard** of proof.

In 2017, Secretary of Education Betsy DeVos rescinded these Title IX guidance documents and published new interim guidance. This guidance allows schools to impose a **clear and convincing evidence standard** to grievance procedures, basically giving the alleged perpetrator, and the perpetrator only, the presumption of truth. The interim guidance also allows schools to give the perpetrator, and only the perpetrator, the ability to appeal a finding. In addition, the Department will allow schools to mediate all Title IX disputes, including cases of sexual assault, essentially forcing survivors to "work it out"



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with their alleged perpetrator. However, schools are not obligated to follow a clear and convincing evidence standard and can still choose to use the preponderance of the evidence standard, which is the standard of proof used in civil lawsuits.

## WHAT YOU CAN DO CLERY ACT COMPLAINTS

Under the federal Clery Act, victims can file a federal complaint against their university if any of the following rights are violated:

- Schools are required to create proactive prevention education programs on healthy relationships, sexuality, consent, and bystander intervention.
- Both the accuser and the accused must have equal opportunities to have others present at disciplinary hearings or procedures.
- Schools are required to detail each type of disciplinary proceeding used by the institution, including the decision-making process, anticipated timelines, and processes determining the proceeding types used.
- Both the victim and perpetrator must be informed simultaneously and in writing of the outcome of the proceeding and hearings, appeal procedures, and any change to the result before and when it becomes final.
- School officials who conduct proceedings must be trained on how to do so in a manner that “protects the safety of victims” and “promotes accountability.”
- Survivors must be notified of counseling services as well as their housing, academic, and reporting options.

Clery Act complaints have no statutes of limitations and can be submitted via mail, fax or email in any format. To learn more, email [clery@ed.gov](mailto:clery@ed.gov) or visit [knowyourix.org](http://knowyourix.org).

## SUCCESSFUL TITLE IX COMPLAINTS

Anyone, whether or not they are a survivor of sexual assault, may file a Title IX complaint against a school that has failed to comply with the law. Complaints may be filed with the Department of Education Office of Civil Rights (OCR) within 180 days, which will launch an investigation and may lead OCR to enter into an agreement with a school to address violations if any are found. Schools may also lose federal funds, though no institution has ever faced this penalty. Title IX complaints are filed online or emailed to [ocr@gov.edu](mailto:ocr@gov.edu) and are confidential.

Between 2009 and 2014, the number of Title IX complaints related to sexual violence at colleges and universities increased by more than 1000%. This increase, together with a lack of appropriate resources, has contributed to severe delays in the resolution of complaints. The average duration of a sexual violence investigation in 2015 was more than 2 years. Under Secretary DeVos’s leadership, the current Department of Education has not signaled that it will make protection of survivors a priority.

If you are a survivor, Title IX also allows you (or your parents, if you’re under 18) to file a private civil lawsuit in federal court for monetary damages or to change your school’s discriminatory policies with or without filing an OCR complaint.

In 2015, the University of Connecticut settled a Title IX lawsuit brought by five survivors for \$1.2 million dollars. Although not part of the settlement, UConn also created a Special Victims Unit within campus police and appointed a Dean for victim support services.

At the University of Colorado at Boulder, two women received a \$2.85 million settlement after a Title IX suit. As part of the settlement, the university agreed to implement policy changes. In the wake of the suit, several staff members and administrators were forced to resign, including the President and Chancellor.

## TAKE ACTION!

Keep these key points in mind to inform the work you’re doing on campus before planning any action or event.

### **Center survivors experiences and work to ensure all actions are trauma-informed.**

While everyone should join the fight against sexual violence, be intentional about amplifying the voices of survivors. Keep in mind the needs of survivors when organizing to ensure that the action represents a safe space for survivors to advocate on their own behalf.

**Identify specific needs and gaps on your campus.** Each campus has different challenges and gaps in providing critical resources. When organizing, your campaign should meet specific survivor-driven and student-driven needs. Examples of specific demands include: providing free and accessible Plan B in campus health centers for survivors,



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expanding staff resources for transgender and non-binary survivors, improving the quality of consent education offered, and demanding that Title IX processes be made clear, transparent, and easily accessible for all survivors to navigate.

**Understand the barriers WOC face when reporting sexual assault.** There is often a lack of trust in reporting structures from people of color due to lack of support, finances, and/or resources; language or cultural barriers; and racism. A 2007 study found that college students perceived a black victim of sexual assault to be less believable and more responsible for her assault than a white victim. Marginalized groups with less access to resources historically are more vulnerable to sexual assault, and violent histories of police brutality, insufficient and neglectful healthcare, and institutional racism are barriers to reporting sexual assault, as they weaken trust in the system for many women of color.

**Prioritize the experiences and needs of queer, trans, and non-binary survivors.** Sexual violence disproportionately impacts lesbian, gay, bisexual, and TGQN students, yet frequently these voices are erased from conversations about gender-based violence. The Association of American Universities found in a 2015 study that 29.5% of respondents identifying as TGQN reported having been sexually assaulted while on campus. In this same study, 25.3% of all bisexual students surveyed reported experiencing sexual assault on campus, as well as 13.7% of gay and lesbian students and 18.6% of students identifying as asexual, questioning, or another sexual identity not listed.

## **HOLD YOUR ADMINISTRATORS AND LEGISLATORS ACCOUNTABLE**

**Host An Advocacy Day.** By engaging with administrators and Title IX coordinators, your group can advocate for policy changes related to sexual violence or thank them for continuing existing policies. This helps create awareness, increase institutional transparency, grow student involvement, and foster a working relationship with administrators. An advocacy day can help identify decision makers and potential partners on campus. Kick off your Advocacy Day with a training and strategy session where group members discuss main asks and talking points.

**Petition / Letter Drops.** After identifying the needs and gaps on your campus, craft specific asks or demands that you would like to see your university fulfill. Create a petition outlining these asks and

circulate throughout campus. Effective forms of outreach include creating a public Facebook event and sending mass invitations, asking allied groups to amplify the petition and sign on, and tabling in the Student Union. After garnering widespread public support and tangible signatures, deliver the petition to your administration.

**Involve Alumni.** Alumni often hold power due to the potential financial benefits they offer the institution. Reach out to supportive alumni and ask them to mobilize their networks. Following the Department of Education's rescission of Obama-era guidance that clarified critical survivor protections, many schools organized their alumni networks to write open letters urging administrators to prioritize survivor needs.

## **BUILD EDUCATION AND AWARENESS**

**Host a demonstration.** Students all over the world participate in public demonstrations and national days of action to share stories, make a statement, represent the burden of violence, and raise campus awareness.

Some demonstrations include:

**Take Back the Night** is an international event that began in the 1970s with the mission of ending sexual, relationship, and domestic violence in all forms. Student groups host TBTN events to raise awareness about sexual violence by inviting participants to organize rallies, marches, and vigils around campus in large numbers—thus reclaiming the community as their own.

On **Denim Day**, people are encouraged to wear jeans to raise awareness. When a ruling by the Italian Supreme Court overturned a rape conviction because the survivor had worn tight jeans, women in the Parliament came to work the next day in jeans to show solidarity. Since then, Denim Day has grown into an international movement protesting against inaccurate and destructive attitudes about assault.

**Offer Educational Programs.** The Campus SaVE Act requires colleges and universities to provide comprehensive sexual assault and dating violence prevention education for all students, staff, and faculty. Find out which department or official is developing the prevention education program and advocate for student involvement in the process through student committees, focus groups, or anonymous surveys. Create coalitions with campus groups, student government, Greek Life, and professors to push for in-person training with Q&A.



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Push to improve the sustainability of educational programs. Consent education programs often take place during the first-year orientation, never to be revisited again. Thinking about continuity and sustainable programming throughout the first and second year is critical in making sure education doesn't get lost in the rest of orientation.

**Student-Led Trainings.** While institution-led programming is critical for reaching all students, staff, and faculty members, peer-led trainings are more effective at engaging students on a continuous basis. Your group can work with Title IX and violence-prevention specialists to begin a peer education training initiative. Peer leaders can educate members of campus clubs, Greek Life, sports teams, and individual residential halls.

## INVOLVE THE MEDIA

Student activist groups can successfully use both school and local media outlets as a strategic method of furthering their agenda and to raise public awareness of an issue or current event.

**Practice how to give a sound bite.** Being able to clearly express your group's story—including the issue, the impact, and the solution—is an essential part of garnering attention, mobilizing action, communicating importance, winning people to your cause, and engaging with the media. Practice shortening your pitch to several sentences and remember to highlight exactly what your feminist group is working to accomplish. This will be especially helpful if your group is ever giving an interview or quote.

**Write an Op-Ed for your school newspaper.** Your group can help garner campus attention by publishing a piece in your student newspaper emphasizing survivor-centered needs and holding your institution accountable. Many feminist groups have found success writing collective op-eds in collaboration with other groups on campus, or asking them to sign on in solidarity.

**Flood your local newspaper with Letters to the Editor.** Letters to the Editor are often selected for publishing based on volume and amount of support for an issue, so mobilizing a group of students to

send as many as possible is an effective organizing tool. Ask members of your group (as well as other allies!) to write a short letter (1-2 paragraphs) emphasizing the importance of advocating for survivor's rights. This can be an effective way of building new coalition partners and showcasing how far-reaching an issue or problem can be.

## SOCIAL MEDIA CAMPAIGNS

Campus groups across the country have launched successful online campaigns to raise awareness. In all social media efforts, be mindful of including content warnings.

**Coordinate a campus-wide Photo Campaign.** Show solidarity and share why supporting survivors is crucial. Your feminist group should blast the campaign on social media to raise campus awareness on an issue. For example, Project Unbreakable is a photo campaign of survivors holding signs quoting their attackers.

**The "It Happens Here Project"** is a website by Amherst College that allows survivors submit their stories anonymously. Similar online projects exist at Harvard and Occidental.

**Hold a Tweetstorm.** Pick a specific time and ask all of your members and allies to flood their social media accounts with survivor stories, statistics, and solutions. Make sure the Social Media or Communications Chair engages with hashtags, gifs, and content from partner organizations to garner more visibility!

## CLARIFY CAMPUS REPORTING PROCEDURES AND RESOURCES OFFERED TO STUDENTS

In order to help students, Title IX processes should be clear, transparent, and easily accessible for all survivors to navigate. Clarifying the reporting procedures and emphasizing available resources serves to remove barriers of confusion or lack of information. Reach out to help students know their resources by creating an infographic, flyinger dorms, disseminating information through social media, visiting first-year student floor meetings to present, and/or creating a comprehensive web platform that centralizes resources and provides quick and easy to understand information.