

**Legal Underpinnings and Implications of Sexual Assault on College
Campuses: Perceptions, Attitudes and Policy Recommendations**

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Content Warning

This thesis involves topics including sexual violence, sexual and gender-based misconduct.

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Note to the reader

In this paper, I will be discussing a variety of proposals, policies and studies. For the purpose of consistency in terminology, I will be adhering to the set of definitions below. I would also like to clarify that while various types of sexual misconduct occur on college campuses (i.e., between students and faculty), I will be focusing solely on acts committed by one university student against another university student, since these incidents fall under the same university policies and procedures. Lastly, during the research process, the *University of Michigan Policy and Procedures on Student Sexual and Gender-Based Misconduct and Other Forms of Interpersonal Violence* has adopted an interim policy in response to the Sixth Circuit Court decision that will include an in-person hearing. As a result, I will be touching on these future changes and how these policy alterations are expected to affect reporting, the investigative process and campus climate as a whole. However, in order to adhere to a clear time frame, my research will focus on Michigan's Misconduct Policy before January 9th, 2019.

Introduction

Beginning on January 9th, the University of Michigan revised its Student Sexual Misconduct Policy (SMP). The revisions most notably included an in-person hearing. These changes were in response to a September ruling by the U.S Sixth Circuit Court of Appeals. The court ruled that a public university must give the accused student an in-person hearing with the opportunity for the respondent or their advisor to cross-examine the claimant and witnesses (University of Michigan, 2019).

Prior to the adoption of this interim policy, students were able to circumvent many of these legal proceedings and report directly to the University. However, the adoption of this policy blurs the line between the traditional criminal justice system and the ways the University of Michigan approaches sexual misconduct. Upon hearing about these policy changes, my first instinct was that survivors would be further deterred from reporting. With the number of reported incidents expected to decrease, I wanted to collect data surrounding students' perceptions of reporting and adjudicating sexual misconduct on campus. The last Campus Climate survey surrounding sexual misconduct at the University of Michigan was conducted in 2015. I designed my work to build off of these results by attempting to elucidate some unanswered questions.

The research I conducted, focusing on students' knowledge of campus resources and opinions on who should handle sexual misconduct cases (i.e., University or the criminal justice system), allowed me to gain a nuanced understanding of the state of my campus. As an undergraduate student who has been studying the intersection of organizations and social change, this topic allowed me to understand which on/off campus resources students are aware of and how their knowledge of the process can be improved. Lastly, my thesis allowed me to predict how the new policy will be embraced and ultimately formulate policy recommendations.

Glossary

Sexual Violence: All encompassing term that refers to crimes including sexual assault, rape, and sexual abuse (Rape, Incest & Abuse Network, 2018).

Sexual Assault: Touching of a sexual nature including: vaginal or anal intercourse; anal, oral or vaginal penetration with an object; oral-genital contact; or other sexual contact that occurs without *consent* (University of Michigan, 2016).

Sexual Contact: Includes (a) intentional touching of the breasts, buttocks, groin, or genitals, or intentionally touching another with any of these body parts (can be clothed or unclothed; or (b) making another individual touch another person or themselves with or on any of these body parts. (University of Michigan, 2016).

Consent: a clear and unambiguous agreement expressed outwardly through mutually understandable words or actions to engage in a particular activity (University of Michigan, 2016).

Rape: Sexual penetration without consent, includes oral, anal and vaginal penetration (Rape, Abuse, & Incest National Network, 2018).

Sexual Harassment: Any unwelcome sexual advance, request for sexual favors, or other unwanted conduct of a sexual nature. This includes actions that are verbal, non-verbal and graphic (University of Michigan 2016).

Intimate Partner Violence: Any act of violence or pattern of emotionally or financially abusive behavior that an individual uses against a former/current partner to gain or maintain power over the other partner (University of Michigan, 2016).

Retaliation: Any adverse actions taken by individuals or groups against a person for making a good faith report of prohibited conduct. These actions may include intimidation, threats, coercion and harassment (University of Michigan, 2016).

Survivor: There is a current contention regarding the labeling of individuals who have experienced sexual violence as “victims” versus “survivors.” Survivor is my term of choice when referring to an individual who has experienced any degree of relationship or sexual misconduct (sexual assault, sexual harassment, stalking, or intimate partner violence). With the mindset that individuals have the capability of healing with appropriate resources, I believe the word “survivor” encompasses my vision and hope for spaces that support, help and heal. On the contrary, I believe the word “victim” evokes feelings of pity and has the potential to discourage individuals from reporting and seeking help. My decision to move away from this term is by no means a way of diminishing the pain of survivors but, in contrast, a way to evoke sentiments of hopefulness and promise for the future. As such, I will only use the word “victim” if it is used in a specific policy or statistic.

Trauma-Informed: An approach that can be implemented in any type of service setting. Such an approach realizes the widespread impact of trauma and understands the potential paths for recovery, recognizes the signs and symptoms of trauma in others and seeks to actively resist re-traumatization (Substance Abuse & Mental Health Services Administration, 2014).

Literature Review

The purpose of this chapter is to provide an overview of the literature that exists concerning this topic. This section can be broken into the following sections:

- 1) Debates Surrounding Sexual Assault on College Campuses
- 2) National Policies

Debates Surrounding Sexual Assault on College Campuses

The acknowledgment of sexual violence as a major societal problem is relatively new within the scope of American political history. It was not until the 1960's and 1970's that sexual assault, a specific form of sexual violence, began to be viewed as a crime that affects both individuals and communities at large (McMahon & Baker, 2011). The shift that moved sexual assault from a silenced taboo into our public lexicon is believed to have been born out of anti-rape efforts -- as part of the the civil rights and feminist movements -- of the late 20th century (McMahon & Baker, 2011). Specifically, the increased public attention surrounding sexual assault can be credited to "consciousness groups" in the 1960's, led by women for the purpose of bettering other women's livelihoods (McMahon & Baker, 2011). These groups were casual gatherings of women, similar to modern day support groups, where women shared with one another their personal experiences with incest, sexual harassment, and sexual assault (McMahon & Baker, 2011). These newly created safe spaces would later serve as the backbone and traditional model for healing survivors of sexual trauma.

While there are many public debates and controversies surrounding sexual violence on college campuses, it is important to first explore the publicly available evidence. College-aged women are at high risk for sexual violence (Sinozich & Langton, 2014). In addition, college-aged females who experience sexual violence often do not report their experiences to law enforcement, nor do they tend to seek help after the fact. According to the Rape, Abuse and Incest National Network (RAINN, 2014), only 1 in 6 college-aged female survivors receive assistance from a survivor services agency. Lastly, for both college students and nonstudents, the perpetrator was known by the victim in about 80% of the victimizations (Sinozich & Langton,

2014). In the text that follows, I will explain these statistics in more detail and explore the extenuating circumstances on college campuses that complicate their interpretation.

I have identified two recurring themes within the relevant literature surrounding this contentious issue. First, the reported statistics on the prevalence of sexual assault on college campuses vary widely (Yung, 2015; Fedina, Holmes & Backes, 2016). For example, while there has been ample data collected on the incidence of rape on university campuses, the methodology used, the way the data was reported, as well as how the data was compiled, differs significantly from study to study (Fisher, Cullen, & Turner, 2000). For example, a 1996 report by the United States Department of Justice through the National Sexual Victimization of Women Study, based on data collected from 4,446 women attending a 2- or 4-year college, found that 3% of college women experienced sexual assault in any given academic year (defined as a 7 month period) (Krebs et al., 2007). A more recent study conducted in 2009 by the National Institute of Justice, using data collected from a sample of 5,446 undergraduate females, concluded that 19% of undergraduate women experienced attempted or completed sexual assault since entering college (Krebs et al., 2007). In this same study, 52.7% of students who reported an incident of sexual assault had experienced less than 2 years of college at the time of the study. Moreover, when limiting the sampling population to just college seniors, 26.3% of women reported experiencing attempted or completed rape since entering college (Krebs et. al., 2007). These studies used different strategies, sample sizes, definitions, timeframes, and methodologies to collect their data. As such, it is difficult to give a definitive statistic that accurately portrays the pervasiveness and scope of sexual violence on college campuses. Despite these methodological issues, this does not diminish the fact that sexual violence is a widespread issue on university campuses and should continue to garner public attention.

The accuracy of these statistics becomes further complicated when considering the underreporting of sexual violence, the next theme that I have identified within the relevant literature. Currently, the Rape, Abuse, and Incest National Network reports that only 20% of female college-aged survivors (ages 18-24) reported their experience to law enforcement (RAINN, 2014).

Over the last two decades, researchers have explored various explanations for this underreporting. From a macro level, the first concept researchers explored involved the notion of *victim blaming*. In a study that examined 492 females who experienced rape but did not report to the police, researchers identified themes behind why these women remained silent (Cohn et al., 2013). The three unique factors the researchers found among the survivors were what the researchers referred to as, “not wanting others to know”, “non-acknowledgment of rape”, and “criminal justice concerns” (Cohn et al., 2013). However, the decision to report or not report is not as one dimensional as it may seem. In fact, the underreporting of sexual violence is a phenomenon that requires careful analysis of multiple frameworks and ultimately, understanding of the person and their broader situation. An individual’s interconnectedness of identities, commonly known as *intersectionality*, and the survivor’s past experiences with formal sectors of authority, greatly influence how someone will respond, approach and ultimately decide to report or not report their experience. For example, in a study that examined intersectionality and student perceptions of reporting campus sexual assault, 14.5% of TGQN-identified (transgender, genderqueer, nonconforming) individuals and 6.4% of heterosexual women believed that their university would not take any action if they reported an incident of sexual misconduct (Cantor et al., 2015). This number stands in stark contrast to only 3.7% of heterosexual men who believed that campus officials would not take action (Cantor et al., 2015). Moreover, heterosexual men are

more likely to believe that the university is doing a “good job” of investigating campus assaults, holding people accountable for sexual misconduct, and providing services to victims (Krebs, Lindquist, Berzofsky, Shook-Sa, & Peterson, 2016). As such, these intersectional identities that shape an individual will greatly affect the ways students understand sexual misconduct reporting, as well as how campus officials are likely to respond—ultimately encouraging or discouraging reporting – depending on the individual. In the end, a consideration of how social positions in society (including gender, sexuality, race, ethnicity and class identities) shape university responses to sexual misconduct must be integrated more carefully into campus culture and educational programs.

Second, from a different and broader perspective, fear of communal perceptions and stigma may discourage survivors from reporting. For example, according to a study done at Yale Law School, widespread underreporting may be due to the phenomena that researchers have coined as “Rape Process Templates” (Lehner, 2018). These templates are social “narratives” on how society believes rape trials are resolved. These templates include beliefs that the prosecution process becomes a “he said, she said” situation, followed by an emotionally taxing, intense cross-examination process (Lehner, 2018). Moreover, in this same study, researchers examined the Missoula Police Department and the University of Montana Office of Public Safety. They examined the extent to which these “templates” played a role in the reporting process. For example, the city’s police department was described in the article as a place viewed by most as containing no explicit pre-conceived notions about rape allegations. Nonetheless, survivors who did report acts of sexual violence to the department felt that their decision to report was met with cynicism, disbelief, and suspicion. In the context of the police department, according to this explanation, this engrained skepticism throughout the reporting process is due to the presumptive

use of these templates by the detectives (Lehner, 2018). These templates that continue to be advanced by our criminal justice system are often incorrect and harmful. Ultimately, this may lead law enforcement officials to discount survivor's narratives in favor of preset stories (Lehner, 2018). While these templates have adverse effects on the victims who come forward with their trauma, it also has detrimental effects on survivors who are contemplating coming forward. As a whole, the templates may discourage victims from reporting, since they tend to impact individuals who are already particularly susceptible to discouragement (Lehner, 2018).

Another overarching explanation for the prevalence of the underreporting of rape on college campuses involves the scarcity of resources and the forces of economics. A survivor possesses a scarce resource: information and memory of the crime (Allen, 2007). Ultimately, the only other person who also contains such information about the incident is the perpetrator and any potential witnesses. Telling their story may be motivated by a survivor's desire for social and emotional support or legal retribution. In contrast, choosing not to report will allow a survivor access to neither of these options (Allen, 2007). From an economic lens, choosing to come forward forces survivors to incur additional costs. Upon reporting, survivors lose their anonymity, risk retribution from the offender, and face social stigmatization (Allen, 2007). As such, the underreporting of rape encompasses economic principles because many survivors may find themselves performing a "cost benefit analysis," either consciously or unconsciously. In colloquial terms, this may mean the survivor finds themselves asking: "is reporting worth these additional, usually negative and emotionally taxing, costs?"

Survivors of sexual assault also experience a number of mental, physical, and sexual health outcomes that may influence their desire to seek healthcare but may dissuade them from speaking to authorities. For example, survivors of a completed rape have anywhere from a 32%-

80% prevalence of post-traumatic stress disorder (PTSD) (Breslau, Peterson & Schultz, 2008; Foa & Rothbaum, 1998). In addition, female survivors are nine times more likely than women who have not experienced sexual violence to commit suicide (Goodman, Koss & Russo, 1993). Survivors also experience physical symptoms including bodily injury, sexually transmitted infections and pregnancy (Holmes, Resnick, Kilpatrick & Best, 1996; Resnick, Holmes & Kilpatrick, 2000). Not only are these psychological and physical statistics jarring, but they may help explain why survivors do not report their trauma. While survivors are in need of comprehensive care after the onset of the crime, there are often external barriers that make it difficult to receive the necessary care. For example, one qualitative study examined 128 women with a history of sexual and physical trauma to identify barriers to post-assault services (Logan, Evans, & Stevenson, 2004). According to the study, in terms of seeking services after a traumatic sexual event, there were four limiting factors for survivors: affordability (cost of receiving care), availability (limited services, difficulty booking an appointment), accessibility (lack of awareness, lack of qualified providers) and acceptability (embarrassment, victim blaming) (Logan et al., 2004).

Lastly, researchers can understand low reporting rates of sexual violence by looking through the lens of neurobiology. The neurobiology of trauma, or sexual assault more specifically, refers to the structural and hormonal changes that may occur in the brain when someone experiences a trauma (especially if it is repetitive or they have a past history of trauma) (Campbell, 2012). Researchers have identified that during traumatic events, such as sexual assault, there is a cascade of hormonal changes (Gigler, 2015). Individual's brains will often go into "fight or flight" mode when in a stressful and threatening situation. Scientists have found that these specific neurological responses greatly impact memory formation. Survivors will often

remember the traumatic event itself (unless drugs or alcohol were involved) but the pieces of the memory will often feel fragmented and out of order (Gigler, 2015). Since traumatic experiences and brain chemistry vary, the time at which the survivor will be able to remember the event, if at all, will differ from person to person (Gigler, 2015). With this in mind, best practice suggests that officers wait at least two sleep cycles (48 hours) before interviewing a victim of sexual violence. These gaps in memory may not only affect reporting rates but also contribute to negative societal stigma that survivors are liars and should not be trusted.

From the discussion above, it is clear that no single factor can explain the reasons behind the underreporting of rape and sexual violence as a whole. Nonetheless, from a high-level policy standpoint, if we can better understand why people are choosing not to report, organizations can strive to overcome these barriers. In turn, policies can be developed to better serve the survivor while also promoting due process. In addition, reporting of sexual misconduct provides institutions with more accurate records about the type and frequency of crimes. With a more accurate record, university officials can customize their limited support services to best fit the needs of their student population. Lastly, while organizations may benefit in some facets from increased reporting, it's important to qualify this statement with the notion that many survivors may never want to report their experiences regardless of the programs and initiatives in place. In order to meet survivors where they are, universities may want to consider setting up an anonymous reporting mechanism for crime statistics or make a general movement towards more trauma-informed, less formal and daunting reporting systems.

The second controversial aspect of this debate, from an organizational and institutional viewpoint, is whether sexual misconduct should be handled directly by the university, or whether all such incidents should be processed through the criminal justice system. This debate

specifically interests me as an Organizational Studies major since it highlights a tension between two organizational powerhouses. It also brings up the question of whose jurisdiction sexual misconduct should fall under and if there should be a movement towards standardization of procedures. In asking this question, it is first important to establish a fundamental difference in goals between the police and the university. Unlike a university, the immediate goal of a police department is to identify and detain the offender (in an ideal world). This stands in sharp contrast to the university's motives. Historically, universities were male-only institutions. Initially, following the enrollment of women into traditionally all-male institutions, sexual violence on college campuses was often ignored and normalized by universities (Larson, 2013). Attitudes began to change with the establishment of the age of consent in the early 20th century and other breakthroughs in sex reform, such as the passage of Title IX in 1972. Universities have followed this progressive wave and have been tasked with sanctioning perpetrators of sexual assault through non-legal measures, which may include suspending or expelling the perpetrator (Larson, 2013). Additionally, interim safety measures are often put into place, which may include moving a student, so that the survivor and perpetrator are not in the same residence hall, or changing a course schedule so that they are not in the same class. However, these interim measures often result in the survivor being "punished" by forcing victims of sexual assault, rather than perpetrators, to move, disenroll from a class, or change their schedule. Lastly, it's important to establish that while these differences exist, a survivor that chooses to report can go through the university or the criminal justice system or both.

While my research focuses on university responses to sexual assault, there are both pros and cons to what I will refer to as the "campus approach" (university investigations and disciplinary proceedings) and the "law enforcement approach" (going through the criminal

justice system). On one hand, the campus approach offers some clear benefits. First, situated in a social climate where police are often feared, going through campus pathways may be viewed by students as less daunting and intimidating. However, as mentioned earlier, both routes present survivors with substantial obstacles that may ultimately deter reporting. In addition to appearing less intimidating, campus disciplinary proceedings are generally shorter in duration compared to a formal police investigation (Coray, 2016). Second, the campus approach tends to be more focused on the survivor (Coray, 2016). This allows the survivor increased autonomy and control of the case. In contrast, in the case of the law enforcement approach, the prosecutor is given increased autonomy over the case and the survivor takes on the role of a witness. Lastly, while all the benefits of the campus approach exist, there are still salient drawbacks. Even with the existence of Title IX (see National Policies section), the lack of legal training within university systems can have detrimental effects on survivors. For example, individuals who are often the first to field complaints of sexual assault at universities (e.g., resident life and public safety personnel) lack the specific legal training to deal with sexual violence (Coray, 2016). In contrast, law enforcement officials are better equipped at preserving and obtaining evidence. For example, they can obtain statements under oath and have subpoena power. As such, the investigative capacity of the police department surpasses that of the university.

National Policies

To understand how universities work to both prevent and respond to sexual violence, I believe it is important to next examine how the university fits into a larger network of systems. To do so, I have specified three nation-wide policies that have affected the way our country must respond to sexual violence on college campuses and beyond. These policies include Title IX, The Clery Act and The Dear Colleague Letter.

Title IX

The passage of Title IX in 1972 represented a pivotal shift in United States political and social history towards increased equality. In broad terms, Title IX prohibits discrimination on the basis of sex by any educational institution that receives federal funding (Title IX, 1972). Many people may be familiar with Title IX because of its impact on college sports. However, less is known about the role this piece of legislation has had in the fight to address sexual violence on college campuses. Within this law, there are essentially five key ‘sub-policies’ that have greatly impacted organizational responses to sexual violence (Title IX, 1972). First, colleges that receive federal funds must protect their community (students, faculty, staff) from sex-based discrimination; this includes sexual violence. Second, institutions of higher education must provide support for survivors of sexual misconduct. This could include housing changes, as well as issuing no-contact orders to the perpetrator. As such, if any of these modifications are deemed appropriate for the situation, the school must claim an element of responsibility and pay the necessary costs. Third, there should be an established protocol that can be set into motion upon the reporting of sexual misconduct. Fourth, in the case of allegations of sexual misconduct, mediations cannot be used instead of formal hearings. Lastly, anyone who reports an act of sexual violence must be protected under Title IX from retaliation. This includes protection against punishment from the university system directly, as well from a third party. In terms of measurable outcomes, Title IX mandates colleges and universities to issue interim reports, respond quickly to allegations of sexual violence, provide students with access to support services and conduct a full investigation. While Title IX provides the legal framework for protection and the subsequent adjudication process regarding sexual violence on college campuses, perhaps an even more important development is the ability of students to file a “Title

IX complaint.” This allows students to have a mechanism to report any perceived violation of Title IX. The student has the choice to remain anonymous or disclose their name. From an organizational standpoint, the ability of an individual to assess the effectiveness of their university’s compliance with Title IX provides an important check on institutional power.

**Obama Administration and Trump Administration Interpretation of Title IX:* During Obama’s presidency, he defined the prevention of discrimination on “the basis of sex” to include gender (Fenwick, 2018). The legal concept of gender was defined as an individual’s choice, not necessarily constrained to the biological sex assigned at birth. However, Trump has adopted a more conservative interpretation of the term “sex” (Fenwick, 2018). The Trump Administration has moved away from understanding “sex” to include gender. Rather, he has narrowly defined it to mean a biological, immutable condition determined by genitalia at birth (Fenwick, 2018).

Clery Act

The Clery Act enacted in 1990 and more recently known because of its amendment by the *Campus SaVE* Act in 2013, requires colleges and universities that receive federal funding to push towards increased transparency with regard to crimes—this includes acts of sexual violence (Clery Act, 1990). Similar to the analysis of Title IX, the Clery Act can be broken down into five ‘sub-policies.’ First, universities must disclose information about certain crimes, including but not limited to sexual violence. The list of crimes has expanded through various amendments, most recently through the *Campus SaVE* Act. In addition, universities are required to release an Annual Security Report (ASR) (Clery Act, 1990). These records must be made available to the public, including but not limited to current and prospective students. These documents can usually be found on the university’s website. Third, in addition to the mentioned ASR, universities must also release a crime log. Within two days of the crime, institutions are required

to publish details including the time, location and nature of the crime. With regards to sexual violence on college campuses, this policy also requires universities to record sexual offenses in these notifications. These incidents can occur on campus, near campus or even off campus.

Fourth, institutions of higher education must have an *emergency* protocol in place that can easily be used in the event of a Clery Act crime. These cases may include a natural disaster, sexual assault, as well as on-campus shootings. In the event that any of these instances occur, or any of the other crimes listed under the act transpire, the university is required to respond in a timely manner with a warning to its student body. For example, this may include testing and implementing an emergency response notification system. Lastly, the Clery Act mandates that universities must protect the anonymity of the survivor.

The Dear Colleague Letter

The Dear Colleague Letter (DCL) of 2011 was issued by the U.S Department of Education's Office for Civil Rights (OCR) to every college and university receiving federal funding under Title IX. The 19-page document provides guidance on how institutions should respond to sexual misconduct on college campuses to comply with the Department of Education's view of Title IX. (Dear Colleague Letter, 2011) Specifically, the Dear Colleague Letter has four main revisions and reminders to universities when it comes to handling sexual misconduct. First, DCL provides guidance on the role of criminal investigations and a school's independent responsibility to investigate and address sexual violence. Second, the letter emphasizes some of the key components addressed in Title IX. For example, DCL highlights the requirement under Title IX for universities to designate a Title IX coordinator, publish a policy against sex discrimination and adopt and publish grievance procedures. Third, DCL discusses proactive measures colleges and universities should take to prevent sexual violence on their

campuses. Lastly, it provided some important revisions to the adjudication process. For example, DCL required accusers to appeal not guilty findings (a form of double jeopardy), told schools to accelerate their adjudication process as much as possible (with a recommended 60-day limit) and perhaps most importantly, strongly discouraged cross-examination (Dear Colleague Letter, 2011).

Analysis of Reporting Sexual Misconduct at the University of Michigan

Before delving into the ways my home university, the University of Michigan, deals with sexual misconduct, I want to first place the University of Michigan in the context of our modern day social and political climate. According to a recent analysis done by the Washington Post on data from the U.S Department of Education, the University of Michigan had 34 reported incidents of sexual assault per 1,000 students in 2012 (Anderson, 2014). As a result, according to this analysis, the University of Michigan ranks second highest in the nation, among both public and private colleges, in terms of the percentage of reported sexual assaults (Anderson, 2014). It is important to qualify that this does not mean that the University of Michigan is the second most dangerous place to attend college. A university with a low reporting rate is not necessarily more dangerous than one with a higher statistic. When assessing these numbers, context must be taken into consideration. For example, some universities surveyed in this sample are online universities or commuter schools. As a result, these schools will have, on average, lower on-campus incidence of sexual assault. Lastly, school policies and campus specific climates may encourage reporting.

The ‘University of Michigan Campus Climate Survey Regarding Sexual Misconduct’ conducted in 2015 also provides valuable statistics and insight into student experiences and perceptions. The survey was sent to a random sample of 3,000 undergraduate and graduate

students. According to the survey results, around 11% of University of Michigan, Ann Arbor students reported some form of non-consensual sexual behavior during the last year (this included unwanted touching, kissing, fondling or penetration) (University of Michigan, 2015). More specifically, the campus climate survey found that 9.7% of all female students - 12% of female undergraduates - experienced unwanted sexual penetration (University of Michigan, 2015). Among male students, the survey found that 6.8% of undergraduate males reported some form of nonconsensual sexual experience (University of Michigan, 2015). In addition, just 1.1% of graduate male students reported their experience of sexual misconduct to the university or law enforcement (University of Michigan, 2015). Lastly, this examination found that nearly 86% of all students know that the University has a Student Sexual Misconduct Policy (SMP) (University of Michigan, 2015).

With this in mind, I would like to discuss what specifically occurs at the University of Michigan, Ann Arbor when someone wants to report an act of sexual misconduct, not just sexual assault. Reporting is often not how a survivor wishes to proceed and may deal with their experience in other ways. While not an exhaustive list, some of these options include: seeking healthcare, seeking counseling, reaching out to an advocacy/support organization, doing nothing—or any combination of these options. I addressed the implications and motives behind choosing not to report. Now, I will be delving into the decision of a survivor at the University of Michigan to report an incident to a legal or University resource. After the crime has been committed, there are various routes of reporting the survivor can take. A student who chooses to report to a non-confidential University employee, the Office for Institutional Equity (OIE), the on-campus or off-campus police (University of Michigan Division of Public Safety and Security or the Ann Arbor Police Department), or a confidential reporting institution (Sexual Assault

Prevention and Awareness Center [SAPAC], Counseling and Psychological Services [CAPS], or the University Ombuds).

In my research and examination of the University policy framework, I will focus on the various pathways the survivor can take after they have experienced a violation of the policy. However, the survivor is not always the individual to make the report. For example, in the case of OIE, if a friend or witness reports an act of misconduct, the office will begin by contacting the survivor. It is possible the survivor will not respond to the OIE and will not want to participate in the investigation. On the other hand, the survivor may be willing to discuss options and potentially move forward. After the survivor has been contacted, the report made by a third party will next go to a review panel. This panel is made up of a specialized group of staff and faculty that review the incident. Lastly, the Title IX coordinator makes the final decision, which is often honoring the survivor's wishes to either proceed or not proceed with a formal investigation.

Non-Confidential University Employee

One option that exists for students is to report to a faculty member. This usually means that a student has a professor or faculty member that they feel comfortable confiding in. However, under the University's policy, there are certain individuals that are considered Responsible Employees, staff members that are obligated to report misconduct to OIE. For example, although not an exhaustive list, a dean, a department chair, or a program director would be required to notify OIE upon being told of misconduct. As mentioned earlier, by virtue alone, a University employee is not a Responsible Employee unless they have been deemed so under the SMP. If an employee (for example, a student's favorite professor) who is neither part of a confidential resource or a Responsible Employee learns of potential sexual misconduct, what they decide to do with this information depends on a number of factors. This University

employee is not required to report but is also not required to keep this information confidential. The individual who is told about the misconduct is encouraged to report but ultimately has the choice on what they decide to do. Ideally, the employee would do so in concern with, or at least in clear communication with, the person from whom they have learned the information.

Office for Institutional Equity (OIE)

OIE is a resource available at the University of Michigan to promote diversity, ensure equal treatment of students and continue to foster a safe campus environment (Office for Institutional Equity, 2018). If a student wishes to report to OIE because they believe they have been subject to a Title IX violation, they would initiate the process by reporting the offense to a University of Michigan Title IX coordinator. After reporting to a coordinator, the formal resolution process begins. The procedures are standardized, so that a similar process occurs for any violation of the University of Michigan Student Sexual and Gender-Based Misconduct Policy. However, I would like to conceptualize this framework in the context of student-on-student sexual misconduct.

The initial step is the investigation process. During a time-frame of 45 days, the investigator at OIE is tasked with determining if Michigan's misconduct policy was violated. To do so, the claimant (the individual reporting a violation) and respondent (the student replying to the claims brought against them) will be informed that the investigation is commencing and will be given the opportunity to give their statements. In addition to these statements, the investigator will collect evidence from both parties to gain a more nuanced understanding of the situation (i.e., texts, photos, etc.). In contrast to a police department which has subpoena capabilities, OIE cannot seize evidence and, thus, usually only receives materials voluntarily. There are, however, some exceptions. For example, if the crime was committed in the halls of a dorm, OIE has access

to residence cameras. Once the preliminary investigation has begun, the investigator will put together a preliminary report including the claimant's, respondent's and witnesses' statements. In addition, during this step, the claimant and respondent have the opportunity to review the report, submit comments and add additional information and/or potential witnesses. Once the report has been reviewed by both parties, the investigator formulates a final investigation outcome. This report includes the preliminary report, information added from the preliminary report review (if any) and lastly, the investigation's decision with a rationale. Ultimately, the respondent will be deemed responsible or not responsible for the charges brought against them. If deemed not responsible, the evidence was deemed insufficient to justify a finding of misconduct. If this is the case, no sanctions will be put in place and the case is closed. However, it may be the case that after a decision has been made, either party may want to appeal the findings and/or sanctions. If so, for a time frame of seven days, both parties have the ability to write a written appeal to the Office of Student Conflict Resolution (OSCR) (Office for Institutional Equity, 2018). If an appeal is filed, an external reviewer or the Vice President of Student Life (VPSR) also has the ability to review the appeal, decision and consider everything relevant to the case. The external reviewer can either confirm previous findings or challenge them with revised alternative findings and/or sanctions. On the other hand, there is a series of alternate procedures if the respondent is found responsible based on sufficient evidence in accordance with the SMP (Office for Institutional Equity, 2018). After being deemed responsible, in a time window of 7-15 days, the sanctioning board renders a written sanction following its meeting. Such sanctions are listed by OIE in their policy and include, but are not limited to, disciplinary probation, restitution, restriction from employment at the university, university housing transfer or a transcript notation. In addition, after sanctions have been issued, the claimant can provide an impact statement and

the respondent can also provide a mitigation statement to inform sanctions. After sanctions have been delivered, the case can either be closed or appealed by either party and then reviewed by an external reviewer (Office for Institutional Equity, 2018).

The Office of Institutional Equity also offers an alternative resolution process. In some circumstances, the survivor may want support without an investigation, to keep the respondent out of the resolution process or to remain anonymous. This alternative form of resolution must be approved by the Title IX Coordinator. The Title IX coordinator has the right to discern how the situation would be best addressed which may include denying the alternative resolution route in favor of a formal investigation process. If an alternative investigation process is chosen, this may include mediation or engaging in restorative justice principles to help the respondent to accept responsibility for their actions and acknowledge any harm to the claimant or community.

Law Enforcement

Another reporting pathway would be through law enforcement, either through the University of Michigan Division of Public Safety and Security (DPSS) or the Ann Arbor Police Department (AAPD). The procedures and protocols for both police agencies are similar; however, one main difference exists - the location of the crime. Acts of sexual violence committed on properties owned by the University are handled by DPSS. Crimes committed on property outside University jurisdiction are, in contrast, handled exclusively by the Ann Arbor Police Department. The elements of the law and burden of proof required is the same for both agencies. If a crime is reported to either DPSS or AAPD, the investigation process begins with a preliminary interview to gather basic information. This can be done by any type of officer (usually a road patrol officer), not necessarily a Special Victims Unit Officer (SVU) or detective. Both departments make a conscious effort to make their first question: “where was the crime

committed?” This question is key since the location of the crime (on campus vs. off campus) determines which police department handles the case. This helps the survivors so that they are not repeating their story multiple times to multiple officers. This first interview can take place where the survivor feels most comfortable (i.e., coffee shop, police department) and they are allowed to have a person present to support them during the interview. Moreover, it’s important to note that reporting to a police officer does not necessitate an investigation. Rather, it is an opportunity for the survivor to provide an officer with the general details of the crime (location, time, type of crime, etc.), as well as explore their options. During the preliminary interview, officers try to connect the survivors with advocacy and victim serving agencies (i.e., SAPAC, CAPS, SafeHouse Center). After the preliminary interview, the police department will conduct a secondary interview (a few days later). This will be done by a Special Victims Unit officer (SVU) or detective who has received additional interviewing training. During this interview, the survivor has the chance to explain the more nuanced details and in-depth information of the crime.

For many survivors, there can be great power in reporting to a police department. The conversations and collection of evidence at the time of the crime can serve as a safety net for survivors who are unsure if they want to go through the criminal justice system. Some examples of evidence that both departments can collect include clothing, bedding, injuries (cuts, scrapes, bruises), photos, text messages, social media posts, video camera footage and more. As mentioned before, the survivor does not have to immediately decide on whether or not to press charges then, or ever, if they choose not to. However, if a survivor wishes to proceed with a criminal investigation in the future, having this preliminary information and previously collected

evidence makes it more feasible for the police department to re-open the case, advocate on their behalf and proceed with an investigation.

Confidential Reporting Institutions

Another pathway through which a student can choose to use to report their experience is via a “University Confidential Reporting Institution.” Such establishments on campus are meant to support and help heal the survivor. In contrast to the other institutions, they do not have specific investigative powers. Rather, a confidential reporting institution allows an individual to report their experience, explore their options and seek additional support, if wanted. The groups deemed “confidential” are labeled as such since they are built to serve as safe, helpful and private spaces for students. The only times their confidentiality is breached is when they believe that someone’s life is in danger. Below I will explain the goals of each Confidential Reporting Institution, including SAPAC, CAPS and the University Ombuds.

Sexual Assault Prevention and Awareness Center (SAPAC)

The mission statement of SAPAC is to “promote healthy relationships, teach non-violence and equality, support survivor healing, and foster a respectful and safe environment for the University of Michigan community” (Sexual Assault Prevention and Awareness Center, 2018). All services are free and confidential to the University of Michigan community and are provided by professional SAPAC staff members. The services that SAPAC can provide to survivors can be tailored to the specific needs of the individual. They place a specific emphasis on survivor empowerment and student-centeredness. In general, they have four main programs and services. First, they have a 24-hour crisis hotline for survivors, family members and friends to seek information, referrals and confidential crisis intervention (Sexual Assault Prevention and Awareness Center, 2018). Second, they offer advocacy services to survivors (Sexual Assault

Prevention and Awareness Center, 2018). The range of their help varies; however, as licensed social workers they can provide academic, legal, medical and housing advocacy services to survivors. Third, they can provide crisis intervention (Sexual Assault Prevention and Awareness Center, 2019). In essence, SAPAC has the ability to act as a mediator and conflict solver in the specific areas the survivor needs assistance (i.e., residence hall relocation, reporting to other campus offices, in the hospital and at the police department). Fourth, SAPAC provides the option of a peer-led support group (Sexual Assault Prevention and Awareness Center, 2018). This weekly drop-in group allows survivors to air their grievances, concerns and seek support in a comfortable and understanding environment. Lastly, apart from all the specific services that SAPAC provides, SAPAC also has a myriad of student groups and prevention programs. These groups are especially important since not only does SAPAC provide critical prevention programming on campus but survivors can join one of SAPAC's student groups as part of their healing journey.

Counseling and Psychological Services (CAPS)

For survivors seeking psychological care, CAPS is another choice offered to students. With a specific focus on mental health, CAPS offers professional crisis and on-going counseling for survivors (Counseling and Psychological Services, 2018). Counselors on staff can also provide valuable medical and safety information for survivors and their friends and families. As mentioned earlier, sexual trauma can have adverse effects on the mental health and stability of an individual. With the care of licensed therapists and medical professionals, CAPS has the potential to help survivors receive the treatment they need.

University Ombuds

A lesser known confidential resource to students is the Office of the Ombuds. This office is dedicated to providing confidential, impartial and informal information to students. Ombuds provides a safe space for students to discuss conflicts and disputes. In addition, students who are unsure of something can use this space to better understand the overall functioning of the University-including its policies and procedures. For survivors of sexual violence, Ombuds can serve as a way to better understand university protocols and discuss next steps with a coach. The office will not participate in formal processes, hearings or judicial proceedings. However, Ombuds, as well as the other listed confidential resources, are important private places where survivors can better understand their options and make informed decisions.

Research Question

The next step of my research project was to explore student perceptions and understanding of university responses to campus sexual and/or gender-based misconduct. I wanted to gather updated data on what students would actually do if someone they knew experienced sexual and/or gender-based misconduct. The Campus Climate Survey of 2015 gave individuals a chance to say how likely they would be to report the incident to a specific campus resource (i.e., SAPAC or OIE; University of Michigan, 2015). For example, in the 2015 survey, the question asked the survey respondents “if you or someone you know were sexually assaulted, how likely would you be to report the incident to the following?” Following this question, the survey listed a variety of resources (SAPAC, Police Department, U-M Residence Hall or Housing Staff, Office of the Dean of Students, OIE, CAPS) (University of Michigan, 2015). Below these options, respondents were able to rate on a 4-point Likert scale how likely they were to report to the indicated resource ranging from very likely to very unlikely (University of Michigan, 2015). For example, according to The Campus Climate Survey of 2015 results, under

the “very likely” category, 42.9% of students said they would report to SAPAC, 65.1% would report to the Police Department and 35.1% indicated they would seek out help from CAPS. However, this survey failed to capture reasons why students would or would not access particular resources. Furthermore, students may be unaware of the services provided by the various recourses listed on the Campus Climate Survey. The current study aims to gain a more nuanced understanding of the on-campus and off-campus resources students are aware of, in addition to providing insight into how they might respond if a friend experienced sexual and/or gender-based misconduct. Moreover, I was also interested in whether students thought cases of sexual misconduct should be handled by the university or through the criminal justice system.

Based on my literature review, I expected that most students, when asked to discuss how they would recommend a friend proceed with reporting their experience to on- and off-campus resources, without specific prompting (as in the 2015 Campus Climate Survey), would have difficulty describing resources to which they would refer a friend. Moreover, I expected that among those who were able to identify resources to which they would refer a friend, most students would describe agencies such as SAPAC and CAPS, who provide a wide range of supportive and healing-oriented services for survivors. In contrast, I felt that students would be less familiar with the ways a student can report sexual misconduct, such as through OIE. Lastly, I expected that students would want cases of sexual misconduct to be handled by the University instead of law enforcement due to the negative stigma and fear of police that is present in our modern social climate, specifically among survivors.

Methods

In order to address the research question, I added two interview questions to a pre-existing qualitative study on intimate partner and sexual violence among college students.

Ethical approval for this project was provided by the University of Michigan Health Sciences and Behavioral Sciences Institutional Review Board (HUM00138284). Semi-structured interviews were conducted with students from each of the three University of Michigan Campuses (U-M Ann Arbor, U-M Dearborn, and U-M Flint). A convenience sample of students (n=33) was recruited. On the UM-Ann Arbor and UM-Dearborn campuses, students responded to study flyers posted around each campus. At UM-Flint, interested students responded to an email sent out to all students by the Associate Vice Chancellor and Dean of Students.

Participants were eligible if they 1) spoke English, 2) were over the age of 18, and 3) were a student at one of the three University of Michigan campuses. Students were screened for eligibility over the phone. During this phone call, students were also asked questions about their demographics and questions from the Universal Violence Prevention Screening Protocol – Adapted (see Appendix A; Heron, Thompson, Jackson & Kaslow, 2003). These questions allowed for stratification by demographic characteristics and violence survivorship status and ensured that the parent study included survivors of intimate partner violence. One individual was deemed ineligible, as they were not a University of Michigan student.

Participants were interviewed in a private room on the University campus which they attended between March and May 2018. The interviews ranged from 35 minutes to 1 hour and 20 minutes in length. The interviews were audio recorded and transcribed verbatim. Each participant received a \$10 MasterCard gift card to thank them for their time and participation.

The data for the current study was derived from a subset of questions in the qualitative interviews being conducted as part of a larger study (see Appendix B for full list of questions). Specifically, participants were asked to imagine a hypothetical scenario in which “a friend came to you after an experience of violence (intimate partner violence or sexual assault)” and

respondents were asked to describe what they would recommend their friend do. Participants were then asked to describe what “on-campus resources” and what “community-based resources” they might suggest for their friends. Next, participants were asked, “tell me about your knowledge of how the University of Michigan currently handles sexual assault allegations reported to the university.” Students were then asked to describe how this process might impact survivors, as well as how the process might impact the accused. Finally, participants were asked, “do you feel that these allegations should be handled outside of the university by the standard judicial process?”

The data were analyzed in two waves. First, data were organized into categories using *content analysis* (Elo & Kyngas, 2008). The aim of this approach is to provide a concise description of the phenomena with the outcome of the analysis being concepts or categories describing the data (Elo & Kyngas, 2008). I began by reading through all the transcribed interviews. The deductive categories were derived from the 2015 Campus Climate Survey, with the addition of other off-campus resources well known in the local communities. These categories included: OIE/University, Mental Health Resources/Counseling, On-Campus Law Enforcement, Off-Campus Law Enforcement, On-Campus Survivor and Empowerment-Centered Organizations (SAPAC, ¹Women’s Resource Center, Women’s Education Center), Community Survivor and Empowerment-Centered Organizations (SafeHouse Center and YWCA) and Do Not Know. Next, responses were dichotomized into 0 or 1 for each variable; 0 meaning the resource was not mentioned at all and 1 meaning the resource was mentioned during the interview. For example, if an individual mentioned “SAPAC” (no matter if they mentioned it

¹ Women’s Education Center is UM-Flint’s campus based resource and the Women’s Resource Center is UM-Dearborn’s campus based resource.

multiple times), they would receive a 1 in the column denoting “SAPAC.” Further, responses to the question about sexual and/or gender-based misconduct being handled by the university or the judicial system were also dichotomously coded in this way. For this analysis, categories included 1) the university, 2) the judicial system, 3) both, or 4) “I don’t know.” In order to categorize responses under my seven different groups, I looked for what I called, “trigger words.” In other words, specific phrases or words that indicated a student’s knowledge of a specific resource. Table 1 on the following page provides a comprehensive list of trigger words and their frequency.

Table 1.

	% (n)
University/OIE	46.9% (15)
"Administration"	13.3% (2)
"The University"	80.0% (12)
"Title IX Coordinator"	6.7% (1)
Mental Health Resources/Counseling	65.6% (21)
"CAPS"	57.1% (12)
"Counselor"	38.1% (8)
"Psychological help"	4.8% (1)
On-Campus Law Enforcement	34.4% (11)
"DPSS"	18.2% (2)
"Campus Police"	18.2% (2)
"Public Safety"	45.5% (5)
"University Police"	9.1% (1)
"U of M Police Department"	9.1% (1)
Off Campus Law Enforcement	43.8% (14)
"The Police"	57.1% (8)
"City Police"	7.1% (1)
"Traditional Law Enforcement"	7.1% (1)
"Dearborn Police"	14.3% (2)
"Actual Police"	7.1% (1)
"Cops"	7.1% (1)
On-Campus Survivor and Empowerment Centered Organizations	59.4% (19)
"Women's Education Center"	47.4% (9)
"SAPAC"	47.4%(9)
"Women's Resource Center"	5.3% (1)
Off-Campus Survivor and Empowerment Centered Organizations	6.3% (2)
"Safehouse"	50.0% (1)
"YWCA"	50.0% (1)
Do Not Know	50.0% (16)
"Don't know"	75.0% (12)
"Would check the internet"	18.8% (3)
"I feel like I should know"	6.3 (1)

Note: Responses were not mutually exclusive. Participants may have described multiple resources.
 Percentages reported for each trigger word represent percentage from individual organizational subgroup.

I then used *thematic analysis* to identify, analyze, and report patterns that emerged from the data using the constant comparative method (Glaser, 1978; Glaser, 1992). This lens allowed me to read through the transcribed interviews and identify themes that emerged organically from the data.

Results

The overarching study included 33 participants; however, these analyses include data from only 32 students, as the questions considered here were not asked of one student who had to leave their interview early. The sample included 10 students from the Ann Arbor campus, 11 from the Dearborn campus, and 11 from the Flint location. The demographic characteristics of the study sample are presented in Table 2. The majority of students were female (75.0%) and identified as heterosexual (87.4%). The sample was racially and ethnically diverse and represented a cross-section of grade-levels and religions. The majority of students were involved in an on-campus student organization of some kind (75.0%). The study sample was evenly split with regards to survivorship status, with 50% of participants identifying as a survivor of physical, sexual, and/or emotional violence in a current or past relationship. Table 2 presented on the following page provides the demographic information of the studied sample.

Table 2. Sample demographics (N=32).

	% (n)
UM Campus	
Ann Arbor	31.2% (10)
Dearborn	34.4% (11)
Flint	34.4% (11)
Age (mean, range)	21.81 (18-31)
Gender	
Female	75.0% (24)
Male	21.9% (7)
Gender nonbinary	3.1 % (1)
Sexual orientation	
Heterosexual	87.4% (28)
Bisexual	6.3% (2)
Other non-heterosexual identifying	6.3% (2)
Grade level	
Freshman	15.6% (5)
Sophomore	6.3% (2)
Junior	21.8% (7)
Senior	50.0% (16)
Graduate student	6.3% (2)
Race (mutually exclusive)	
White	34.4% (11)
Black	15.6% (5)
Asian	12.5% (4)
Latinx	3.1% (1)
Middle Eastern/North African	12.5% (4)
Multi-Racial	21.8% (7)
Religion	
Christian	3.1% (1)
Muslim	12.5% (4)
Protestant	9.4% (3)
Catholic	15.6% (5)
Buddhist	3.1% (1)
Jewish	6.3% (2)
Other	9.4% (3)
None	28.1% (9)
Agnostic	9.4% (3)
Atheist	3.1% (1)
Campus group membership	
Learning community	6.3% (2)
Greek life/Rushing	9.4% (3)
Varsity sports	3.1% (1)
Club sports	3.1% (1)
Other	62.5% (20)
None	25.0% (8)
Survivor of Violence	
No	50.0% (16)
Yes	50.0% (16)

Content analysis

The results from the content analysis of on- and off-campus resources to which participants would refer a friend who had experienced sexual and/or gender-based violence are presented in Table 3. Mental Health Resources/Counseling (65.6%) were discussed most frequently followed by On-Campus Survivor and Empowerment-Centered Organizations (59.4%). Half of participants reported that they did not know of any resources to which they would direct a friend. The fourth most common response was the University/OIE category (46.9%), followed by Off-Campus Law Enforcement (43.8%), On-Campus Law Enforcement (34.4%), and lastly, Community Survivor and Empowerment-Centered Organizations (6.3%).

Next, I looked at whether students believed that sexual assault and/or gender-based misconduct allegations should be handled by the University of Michigan or by the criminal justice system. According to the interviews, five respondents (15.6%) felt that these cases should be handled solely by the University, three (9.4%) believed they should be processed by the external criminal justice system alone, 21 (65.6%) said allegations should be handled by both (some combination of the University and the external criminal justice system), and three (9.4%) were not sure.

Off note, no students identified the Office for Institutional Equity by name. Rather, they broadly described how they would recommend that friends report their experiences to “the University.” Further, no students described the University Ombuds and Office of the Dean of Students as potential resources to which they would refer a friend.

Tone and language, with regard to specific programs indicated students’ attitudes toward various resources. For example, On-Campus Survivor and Empowerment-Centered Organizations were the resources framed in the most positive way. Specifically, of the 19

students who mentioned On-Campus Survivor and Empowerment-Centered Organizations, 16.7% of the respondents explicitly said they felt comfortable bringing a friend to these types of organizations. In addition, 47.3% of these respondents used some sort of positive adjective when identifying these resources (e.g., “helpful,” “supportive,” etc.). With regard to Off-Campus Law Enforcement, 28.6% of individuals who mentioned this resource followed with some language associated with “danger.” For example, students said they would seek services there if weapons were involved, if the attacker was a stranger, or if they felt an immediate threat. Such language around Off-Campus Law Enforcement may reveal an internal decision making algorithm (i.e., sense immediate danger = call police). Lastly, Mental Health Resources/Counseling was the resource that had the most negative associations. Specifically, 14.3% of individuals who mentioned Mental Health Resources/Counseling cited how difficult it was to get an appointment. No other obstacles or barriers were specifically mentioned when discussing other campus resources.

Of the 16 students who were unaware of resources to which they would refer a friend, 18.75% said they would consult the internet if their friend needed assistance. In addition, 25% of students who said they didn’t know modified this statement by saying they *should* know this information. For example, one respondent said, “I feel like I should know this.”

Table 3. Results from content analysis of on- and off-campus resources for sexual and/or gender-based violence to which students would refer a friend (N=32).

	% (n)
University/OIE	46.9% (15)
Mental Health Resources/Counseling	65.6% (21)
On-Campus Law Enforcement	34.4% (11)
Off-Campus Law Enforcement	43.8% (14)
On-Campus Survivor and Empowerment-Centered Organizations	59.4% (19)
Community Survivor and Empowerment-Centered Organizations	6.3% (2)
Do Not Know	50.0% (16)

Note: Responses were not mutually exclusive. Participants may have described multiple resources.

Thematic Analysis

The three themes that emerged from the data included: 1) the importance of the first conversation with a friend during the healing process, 2) a lack of organizational outreach leading to student unfamiliarity and 3) an overemphasis on punishment of the accused. The first theme that organically emerged from these interviews was the importance of a survivor's first conversation with their support network (i.e., family, friends). Respondents across interviews highlighted some central components to this first conversation. Many people mentioned the need to listen and not talk *at* someone. For example, one individual phrased this concept of 'validation through listening' as, "let them tell you what they're going to do versus me telling them." In addition to listening as a mechanism of support to survivors, people also brought up the component of deflecting support to a more qualified individual. Respondents brought up either physically bringing a friend to a resource or helping them find where and how to proceed. For example, an interviewee said, "I would tell them that I'm not somebody who can give you all the right advice or tell you how to do things, but I'm here for you; and I think that's a huge support system." Students in this study believe that when a friend confides in them, it is important to listen unconditionally, making sure to give them time and space to speak their mind. Ultimately, all of these steps are taken to be a supportive friend and have a conversation free of victim blaming.

The second common theme was that students feel that available resources are inadequately publicizing their services. Specifically, students felt that their lack of understanding was due to an absence of outreach at an organizational level. Students mentioned that some potential ways to improve this lack of student awareness would be through a larger social media

presence, hiring more volunteers and better advertisement campaigns. As one interviewee said, there aren't "enough arrows pointing to them." Students often cited this lack of organizational outreach as the reason behind them not knowing which resources existed on and off campus for sexual misconduct.

The last theme that arose among these interviews was the current treatment of the accused. Specifically, students felt that the current system may be putting too much emphasis on punishment. For example, ruining job opportunities, tarnishing a reputation and losing friends. One student said, "You'll always have that mark on your transcript even if like you're not... Even if you didn't do it or even if you did do it, it just... It ruins their life, but they made the decision to ruin their life essentially." Students were not arguing that perpetrators should not be punished at all for their actions. Rather, the central theme was that there should be a new movement towards rehabilitation of the accused. For example, an interviewee explained this need for change as requiring, "more avenues for rehabilitation and prevention rather than just straight up punishment and isolation." Perhaps putting a mark on a student's transcript teaches perpetrators that their actions were wrong by nature but doesn't give them adequate knowledge or resources on how to not repeat their actions in the future. As a result, students enter the work force with a tarnished reputation from their time at the University but this doesn't necessarily decrease the chance of perpetrating sexual or gender-based misconduct in the future.

Discussion

As I expected, students on all three campuses were more familiar with resources focused on mental health and healing in the "aftermath" of misconduct, rather than the resources currently in place for initially reporting and resolving conflict. While my content analysis cannot lead me to be certain why reporting options were less well known than other resources, my data

did lead me to a larger question: whose responsibility is it to ensure that students are informed of their reporting options? In particular, does an organization, such as The University of Michigan, have an obligation to enact a more comprehensive effort to educate its student body on where and how to report sexual misconduct?

My thematic analysis of the interviews revealed key attitudes and perceptions that exist across all three campuses. Students feel that their lack of awareness related to resources, policies and procedures may be due to a deficit on the University's part—they are not publicizing their resources enough. This becomes an even greater issue when friends who have been subject to sexual violence come to them and they aren't sure where to direct them. While many students mentioned using the internet, should students have to Google these next steps or should their responses be more second nature? In addition, the students felt that the University should focus more on educating perpetrators to decrease recidivism? This led me to further ask myself: is the University responsible for moral education beyond just punishment? Where should an organization draw this line?

Currently, the University has various prevention programs in place. U-M Ann Arbor offers a three-step process for all incoming undergraduates. This includes an online module about alcohol and sexual violence; the peer-delivered program Relationship Remix, aimed at teaching college freshman about consent, personal values, and healthy relationships; and a bystander intervention program called Change it Up!, which is delivered as a skit-based performance by students. U-M Flint and U-M Dearborn also offer online programs to educate their incoming students. The University needs to consider whether efforts solely targeting incoming students (freshman and transfer students) are sufficient to provide education related to

campus misconduct policies and reporting options. At least from a reporting standpoint, from the research I conducted, it seems that these educational programs are not *enough*.

It might be instinctual to blame the University for these lapses in knowledge (as many students in my sample did). However, it is also equally likely that students are resisting this information. Many of these organizations (Ombuds, SAPAC, CAPS, etc.) make a large effort to advertise their services in the beginning of the year at events such as *Festifall* (a University-wide fair of on-campus organizations at the U-M Ann Arbor campus). In addition, Relationship Remix is a prevention program mandated for all incoming undergraduate students at U-M Ann Arbor. However, the issue with frontloading this information is that many students may not engage if they feel that the content is not applicable or necessary. Despite the known prevalence of sexual misconduct on all college campuses, no student wants to think that they or someone they know will ever be in need of reporting sexual misconduct or of survivor-centered services. With this logic in mind, it makes sense that very few students know what to do when sexual misconduct does occur. Lastly, this type of framework also explains why certain resources were more widely known than others. For example, the two most widely identified resources in the interviews were Mental Health Resources/Counseling and On-Campus Survivor and Empowerment-Centered Organizations. One possible explanation for why students were more familiar with these resources in comparison to others is that these types of organizations provide a wide scope of services. In addition to having a large staff and a noticeable social media presence, students may be familiar with them because of the services provided outside sexual misconduct. For example, someone might go to CAPS to deal with the loss of a relative or volunteer with SAPAC as part of a class.

Moreover, with this analysis in mind, if the University works towards becoming more transparent regarding where to report on campus, how can they ensure that students are absorbing this information? To reiterate my overarching question, is educating students about these resources a responsibility of the University? According to Title IX, colleges that receive federal funding are required to protect their students against sexual violence (Title IX, 1972). If students are not unaware of how their university can support them (which includes where to report a violation of Title IX), this is ultimately a breach of safety and a violation of the statute. In other words, no student can feel safe on a college campus without adequate information. Thus, both legally and morally, the university has a clear responsibility to educate its students about sexual misconduct.

With all of this in mind, I have formulated a set of dynamic recommendations to the University of Michigan. These recommendations are especially applicable since a new sexual misconduct policy was adopted on January 9th, 2019. My recommendation to the University is to form initiatives that are *non-discriminatory, widespread, and trauma-informed*. As mentioned earlier, the University of Michigan focuses their distribution of information on sexual misconduct predominantly towards incoming undergraduate students (freshman and sophomore transfer students) and largely at the beginning of the school year. I believe these educational programs can no longer be targeted solely towards incoming undergraduates. This approach leaves out upperclassmen, who may need the content refreshed after their first year on campus. In addition, providing this information only in the beginning of the year makes this information available to a niche group of students (those who are interested and choose to listen and participate), not the student population as a whole.

To address these key weaknesses in the University's approach, initiatives must be non-discriminatory (relayed to all students), widespread (reiterated every year), and trauma-informed (designed to resist re-traumatization). In application, I suggest the University implement a yearly required program that educates students on the scope of sexual misconduct on college campuses and which delineates institutions and organizations available both on- and off-campus. Lastly, in order to emphasize the University's commitment to these programs, students should be penalized (mark on transcript, email to professors/coaches, inability to graduate etc.) for not attending a session.

In response to the student perception that the University focuses too much on punishment and too little on rehabilitation, I believe that these yearly mandatory classes should add several components to these educational programs. First, they should provide students with a comprehensive understanding of all of their options for reporting and healing (PowerPoint, flyer, link to a website). By providing this information to students on a yearly basis, it is more likely that they will listen and absorb information about available resources. Second, not only should these classes be annual but they should be more iterative for various "at-risk" groups. For example, charged perpetrators should be obligated to attend additional workshops beyond those of the "average" student.

My research also provides a valuable lens into how the future misconduct policy will potentially be embraced by survivors and the study body as a whole. The implementation of a cross examination into the sexual misconduct policy leads me and many concerned advocates to believe that this policy revision will serve as an additional barrier for survivors. The worry is that many survivors who were choosing the university option to avoid conventional law enforcement proceedings will now have nowhere to turn.

As discussed in the Results section, the majority of students (65.6%) said allegations of sexual or gender-based misconduct should be handled both by the University and the standard judicial process. This data may be used to help anticipate students' future responses to the policy. The fact that the majority of students believe that survivors should have the option to either utilize university services or navigate the judicial system leads me to believe that students recognize that each system has its own merits. As such, students may be unhappy with the University adopting features of the standard judicial process such as cross examination. With this policy change, in the eyes of many, what was once two distinct pathways for sexual misconduct allegations coalesces into two indistinguishable options. With this in mind, it is difficult to know with certainty how this policy will affect reporting rates and overall student perceptions on campus. Unfortunately, the only way to approach a legal modification of the policy is to wait and see how the policy affects campus climate.

Limitations and Next Steps

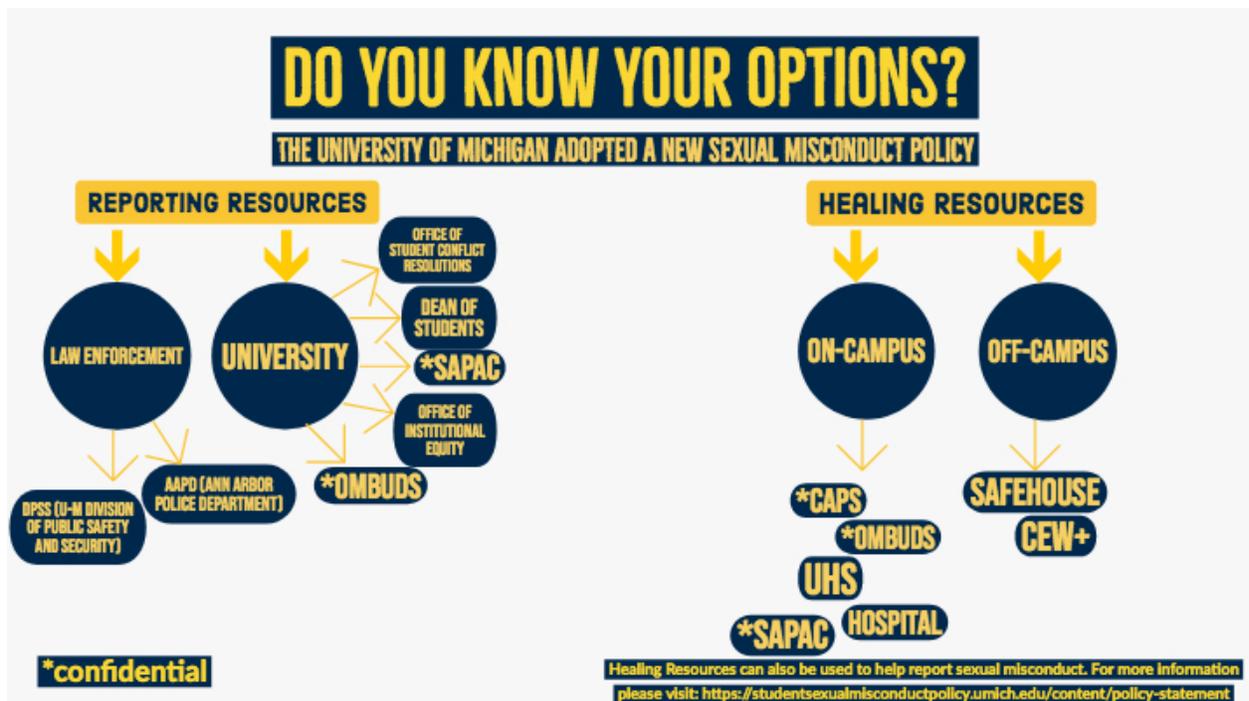
This study's primary limitation was its small sample size. With only 32 respondents, it was difficult to form a comprehensive understanding of students on all three University of Michigan campuses. To put it in perspective, in 2018, the Ann Arbor campus had a total enrollment of 46,002; the Dearborn campus had an enrollment of 9,339; the Flint campus had an enrollment of 7,836 (University of Michigan, 2018). Overall, across all three campuses, the student population is a total of 63,117 students.

As such, my research represents a small snapshot of current students' views before the enactment of the interim sexual misconduct policy. In terms of next steps, this study should ideally be replicated with a larger group of students. In addition, it would be interesting to compare responses from this study with responses after the implementation of the new sexual

misconduct policy. Lastly, future studies should monitor reporting rates and student attitudes on campus in response to these changes. For example, will students ultimately feel that the introduction of a cross examination policy makes them less likely to report? Will that perception make students feel less safe? Finally, how can resources on campus be optimized in this period of transition?

Conclusion

In conclusion, as a tangible product of my Thesis, I have created a guide for students on campus to understand resources that can be utilized for healing and reporting, both on- and off-campus. The graphic below was designed to be simple, comprehensive and trauma-informed.



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Appendix A
Phone Call Screening for Student Interview Participants (Phase I)

Thank you for your interest in our research study, *Understanding Power and Control Tactics in Abusive Relationships on College Campuses: An Evidence-Based Mixed Methods Approach to Reconceptualizing the Power and Control Wheel*. We are recruiting participants for a 45-60-minute-long interview about tactics used by perpetrators of relationship abuse in college and university settings. We are interested in having participants that have experienced relationship abuse and those that have not. In order to assess your eligibility and desire to participate, we would like to ask you a few screening questions.

- 1) What is your current age? _____
- 2) Do you speak English? _____
- 3) Are you currently a student at one of the three University of Michigan campuses?
 1. If so, which campus? _____
- 4) Are you willing to participate in a 45-60-minute-long interview about tactics used by perpetrators of relationship abuse in college and university settings? _____

[If the person is ineligible say] Thank you for your information. I'm sorry, but you must be [fill in with the criteria that they did not meet]. Thank you for your interest in our study.

Research staff will review consent form that was sent to participants and attain verbal consent before proceeding with the remaining questions.

5) Demographic Characteristics

1. How do you describe your gender? _____
2. How do you describe your sexual orientation? _____
3. How do you describe your race and ethnicity? _____

6) Universal Violence Prevention Screening Protocol - Adapted

Have you been in a relationship with a partner who has:

1. Slapped, kicked, pushed, choked, or punched you? (Yes/No)
2. Forced or coerced you to have sex? (Yes/No)
3. Threatened you with a knife or gun to scare or hurt you? (Yes/No)
4. Made you afraid that you could be physically hurt? (Yes/No)

5. Repeatedly used words, yelled, or screamed in a way that frightened you, threatened you, put you down, or made you feel rejected? (Yes/No)

Reprinted from *Annals of Emergency Medicine*, 42, Heron SL, Thompson MP, Jackson E, Kaslow NJ, Do responses to an intimate partner violence screen predict scores on a comprehensive measure of intimate partner violence in low-income black women? 483-91, Copyright (2003), with permission from American College of Emergency Physicians.

[If the person is eligible say] Thank you for your information. You are eligible to participate in our study. Now, I would like to set up a convenient time for an interview. Here are the dates and times that are available...The interview will take place at [insert location based on their campus].

Appendix B Interview Questions

- 1) What does the term intimate partner violence mean to you?
 - a. Are there are other terms you associate with this?
 - i. How are these terms the same or different?
 - b. For the purposes of this study, we are defining intimate partner violence as: threatened or completed sexual, physical, or emotional violence perpetrated by a current or former partner.
 - i. What are your thoughts about this definition?
- 2) Tell me about your understanding of the power and control wheel.
 - a. Have you heard of the power and control wheel?
 - b. Tell me about the versions of the power and control wheel you have seen.
 - c. In what capacity do you believe the power and control wheel has been used.
 - d. Tell us about instances where you have seen the power and control wheel used.
- 3) Tell us about the tactics you believe are currently being used in abusive college relationships.
 - a. What behaviors have you seen others utilizing to maintain control in their relationships?
 - b. Are these tactics physical, sexual, emotional, financial, coercive, or other? (*if needed to move participant along*)
 - c. Are there controlling behaviors that you believe are unique to the college context?

**Show sample Power and Control Wheel to all participants*

- 4) Tell us whether you believe current prevention programs for intimate partner violence are inclusive.
 - a. Why or why not?
 - b. What groups do you believe are excluded?
 - i. Are there any unique considerations for these groups?
 - c. How could we make programs more inclusive?
- 5) Along these lines, do you believe the power and control wheel is inclusive?
 - a. Why or why not?
 - b. What groups do you believe are excluded?
 - i. Are there any unique considerations for these groups?
 - c. How could we make programs more inclusive?
- 6) Do you believe the power and control wheel is applicable to college students?
 - a. Why or why not?
 - b. What might be missing?
 - c. Does the power and control wheel incorporate modern-day forms of communication and control?

** Have all participants complete a blank power and control wheel. After they indicate they are completed then follow-up with the remaining questions.*

7.) Can you tell me about your version of the power and control wheel?

- a. What did you change?
- b. What stayed the same?
- c. What did you keep in mind while creating this version?
- d. Do you believe this version would resonate with your peers?
- e. Do you believe this version is more inclusive?
- f. *Interviewer may ask specific content questions based on what is written.*

Next, we would like to ask you some questions related to seeking support after an experience of intimate partner violence or sexual assault. These are hypothetical questions and you need not have personally experienced violence in order to answer these questions.

8.) If a friend came to you after an experience of violence (intimate partner violence or sexual assault), tell me what you would recommend your friend to do.

- a. Specifically, what campus resources might you suggest your friend use?
 - i. Why?
- b. Are there other community-based resources that you might suggest your friend use?
 - i. Why?

9.) Tell me about your knowledge of how the University of Michigan currently handles sexual assault allegations reported to the university.

- a. Tell me how this process may impact the victim.
 - i. Do you feel that there is sufficient support for the victim?
- b. Tell me how this process may impact the accused.
 - i. Do you feel there is sufficient support for the accused?
- c. Do you feel that these allegations should be handled outside of the university by the standard judicial process?