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RAPE AND SEXUAL VIOLENCE ON CAMPUS: COMPASSIONATELY NAVIGATING THE DELUGE OF DATA

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SYNOPSIS

Rape and sexual violence on college campuses in the United States is one of the dominant issues being fought over in the culture today. It can be difficult to sort through the competing narratives and vitriol surrounding the issue to find a Christian response. The evil of rape is undeniable, and the devastation sexual violence wreaks on the lives of the victims, their loved ones, and their communities demands both a strong commitment to seek justice and compassionate effort to find restoration for victims. At the same time, our Christian commitment to truth compels us to be careful when attempting to determine the extent of the problem. The massive disparity in the number of cases of sexual violence from various resources requires careful consideration. Public policy measures instituted to address sexual violence on campuses must recognize the impact investigations have on all parties involved, both complainant and accused, and demonstrate restraint in creating environments that weight the process in favor of one side over another. Respectful and considerate pursuit of the truth ought to be the aim of the process. Though we should not sow fear and discord unnecessarily, we can offer tools to equip students to minimize their chances of being victimized. When students become victims of sexual violence, the community needs encourage the pursuit of justice through the criminal justice system while attending to the spiritual and emotional pain the process unavoidably introduces into the life of a person who has already endured the evil of physical violation.

The subject of rape and sexual assault on college campuses currently pervades our national dialogue. Best-selling author John Krakauer released *Missoula: Rape and the Justice System in a College Town* in April of 2015. It offers a glimpse into the details surrounding sexual assault cases on the campus of the University of Montana. National news reported the story of a young woman who carried the mattress on which she alleged she was raped everywhere she went on the campus of Columbia University as a protest to her accused rapist not being expelled.¹ The U.S. Department of Justice (DOJ) is investigating the alleged mishandling of rape and harassment accusations at fifty-five universities around the nation, including Harvard, Princeton, and University of California, Berkeley.² Advocacy groups routinely claim that as many as one in five women on college campuses will become the victims of sexual assault during their educational tenure.³ *Huffington Post* dedicated an entire page to this issue, called *Breaking the Silence: Addressing Sexual Assault on Campus*.

Rape and abortion feature in almost every Q&A I conduct after presentations defending the intrinsic value of human life on campuses across the United States. I see firsthand the passions this issue stirs as well as the devastation and lasting emotional scars. Accomplished women, who represent everything I hope my own daughters one day will grow to be in independence and success, struggle to contain their emotions while relaying events that happened decades ago. Anger, resentment, pain, and even fear well up as they share how that violation permanently affected their lives. Those are the moments when the evil of rape is most clearly understood.

A just society must confront that evil and provide rape survivors what they need to live a full life that is not defined by the worst thing that ever happened to them. Is there a strategy Christians can employ to process the overwhelming amounts of information, often communicating contrary narratives, with an eye toward justice and fully restoring victims to their community? We must begin by acknowledging the evil of rape and establishing a clearer picture of those who most often sexually violate others: people known to the victims. We should not sow fear into the lives of others beyond necessity, acknowledging how difficult it is to establish actual numbers of incidents of rape on university campuses. Students must take seriously the tools they are offered to equip them to minimize their chances of being victimized while the community must avoid understanding rape as a consequence of the woman's choices. Finally, we must lovingly encourage victims that reporting what happened to them is an act of bravery not solely for the purposes of seeking justice for themselves but also to protect other women and our community.

RAPE AND MORAL CONDEMNATION

Murder is the term of moral condemnation that we apply to the act of intentionally killing an innocent human being. It is the greatest violation possible of an individual's right to life. In the same way, *rape* is the term of moral condemnation we apply to the act of forcible sexual violation of one human being by another. The animal kingdom is filled with incidents of forced copulation. We rightly withhold the charge of rape in those cases. Rape is more than an animal act: it is a deeply immoral violation performed by a moral agent accountable in ways particular to humanity. It is the ultimate violation of the human right to autonomy, our right to determine how to use our own bodies to pursue good in our lives. Rape violently seizes an image-bearer of God and exploits her or him as a thing to satisfy the perpetrator's degenerate lust and/or desire for dominance. Rape is a great evil indeed.

Sexual violence wreaks devastation on its survivors that can endure for a lifetime. Krakauer's book is at its most impactful when he shares the stories of women and their families struggling to confront what happened. In one case, a rape victim reached out to another woman she believed to have been attacked by the same man in order to build a case against her abuser. Though time had passed, the raw emotions and fear resurfaced and made it nearly impossible for the earlier victim to testify.⁴ She moved on, but she could never get away from what happened.

Laurie Halse Anderson's young adult novel *Speak* places the reader into the thought life of a high school student trapped within her emotional isolation brought on by rape. Anderson provides prose to what psychologists and rape counselors describe. The protagonist felt isolated and ill equipped to express herself, unable even to put into words what had happened to her. Her family and community struggled with her dramatic emotional wrestling, creating tension and discord that only served to further isolate her.⁵ Like all evils, rape's devastation ripples through our community beyond the moment of its happening. The deep sense of violation and personal spiritual costs are undeniable.

THE RAPIST WE KNOW

Rapists are rarely shadowy figures lurking in the bushes. Though that does happen, the largest numbers of rapes on college campus, 80 percent according to a DOJ report, fall into the category of rapes involving known and even trusted acquaintances.⁶ The additional pressures that this dynamic places on reports of sexual violence are obvious.

Krakauer shares the story of a young woman raped by a University of Montana football player. The two grew up together and shared the same community and many of the same friends. Once the trial began, friends, families, and even former high school teachers were called on to offer testimony not merely to the facts of the charges—was it rape or not—but also the character of the people involved. The case divided a

community even though the facts of the case were largely uncontested, and the young man in question had initially confessed his guilt.⁷

The Denial Dilemma

How much does any prior relationship with the accused rapist interfere with our ability to evaluate the evidence objectively? Rape is evil, but we know Johnny to be an upstanding young man. Therefore, Johnny could not be a rapist. Our certainty of the evil of rape works against us. It's hard to believe the worst about someone that I like. It is easier to be skeptical about the evidence against an accused rapist when the consequences for being found guilty of rape or sexual assault will be unleashed on a friend.

CONTRADICTIONARY NARRATIVES

Opposing narratives are not limited to the facts within a particular case of rape. The overall picture of what is happening on our campuses is an issue of intense debate. No one denies that rape and sexual assault happen on college campuses. The question is how often?

Activists claim sexual violence is happening on college campuses at a rate far beyond what is happening in the general population. The numbers offered, compiled by surveys of student responses, are as high as 20 percent of female students being sexually assaulted at some point during their time in higher education. Those numbers are offered as justification for massive policy changes intended to create an environment to protect complainants during campus adjudication.

The Office for Civil Rights (OCR) within the United States Department of Education sent out in April of 2011 what they called a Dear Colleague Letter to universities advising them to use a lower standard of proof than the traditionally followed "clear and convincing evidence" standard in adjudicating charges of sexual violence on campus. The letter instructed universities to determine whether or not to punish a student based on a preponderance of evidence standard, or as K. C. Johnson explains, a 50.01 percent chance that the charges are true based on an evaluation of the evidence.⁸ Punishments range from a simple reprimand to the expulsion of those determined guilty.

OCR also suggested that the accused not have an opportunity to cross-examine the accuser. We all want to protect young women that have been victimized, but could these efforts undermine our ability to get as close as possible to the truth? Renowned American jurist John Henry Wigmore once said, "Cross examination is beyond any doubt the greatest legal engine ever invented for the discovery of the truth."

Exaggerations?

Critics charge the numbers offered represent gross exaggerations produced by overly broad definitions of sexual violence and bias in polling created by low response rates among nonvictims. David French of *National Review* points out that normally we use two sources to determine the violent crime rate and impact in the United States: The Uniform Crime Reports by the FBI and The National Crime Victimization Survey by the Bureau of Justice Statistics (BJS). Based on that data, incidents of sexual assault actually happen less frequently on college campuses, at a rate of 6.1 total sexual assaults per 1,000 students versus 7.6 per 1,000 in nonstudent populations. If those numbers reflect the truth, this is good news. Rather than use broad definitions of sexual violence that reach fear-inducing percentages, we ought to encourage confidence that our campuses are relatively safe.⁹

Heather Mac Donald of the Manhattan Institute goes further in her criticisms. On a panel discussing the question of a rape culture on campus, she said that Detroit is America's most violent city. The Detroit violent crime rate, including rape, murder, aggravated assault, and robbery, is 2.0 percent with rape making up only .5 percent. According to Mac Donald, the claimed sexual violence rate of 1 in 5 at U.S. universities is unheard of, higher even than rates in destabilized regions including brutal African civil wars. If 20+ percent is true, parents ought to forbid their daughters from going to universities, and young women ought to be abandoning their studies in massive numbers. They are not. They are graduating in percentages much higher than men, and applications are at an all-time high.¹⁰

The Perils of Current Policy

Janet Halley of Harvard Law School questions the manner in which justice in campus sexual violence is being pursued through policy. Once advocates, who must be specialized in order to provoke change, move into positions of political power, they ought to move away from specialization and develop policy that is fair to all.¹¹ The new standards being pushed through directives such as the Dear Colleague Letter are better activism than policy. One problem is that Title IX protection focuses on risks of harm and hostile environments rather than traditional models that "were working in a framework that required sexual harassment enforcers to identify a wrongdoer."¹² Halley discusses a young man in Oregon investigated because he physically resembled another young man that raped a female student thousands of miles away from the campus. The presence of someone so similar in looks upset her, so the school investigated the young man and restricted his movements on campus, impacting his housing, job, and classes in order to protect the educational environment of the young woman in question.¹³

OCR and other advocates created an environment intended to protect complainants—an understandable goal. However, Halley argues it is not hard to see

how claims of abuse lead to unjust investigations and punishments based on a low standard of proof and a rush to prove compliance with the directives of the OCR. “When the duty to prevent a ‘sexually hostile environment’ is interpreted this expansively, it is affirmatively indifferent to the restrained person’s complete and total innocence of any misconduct whatsoever.”¹⁴

A Westat study supporting the high estimation of incidents of sexual violence on campus included recognition that numbers reported on different campuses tend to greatly vary. They are at a loss for why that is.¹⁵ They also addressed the impact that a possible nonresponse bias produced. They acknowledge “non-victims may have been less likely to participate,” thereby skewing the numbers, but they reject the idea that it had a large effect.¹⁶ What about the oft-quoted 1 in 5 number? The authors respond, “Many news stories are focused on reporting figures like ‘1 in 5’ in reporting victimization. As the researchers who generated this number have repeatedly said, the 1 in 5 number is for a few IHE’s (institutions of higher education) and is not representative of anything outside of this frame.”¹⁷

Christians have a duty to operate in a spirit of truth and a responsibility to determine to the best of their ability what the truth is, especially in questions as morally important as rape and sexual violence. Honest assessment of the difficulty in determining what is happening on campuses and hoping for a measured response is not compromising. It is seeking truth and justice. It should be no surprise that there is no easy answer.

WHAT WOULD I TELL MY OWN DAUGHTERS?

We don’t need to have all the answers to offer practical advice to students on campuses all around the nation. Though they express their views in radically different ways, Rape Abuse and Incest National Network (RAINN), Heather Mac Donald, and Janet Halley all offer similar personal advice. Two major points of agreement on prevention are shared and in accord with the resources provided by RAINN to campuses around the country.¹⁸ First, rape is not caused by the poor decision-making of victims. They don’t ask for rape through a series of mistakes. Another person violates them and carries the full responsibility. Two, there are things that can be done to reduce the chance of victimization. Honest assessment of the difficulty in determining what is happening on campuses and hoping for a measured response is not compromising. It is seeking truth and justice.

Here are some practical steps all young women should take on university campuses with some special consideration toward young Christians.

-Students are overly trusting of the campus environment, seemingly suspending their normal considerations for safety and security. Students should treat campuses like any other place in regard to their safety.

- Students should not place themselves in vulnerable positions with someone they barely know. Other students must earn trust through a sustained relationship.
- It is unwise to drink to the point of incapacitation, lowered inhibitions, or impaired judgment.
- Friends should go out together to help prevent bad decisions. Students should make certain their friends would help look after their character and wellbeing.
- Students should never take drinks from strangers or leave drinks unattended. There are bad men out there willing to take advantage of unsuspecting women through drugging them.

I tell my own children to remember that college is about setting ourselves up for our future. It should not be the best time of our lives. It should be about securing a future best time by equipping ourselves today. We can impact our campus for Christ and not be carried away into lifestyle choices that put us at risk and compromise the beliefs we hold most dear out of a silly notion that college is about experimenting and partying.

Coming Alongside the Victim

It isn't fair or right that anyone should be forced to endure the great evil of rape. We are trying to find the best options available for responding to the introduction of such evil into our lives. We must see the moments following rape both as a time when someone who has suffered a deeply personal violation needs special care and an occasion that legally, morally, and pastorally calls for criminal investigation. Should we ever be called on to offer advice in so terrible a circumstance, we need to be prepared to offer wise counsel.

There are steps to take. Victims should call 911 if they fear they are in danger. They should contact the police and visit a medical center for emergency care and a sexual assault forensic exam. They should not waste time feeling ashamed that something terrible happened to them. Guilt and shame belong to the perpetrator, not to the victim.

A sexual assault forensic exam, otherwise known as the rape kit, can be a difficult process. Victims who endure this further indignity offer our community the best chance at bringing rapists to justice. Counselors advise victims to make certain they have someone with them during this time. Professional counselors and advocates are often available and cannot be called as witnesses in any future investigation. It can be a long process centered on gathering evidence, so victims need to have someone with them whose priority is their emotional and spiritual well-being. Friends and loved ones are great for that, but the officers may wish to speak to the victim alone in order to avoid unnecessary discomfort. The rape kit is important. In the moments immediately

following assault, the victim might not wish to prosecute. The rape kit will wait, should she change her mind.

It is hard to implore victims to press charges knowing that their lives will be ripped apart during the process. Defenders of the rapist, both professional and personal, can be cruel to victims. Pursuing justice exposes women to personal attacks and emotional pain I can't pretend to understand. Even so, the pursuit of justice is important. Rape is difficult to prosecute successfully, and, as a result, there are people guilty of violent crime operating within our communities who are likely to act outside of the law and moral decency again. If victims marshal the strength to seek justice, we must assure them that there are people in our community who want to stand with them in love and support.

A Compassionate Christian Response

The evil of sexual violence and the lasting impact it has on survivors demands serious consideration. It is important to determine, to the best of our ability, what the overall picture of sexual violence on our campus is both to respond appropriately and to limit policy overreach driven by an unclear perception of the extent of the evil. At the same time, we must equip students to limit the possibility of becoming a victim of sexual violence on campus. For those who have been victimized, we have a duty to seek justice both for the victim and for the community, while reassuring victims that there are people who truly want to help them face the spiritual and emotional challenges the moral evil of rape violently introduced into their lives. I can think of no more Christian response than offering advocacy toward justice with compassionate and empowering restoration.

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NOTES

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