Where Are Victims' Voices?: Rethinking Sexual Violence Policy

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WHERE ARE VICTIMS’ VOICES?:
RETHINKING SEXUAL VIOLENCE POLICY

by

Melissa Carrigan

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of the Requirements for a Degree with Honors
(English; Political Science)

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Abstract
Youth based programs focus on preventing young people from participating in socially undesirable behavior. Consent education through healthy relationship education can be a way to reduce sexual violence and produce a cultural change in how we address victims’ needs. Implementing such education would require a national policy change.

Simply changing the policy, however, would not directly lead to a desired aspect of cultural change all on its own as evidenced by other policy change failures to encourage sexual violence victims to report their victimization. People do not report the violence committed against themselves out of a fear that they will not be believed. Thus, a new policy must be implemented through the consideration of timeliness by policy makers. This timeliness includes looking at how prevention programs do and do not work as well as exploring studies conducted about young people’s sexual activity. The key is to implement a policy effecting intimate relationships before people start engaging in them.

There are systemic problems within our current formulation of policies working to combat sexual violence. Mainly, there is a failure to value victims’ voices when a policy needs improvements. Moreover, we depend too much on college and universities to work as prevention trainers, victim advocates, and punishers when not everyone attends these institutions and sexual violence is prevalent before people reach the age at which they would enter these institutions anyway.

The national government has a vested interest in protecting public health through initiatives aimed at promoting personal autonomy through civil liberties.
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Glossary of Terms

(Sexual) Consent: words or actions by somebody who can provide informed approval to participate in sexual contact/acts.

Healthy Relationship Education: defines what constitutes a healthy relationship, how to recognize an unhealthy relationship, and helps build skills to foster relationships. Includes lessons on conflict resolution, personal agency, and recognizing sexually violent behavior.

Rape Culture: attitudes and behaviors prevalent in society including victim blaming, sexual objectification/dehumanization, trivialization of sexual violence, and perpetuating rape myths that normalize and perpetuate the circumstances in which rape occurs.

Rape Myths: inaccurate beliefs about rape including how often it occurs, who commits it, false reporting percentages, and who can be victimized.

Sexual Violence: a sexual act committed against someone without their freely given consent including both completed and attempted acts of force, non-physical force (coercion), intimidation, and other unwanted sexual experiences.

Title IX: part of the 1972 United States Education Amendments to the Civil Rights Act of 1964. It was remamed the Patsy Mink Equal Opportunity Act in 2002. The law is used to fight against gender-based discrimination (including sexual violence) at schools who receive federal funding.

Toxic Masculinity: a way to describe how attitudes and expectations of men within society help perpetuate sexual violence through a hyper aggressive form of gender roles in which men are expected to be violent and aggressive.

Rape Kit: refers to the evidence collected during a forensic examination post-physical violation of an individual who can and chooses to undergo a physical investigation by a trained professional. Methods in which material is collected vary, but they collectively serve as ways to gather DNA evidence of a violator.

Victim: an individual whose personal agency was violated.
Preface:

Nearly all youth programs have one thing in common: they try to prevent unhealthy habits. Such programs include instruction about drugs, physical activity, food choices, and bullying. Sex education is the most controversial curriculum which intends to give people knowledge and power concerning their ability to make responsible choices concerning their reproductive capabilities and how to avoid disease/infection. Recently, there has been an increased call for supplemental education about sexual consent through a healthy relationship framework. Such education can be powerful mechanism to discuss both social and personal skills as well as a means to approach a grander conversation about sexual violence. After all, youth based programs are meant to guide young people through an examination of healthy and responsible life resolutions.

People affected by sexual violence come in all races, genders, classes, and ages; yet, women are disproportionately the victims of sexualized violence.¹ Violence against women takes many forms. Sexual violence is most often used as a means to oppress and discriminate against women through intimidation, objectification, and denial of personal autonomy.² Therefore, we need to improve our recognition of victims rights as human rights by not allowing those who perpetrate these crimes to derive power out of their victim’s systemic silence. We must recognize all victims as victims through not only our laws/policies and media representation, but also how cases of sexual violence are informally discussed. The best way to prevent rape culture from acting to silence victims would be to prevent such a culture from spreading amongst young people’s social

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² Ibid.
attitudes. This can partially be done by respecting the fact that there is no such thing as a perfect victim through the way we compose sexual violence policies.

Many policies try to address victim’s needs, but often fall short of being able to do what they need to do on behalf of the individual a crime was committed against.

**Introductory Policy Review:**

Since the 1970s, sexual assault policies have undergone revolutionary changes\(^3\). Nevertheless, sexualized violence is considered by many to still be occurring at epidemic levels to young women today.\(^4\) This indicates that those policies alterations have not been sufficient. One primarily fault with policies addressing sexual violence is how they focus more upon punishment than seeking a cultural change about what sexual violence is and who it occurs to. An often repeated line is that parents need to “teach men/boys not to rape.” This is an oversimplification of how and why sexual violence occurs and why victims do not often feel comfortable speaking out about that happens to them. Some policy changes working to subvert rape culture include expanding the definition of laws in the United States to recognize all forms of sexualized violence by making policies gender neutral, ridding them of the language of force, and recognizing consent as an ongoing process, not an event. Yet, these are not the only policy changes that need to occur to truly eliminate the prevalence of rape culture in the United States and create an environment where victims of sexual violence feel comfortable reporting their violations to various forms of authority.

\(^3\) Appendix A: National Referendum’s Affecting Sexual Violence Policy Timeline
According to an analysis done by the Rape, Abuse, and Incest National Network (RAINN) of the United States Department of Justice’s National Crime Victimization Surveys between 1993 and 2013, sexual assault has decreased by more than fifty percent. On the surface level, this is an optimistic development. Yet, there are several factors sexual assault prevention policies can incorporate to be more comprehensive of the social needs victims require to feel safe when reporting. While the Department of Justice’s surveys indicate that rape rates have decreased in the last few decades, RAINN estimates that more than two thirds of rapes in the last few years have still gone unreported and those that are reported are only referred for prosecution three percent of the time based upon the FBI’s Uniform Crime Reports, Offenses Cleared Data. That is an unacceptable percentage if the goal of policy change was to prevent rape, because the majority of rapists are repeat offenders according to a David Lisak’s and Paul M. Miller study where it was concluded “a relatively small proportion of men are responsible for a large number of rapes and other interpersonal crimes.” Thus, a reported rape can lead to the perpetrator committing rape again and again since they target “victims within their social networks—so-called acquaintances—and by reframing from the kind of violence likely to produce physical injuries in their victims these rapists create ‘cases’ that victims are lest likely to report, and that prosecutors are less likely to prosecute.” Rapists know how rape culture and anti-sexual violence policies interact—they know how to get away

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8 Ibid., 81.
with rape. Furthermore, the surveys mentioned above examined violence committed against people who are 12 or older, but a need for better policies is typically discussed in the media as something colleges and universities should create and impose since that is where most of the known crimes occur.

Waiting until the college level to institute anti-rape education programs creates inconsistent standards of consent and healthy relationships. People develop their knowledge about how to interact with their peers to achieve an intimate relationship in various ways. Some of these include family influence, peer guidance, and media examples—these all are influencing factors long before a person enters a college setting. Putting off policies focused on combating rape culture until people are in college is inefficient at fixing the societal problem at play in why people do not report sexual violence committed against them. Policies at colleges and universities are called upon to thus re-educate people about what their approaches and expectations regarding intimate relationships should look like. It is a re-education, because young people learn what a relationship is and how it is formed through direct participation in such acts; people start looking for and participating in relationships long before they reach adulthood. College prevention programs are not functioning properly since students do not have an impartial opinion about what constitutes a relationship. Moreover, the college track is not the track for everyone which means fewer people will directly interact with any sort of policy emphasizing prevention over policies focusing solely on punishment.

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Policies for prevention need to occur before individuals start thinking of themselves as sexual actors. Recently, a bill was introduced in the United States Senate demanding sexual assault education in high schools—in those states that require sex education. However, this policy change would result in consent education taking place roughly at the same time teenagers start to become sexually active according to research done by the American Academy of Pediatrics rather than being directed at them before they start to pursue such relationships. The research indicates that less than 4% of people engage in some sort of sexual activity by the age of thirteen (and usually that experience is not consensual), but the number of people who have had a sexual experience doubles to roughly 8% by fourteen and doubles again to 16% by 15. The numbers only keep exponentially growing from there to reach a participation rate of 56% at 18. These statistics indicate that prevention education should come much earlier; it would appear more prudent to begin consent based anti-sexual violence education as a form of healthy relationship education at the middle-school level according to established national standards. Likewise, prevention education deployed in middle schools would correspond to already established health class standards outlining reproductive functions and personal autonomy. Allowing sexual violence prevention, healthy relationship, and biological education to correspond would teach young people not only about their own

11 Finer.
12 Ibid.
13 Ibid.
bodies, but about to respect other people’s personal agency while also acknowledging the existence of their own.

**Education and National Interest:**

For the most part, the policies outlining national education standards stick to dictating what should be known by what age. However, linked to these policies are parental opt-in and opt-out options which can render the national standards arbitrary since they allow parents to remove their children from instructional courses concerning sexual topics. This is concerning to those who care about seeking cultural alterations through instruction about sexual matters such as the best ways to protect against STIs, preventing pregnancy, and sustaining consensual activity. The Guttmacher Institute’s most recent report on state policies found only 22 states and the District of Columbia mandate sex education.\(^\text{16}\) Furthermore, “35 states and the District of Columbia allow parents to remove their children from instruction.”\(^\text{17}\) This would mean that if healthy relationship education was tied in with sex education then a significant amount of teenagers are at risk of not learning how to make healthy decisions about their own sexualities. Only twenty states require such education and comprehensive enrollment in those lessons is not even guaranteed since parents can often opt their children out.\(^\text{18}\)

The rationale behind the opt-out or opt-in formats is to keep parents involved in the instruction of what may be deemed sensitive material at home—not all parents want their children learning about sex in a classroom. Some wish to avoid the topic all together while others feel like they could have a more open conversation at home. There are all


\(^{17}\) Ibid.

\(^{18}\) Ibid.
sorts of personal principles in-between too. However, this can set up a precarious precedent as it indicates to young people that their sexualities are not theirs to control and it undermines the federal government’s attempts to address all matters of public health. Essentially, a parental opt-in/out is a violation of their child’s personal autonomy as that child is not allowed to go forth to make decisions concerning their own health while fully informed about their own venereal capacities.

Moreover, access to and knowledge about sex and sexual assault preventions measures falls within the scope of civil liberties protections. “The State has the authority to see to it that its future citizens will get a form of sex education in which they learn to respect the right of their fellow citizens to be involved in sexual activities which have the valid consent of all participants.”\(^\text{19}\) Anti-sexual violence education in the form of consent education is not just about the rights of the person learning to protect themselves from unwanted behavior, but also about learning not to commit unwanted behavior toward other people. Teenagers most often are exposed to new things through their peers and school. Removing individuals from this educational system allows already established societal problems, such as rape myths, to persist as individuals learn inaccurate information from resources outside of education policies’ control.\(^\text{20}\) For instance, young people are continually at risk of learning bad habits from numerous formulations in the media: books, music, movies, television, and other entertainment venues. The media helps set harmful precedents by outright glorify unhealthy relationship models and


\(^{20}\) Appendix: Rape Myths
making them appear as if they are ideal.21 Young people consume entertainment containing unhealthy relationships depicted as ideals without the tools to analytically recognize unhealthy behaviors and attitudes as such.

Despite this, many would still argue that it is a parent’s place to decide the sexual related knowledge of their child without government intervention. However, this frame of mind does not recognize the fundamental interest at the center of why federal laws of this nature are imposed:

Characteristic of liberal-democratic political communities… is that citizens are assigned certain basic rights and that the state has both the authority and responsibility to ensure that those rights are not violated but respected… Everyone is allowed to arrange one’s life according to one’s own views, but only insofar as one’s way of living does not violate the right of others to live according to their views.22

Emphasis on one’s own views, but when it comes to the discussion of education we work on children behalves by weighing parental views and the government’s need to produce accountable citizens. A battle of power dynamics between parental, state, and federal policies is thus influencing the ability to create, change, and enact any policies required to help curb sexual violence that largely effects young people who are denied their own voices in the discussion. Here, the need of the government to protect society at large should exceed the parent’s desire to isolate or delay their child’s knowledge about sexual matters, because if it isn’t being taught by the state or parents then it is being learned from outside (of any policy’s control) of a healthy narrative. Healthy relationship narratives “can help adolescents develop and practice interpersonal skills, communication and negation skills, and empathy—all skills needed to develop long-term, committed

21 Twilight, Fifty Shades of Grey, “Blurred Lines,” etc., which depict sexual manipulation.
22 Steutel and Spicker, 55-56.
relationships in adulthood.”23 We must formulate policies that keep in mind all of the ways a person can be influenced and influence others by focusing on violence preventing through an incorporation of the voices of those who are being violated.

Keeping parental concerns in mind, it would be unwise to strictly link consent education to sex education. Sex education is surrounded by a lot of controversy concerning who should be in charge of what people need to know as they are becoming adults: parents, the state, or the children themselves. It would be better to discuss sexual violence prevention through a need to respect other people first. Thereby, a discussion of healthy relationships should be a precursor to sex education as it primes young people on how to function while pursuing a relationship—any relationship, not just ones that may lead to sexual activity. Healthy relationship education would also be a better terminology to use than stating things as anti-sexual violence initiatives as it removes focus specifically from sexual acts, but also addressed other ways people interact that can lead to an individual feeling uncomfortable with the way another person is choosing to interact with them. In other words, healthy relationship education is a method to reduce sexual violence through an emphasis not on sexual activities, but the acts and behaviors that lead to intimate partner relationships.

**Victim Believability:**

Policies themselves can do the influencing. If a policy is not appropriately crafted, it can leave victims feeling like they do not have a space to have their voices heard. The purpose of anti-sexual violence policies are to create a culture of believability for victims.

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A reduction of dating violence and increase in bystander intervention is the main intention of healthy relationship education, but what about those individuals who are still effected by sexual violence? There will be those—as there are now—who know what consent is and who go on to purposefully violate it. Punishment aspects of policies should protect a victim by also highlighting the insidious nature of rape culture in societal thought and treatment of victims.\(^{24}\) After all, new education standards are the future of sexual violence prevention that will take effect over several generations, so a person seeking to report a crime will most likely have to face individuals who have personal bias working against the victim such as steering a case away from trial simply because most cases they know already do not take that route. To increase the rate of reporting, victims need current policies overhauled in a way that will respect what each individual needs not just in terms of legal provisions, but also the type of behavior used to address them throughout the reporting process so the victim gets the resolution they need.

As previously indicated, less than one third of sexual assault victims do not report the acts committed against them.\(^{25}\) They do not do so for many reason that all basically boil down to the fact that they do not think they will be believed—or as Katherine K. Baker puts it “Rape is culturally dictated, not culturally deviant.”\(^{26}\) We create the culture where rape occurs and allow myriad levels of permissibility when we seek to tell women they need to dress, act, and speak a certain way to be believed when people who are


\(^{25}\) “Who are the victims?”

victimized are not always women, dress in a variety of outfits, can be inebriated or sober, and may only want to speak to a select few about what happened to them. Policies need to recognize this and do something to change the culture surrounding reporting, so that sexual violence victims do not feel as if they are the ones on trial.27

Other policies need to be made beyond healthy relationship standards for young people as a way to cultivate a culture of believability. The only way policies seeking to respect victims’ voices can actually do so is by acknowledging that victims will come across resistance to their testimonies when reporting (and through a network of streamlined policy revisions). For example, a policy for police officers on how to handle sexual assault victims should include provisions about how the victim is not the one on trial and the officers handling the case should have training that includes acknowledging the existence of rape myths.28 Along these lines, if a victim makes an accusation, their implicated assaulter’s right to be considered not guilty does not mean that the accuser should automatically be thought of as lying. A balance must be struck to respect what the victim has gone through by treating their situation as a matter of finding the right assaulter, not as if the situation did not happen as the victim recounts. When we question whether situations could just be a misunderstanding in communication, we are not treating victims of sexual violence the way we do victims of other crimes. False situations do occur, but our first thoughts should not be that a victim is recounting something false—that would be an example of rape culture at play.

Public Responsibility:

Public opinion does not have to operate under the same guidelines as our laws. Unfortunately, this currently manifests itself through presumptions that people know more about sexual violence than they really do (i.e. a non-perused case is considered a false report instead of lacking sufficient evidence to move forward\(^\text{29}\)) which can then negatively effect interpretations of law policies which do “not tell jurors that the only fact relevant to a finding of consent in whether or not the woman verbally consented” which in turn means “the jury remains free to consider a broad range of irrelevant female behaviors in making its consent determinations.”\(^\text{30}\) Juries are made up of people who bring their personal experiences and anecdotes into the court room. Policies that do not address this sort of bias fail to pay deference to the public of accusers. After all, “The failure of victims to report rapes is itself a strong indication of the malfunctioning of rape laws and enforcement mechanisms.”\(^\text{31}\) Thus, changing public opinion to respect the voices of victims is paramount to encouraging them to report since they do not currently operate as if they expect their cases will go another if they were to speak out about their victimization.

We need to not just change how we react to victims, but also teach that victimhood is a violation, not an avoidable circumstance so long as a person sticks to culturally proficient evasion techniques. Education policies should stress individual rights

\(^{29}\)”If it happened, there would be prosecutions. Because there are no prosecutions, it does not happen” - I. Bennett Capers, “Real Rape Too,” California Law Review 99, no.5 (2011): 1259-308.


to sexual self-determination. The government has an interest to prevent victimhood in their role as protecters of public health. These protections extend to victims rights’ to safeguard their psychological well-beings and retain their bodily autonomies. According to analysis by RAINN of the World Health Organization 2002 report, victims of sexual assault are:

- 3 times more likely to suffer from depression.
- 6 times more likely to suffer from post-traumatic stress disorder.
- 26 times more likely to abuse drugs.
- 4 times more likely to contemplate suicide.

With these statistics in mind, it becomes easier to understand how violence can last well beyond any particular act itself. We additionally need to recognize how indicators of violence can be recognized long before the act is committed. Consent education includes being able to recognize appropriate and inappropriate behavior in those around you as both a means to protect oneself and those adjacent to you (bystander intervention).

Moreover, the space in which someone can be victimized must be made smaller by having peers and officials who interact with a victim respect their voice of authority about themselves and what happened to them through a recognition of the behavior committed against them as a type of violence.

**Reporting Process:**

Victims need to be able to trust the people they report to. Instead, they see the consistent lack of prosecutions of sexual violence cases as an indication that they will not be believed. This is another component of how current policies are failing victims since criminal prosecution is not the only, or even best way for many people, to find resolution.

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32 Steutel and Spiecker, 57.
33 "Who are the victims? | RAINN."
after being violated. Resolutions can come in many forms including, but not limited to, the following:

- criminal prosecution
- civil action
- reporting to the police
- reporting to a Title IX counselor at a university
- having the perpetrator engage in sexual assault prevention training
- opening up to a peer about the experience

What is most important is a recognition that what can be considered a resolution is dependent upon each victim/survivor. Telling no one for a long period of time is not an indicator that the victim may be lying. People process traumatic experiences in different ways and at different rates. This is why policies that mandate reporting are often not adequate for all victims. Sexual violence is an act or series of acts meant to decrease or eliminate the power of the victim, so having that power once again usurped by people who are meant to be assisting victims is not in fact helpful. Moreover, different versions of the same crime can take place at different locations which leads to victims being allowed different sorts of resolutions based on in cohesive policies.

Likewise, where the inappropriate behavior took place is also important in determining what authority, if any, a victim seeks out for help as each setting comes with its own set of policies. A policy reconfiguration alone is not going to fix the problems victims see in the reporting process. We also need to rethink how we use those type of policies. Based on who was involved in the situation and the location of the incident a victim may have multiple choices over an authority to appeal to: a workplace setting most likely has its own rules to deal with sexual harassment through its Human Resources department, a university at least partially relies on Title IX provisions, and acts that occur within a private residence are primarily territory for local police or sheriff departments. It
is important that all potential routes are respected by policy makers, since victims may feel comfortable reporting to one type of official, but not another based on the different policy frameworks within each system. A push to have all sexual violence reports in some way or another end up in the police’s hands would mean that a victim would not have a choice in the type of policy they want to pursue, nor the treatment they want the violator to receive. (Suspension at a college or university v. a long drawn out criminal case which is done on the behalf of public safety, not the victim’s.) Instead of having a fellow employee fired or a person removed from their dorm, all cases would lead to an investigation requiring a victim to repeatedly go over in intricate detail what happened to them which could prolong the amount of interaction a victim has to sustain with their violator.

It is imperative that people trust the systems that they are reporting to.

**Discussion of Events:**

Anyone can be the victim of sexual violation. Most violations do occur to women, but since we are discussing the need to create a better environment for victims to report it is important to acknowledge male victims and those who fall somewhere else on the spectrum of gender identity as well. Besides this factor, it is also important to note that people are violated while wearing various garb, who identify across a wide spectrum of sexualities and races, and possess different body type variations. Victims encompass a wide spectrum, because violations are not about the victim. They are about the violator’s need to assert power over someone else.\textsuperscript{34}

\textsuperscript{34} Lisak.
The language we use to discuss sexual assault is also important in determining the helpfulness of different policies. We cannot shy away from using exact terminology to clarify unwelcome behavior. Case in point, we need to reach beyond the knee-jerk reaction to simply describe unwanted male attention as creepy. An old man who tries to pressure a young woman to let him drive her home when he sees her waiting for the bus, or the man who masturbates in public while staring openly at another individual, or a guy who refuses to remove himself from the life of someone who repeatedly makes known to him that they do not return his interests in a relationship are all forms of sexual violence (and all can also be committed by women toward another individual). It is important that the policies we create recognize the various forms of sexual violence in the language they use, so that victims can have an easily definable category to discuss their experiences when they make reports. Instead of relying on how their violator made them feel when they do not have a label to supply to their situations, victims can focus on the behavior of the violator. This is not a change in language, but a change in the way we deploy language. Instead of talking specifically about how a victim felt uncomfortable or creeped out, we focus more on what the action of the violator was to make someone react with those emotions. We need to focus sexual violation conversations on unacceptable behavior and acts that infringe upon other people’s safety.

Diction is also important when considering the distinctions that must be made surrounding descriptions of sexually violent behavior. A component of anti-sexual violence education must include a discussion of why we use variations on the word sex when we discuss violence. As David Archard explains in his book Sexual Consent, there are many people (he specifically brings the following up while addressing feminist
critique) who do not want rape labeled as a sexual crime.\textsuperscript{35} Here, Archard brings together the concepts of public health and criminal labeling: rape

Should be seen as a species of violent assault, a violation go another’s personal integrity. Rape is of course this, but it is also evidently true that rape is a sexual crime. It is a sexual violation of another, a violation of their sexual identity and self-esteem. It is an assault upon someone as a sexual being. One does not have to believe that sexual gratification is the sole or even chief end of the rapist… That myths of sex and sexuality are implicated in prevailing attitudes about rape is not sufficient to justify treating rape as a non-sexual crime.\textsuperscript{36}

Sex should only be used in consensual descriptions and anything nonconsensual should not be described as sex to avoid confusion about what consent is, yet sexual violence/assault/harassment would still be the best terms to use to categorize behaviors.

In other words, the word sexual explains a certain type of behavior while sex is about a specific series of consensual acts according to David Archard.\textsuperscript{37} Someone can do something motivated by sexual desire, but if it is not consented to by another party then it does not result in a sexual act. Nonconsensual sex is an oxymoron.

\textbf{Policy Analysis:}

Recent efforts to make colleges and universities send all reports of sexual violations to police is an oversimplification of what is wrong with our current policies.\textsuperscript{38} It is not just college and universities that are failing to respect the needs of victims.

Moreover, law enforcement does not have the power to address victims needs the same way Title IX can. For instance, a police force cannot rearrange class schedules between

\textsuperscript{36} Ibid., 132.
\textsuperscript{37} Ibid., 130-33.
the accused and the accuser to prevent close proximity to one another both during and after investigations take place. Colleges and universities have more leniency as private institutions to influence day-to-day needs of victims, because their policies can be less stringent on needing to prove a crime in order to get students removed from each other’s lives. Criticism of how colleges and universities are handling sexual violence cases is valid, but placing the problem in someone else’s hands does not fix the larger problem, nor does it address how policies are inefficient across the board.

**Consent:**

Melanie Ann Beres recently examined young people’s outlook on consent and describes the discussion of consent at the college level as “a concept that is often taken for granted,” and “the concept of consent does not resonate with young people engaging in various forms of heterosex and that consent is of limited use in sexual violence prevention.”

39 She goes on to explain her findings based on discussions with young people about their sex lives thus:

The participants seemed to have an overly simplified understanding of communication during sex. Yet, when the results are examined in the full context of the interviews…the results…indicate that how people describe their practices around negotiating sex is different from how they understand the word consent. In other words, participants’ narrow understanding of consent is not consistent with their descriptions of how they understand their own and their partners’ willingness to participate in sex.

40 So it is not that consent education programs do not work exactly, but that they are not comprehensive enough as currently deployed at the college level to insinuate themselves into the way young people think about their sex lives. The participants would describe


40 Ibid., 384.
consensual negotiations that occurred indirectly and nonverbally, so their consent education based on explicitly needing to say yes did not fit into real-life scenarios.\textsuperscript{41}

On the other hand, David Archard warns “that not everyone may understand the convention in the same way, or believe that a particular action is governed by any conviction. A behavior which I regard as meaning something else need not be seen in the same way by another person.”\textsuperscript{42} This is all to say that the parameters of consensual negotiations are dependent upon the people involved and the ways specific events proceed. Changing the framework of consent from “No Means No” to “Yes Means Yes” would just be a continued oversimplification of the consent process which includes both verbal and non-verbal cues.

\textit{Systemic Programs}

Carol Withey deployed three studies examining the understating of rape laws and rape myths by law students with no prior history of sexual violence education.\textsuperscript{43} She concluded that long, repeat intervention programs over various months and/or years work better than short, non-discussion allowing instructional models.\textsuperscript{44} Based on this, it can be deduced that the current framework of relying on colleges and universities to address anti-rape prevention is not the most effective route as Withey’s studies reaffirms that “education programming that takes place across numerous sessions is more effective at creation change than one-off programs or public poster campaigns.”\textsuperscript{45} The education process cannot simply just be “one and done.” As with many other subjects, repetition is

\begin{footnotesize}
\textsuperscript{41} Ibid., 377.
\textsuperscript{42} Archard, 15.
\textsuperscript{44} Ibid., 814.
\textsuperscript{45} Beres, 376.
\end{footnotesize}
key to learning. For instance, math homework is often a series of a similar problems deployed in different scenarios, and the process of learning a language is dependent upon revisiting basic grammar concepts. There needs to be a space where consent lessons can grow as they are integrated into our education system as prevention measures.

Sexual violence prevention techniques also need to address objectification and power dynamics present in our patriarchal society. The pressure to engage in sexual activity manifests itself through peer pressure and assumptions about one’s peer’s activities. A lack of proper preventive techniques has resulted in men and women being “socialized to accept coercive sexuality as the norm in sexual behavior... As a result, men often see extreme forms of aggressive sexual behavior as seduction, rather than rape. Women too may learn to accept many forms of nonconsensual sex as ‘normal’; this is part of the reason why so few women label such experience rape.”46 Plainly, men and women are taught to think of sexual negotiation differently through the acquisition and internalization of rape myths which “are misstatements of fact and law,” so “interventions should equally emphasize the illegal nature of rape”47 and criticize cultural assumptions. To put this another way,

If a woman understands the law and what constitutes as consent, she may not feel pressurized into having sex or feel that she is to blame for the situation she finds herself in. This is particularly important in relation to young girls who have to struggle with the negative images of women in youth culture and the peer pressure to engage in sexual activity.48

Withey makes a point to divide her research into two groups consisting of the presumptions men and women have about sex, but it is important to remember

47 Withey, 808.
48 Ibid., 809
throughout this discussion that women are not the only ones effected by rape myths in a negative way. Just like with women, the internalization of these myths causes other individuals to doubt their awareness and perceptions of their situations. Men as well as other individuals who do not fall neatly into the two gender structure are liable to be dissuaded from reporting as they are not properly taught what is and is not sexual violence, nor that they can be potential victims. On the same hand, not all policies will recognize them as such since many government policies still refer to victims as women only.

The way we discuss sexual violence in our everyday lives influences how we craft our policies. Treating it as if it only occurs on college and university campuses creates an over reliance on Title IX. This reliance then causes colleges and universities problems as they must enforce prevention initiatives, encourage new students to trust them, and enact satisfying punishments. Many universities are failing to find a balanced approach as evidenced by the Department of Education’s release on May 1, 2014 that 55 universities across the United States were under open investigation for Title IX sexual violence violations.\(^4^9\) This list then grew over the next ten months to 104 colleges and universities by March 2015.\(^5^0\) Clearly, these institutions are being forced to do too much in a short amount of time; they need help teaching and empowering their students about their rights as citizens. Many may not even realize that discuss Title IX applies to all educational activities which receive federal funding—meaning it applies to K-12 institutions, not only


colleges and universities. Yet, cultural alterations cannot occur through simple force of will and better acknowledgment of Title IX as something that does more than improve women’s access to sports. We must work to protect all victims, not just those who attend colleges and universities.

This is not to say we should remove blame from college and universities for their failures at addressing sexual violence. The answer many colleges and universities took to the announcement of investigations was to create more policies; yet, most of these policies appear to be things done to protect themselves from investigation instead of their students from sexual violence as they focus primarily on the reporting process instead of prevention measures. These circumstances also highlight how victims come to be unsatisfied with various policies as there is no direct way for them to interact with a policy’s formation, nor a direct method to air their frustration at a system if they are unhappy with a policy or policy change. The colleges and universities may be following their policies to the best of their ability, but that does not mean their policies afford the best possible response in general.

Based on prior evidence and personal experience, individuals are going to be weary of reporting their violations to institutions that do not have an acceptable background in addressing such matters. Some states are responding to this weariness by taking matters into their own hands and proposing that colleges and universities must report all cases related to sexual violence to local authorities. However, this ignores the history of mistrust toward law enforcement authorities, many feel the police assume “that

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citing information about the victim’s misconduct serves as an acceptable justification for terminating a case.”52 In fact, many victim’s rights organizations responded to the state’s intentions by writing an open letter speaking out against these proposed policies; they applauded States willingness to help, but pointed out the bills will cause a conflict with established federal policy which supersedes the states’s intentions anyway.53 Additionally, the letter makes clear why Title IX exists at all: “Victims are not parties to criminal cases and have no legal representation because the prosecutor represents the state, not the victim.”54 College and universities are asked to respect victims’ wants and needs through such policies as Title IX while criminal investigations focus more on matters of public safety. Moreover, Title IX gives victims on campuses a more equal footing with their accused during investigations as well as allows them a broader set of options to rectify their situations.

By focusing all of our attention on issues at the college level, we also fall into the trap of looking for specific groups within such systems to blame. When we try to avoid blaming the policy enforcers, we then start looking at the group most likely to cause rape: fraternities.55 However, responding to this by simply banning fraternities limits our understanding of how these zones of toxic masculinity are created in the first place through social cues. “Boys, more than girls, learn at an early age that vulnerable feelings (love, grief, fear, and shame) are seen as signs of weakness. First at home, then at school

52 Lafree, 589.
54 Ibid.
they find that acting out anger, even if faked, is seen as strength.” This concept is continually reinforced through a narrative of excusing precarious male behavior under the guise of boys will be boys. We also teach women to be seen as prey in multiple ways. We address why men should care about violence against women through a rhetoric of mothers, wives, and sisters instead of as their own individuals. Furthermore, sexual violence prevention focused for a long time on what a women could do to avoid being raped instead of recognizing the only consistent factor in sexual violations were the presence of someone wishing to do harm. There is no exact victim profile.

As mentioned earlier, a lack of understanding who victims can be causes many problems when combating sexual violence from a social responsibility standpoint. Policies can say whatever we need them to say at both the college level and in criminal statutes, but a lack of clear communication regarding who victims can be and their rights at an earlier stage leads to misconceptions. Putting this another way, policies are enacted by people and those people bring their prior bias into each situation. Just because a policy is written to be gender neutral and disconnects victims from blame for their own circumstances, does not automatically cause the policies to precisely be imposed in such a way. Changing how everyone thinks within one culture is an immense task. Nevertheless, it should not scare us off from attempting a cultural revolution.

**Reporting Problems**

The primary idea behind an introduction of healthy relationships with an emphasis on consent is to cause successive generations of individuals to be raised to respect the personal autonomies of others. Within this framework, there also needs to be

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an emphasis on teaching people what different systems of reporting look like as each system has different powers: college and universities can restrict campus accessibility between an accused and their accuser while the law enforcement would require a victim to file a restraining order to accomplish a similar task. Likewise, each reporting system will grant different choices to reach a resolution: a victim at a college or university could stop at getting their victimizer removed from their everyday lives while someone else could feel a need to include law enforcement so that their victimizer ends up going to court. Victims are also going to need to know how to interact with individuals who will treat their stories with skepticism. Bystander training is not just about watching friends drinks at parties or lending an ear to someone who wants to share their story, but about knowing that the system sometimes fails at reaching a desired resolution and this should not mean someone who says they are a victim should not be believed. Police do not pursue cases for various reasons. Sometimes, the facts of a case as a victim related them are muddled by the passage of time, psychological event trauma, drug exposure, and/or incapacitation. We also have to be aware of the way people influence the implementation of policies.

Educating individuals at any early age about their civil rights is a long-term plan to revolutionize how policy is applied. Attention to who a victim must interact with and an understanding of how those individuals influence cases has been a major component

of the ongoing proposed changes to military personal policy. When the people you are told by the system to report to are your assaulter, a friend of your assaulter, or a person who you think might be complicit in any way to your violation, who are you supposed to turn to for help within to outside these systems? Telling a person to trust systems that have routinely shown that they cannot (or in the eyes of a victim—should not) be trusted does nothing to help fix the problem of underreported cases of sexual violation. The people who have a problem with a policy (or the people who must implement that policy) still do not have an approachable space to air their grievances if they deem that policy inefficient at addressing their needs. The continued formulation of new policies has not yet implemented a pathway for constructive feedback from those the policies are meant to help.

Colleges and universities who abruptly enact new policies without the foresight to discuss potential policy changes with students appear to be protecting themselves from potential lawsuits. The same can be said about States and the military. Unfortunately, the culture does not change automatically when a policy does. A policy change is not sufficient enough to get people to change their opinions about what constitutes sexual violence and the profile of a so-called proper victim. On top of this, what happens when a person leaves college and no longer has the protections those policies provide?

**Economic Factors.**

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59 State policies treat sexual violence as public crimes which means they do not need victim cooperation to go forth with a case.

60 Appendix C: The Price of Sexual Violence
The financial costs of a sexual violation include, but are not limited to: rape kit administration and processing, mental health care evaluation(s) and/or treatment(s), and court fees. These expenses are picked up by victims, colleges and universities, insurance companies, hospitals, and the government depending of the circumstances of each event. Both state and federal governments have a particular interest in trying to get people to report sexual violence and prevent it from ever occurring as a means to protect public health. Protection of public health and economics go hand in hand since reducing violence allows states to spend less money financing the incarceration of violators and dealing with the financial consequences of their actions the government covers (prosecution fees, evidence testing, taking care of the victim’s health, etc.). Moreover, the majority of rapes are committed by serial criminals.\(^\text{61}\) The backlog of an estimated 400,000 untested rape kits across the country not only delays prosecutions, but these delays in testing DNA evidence frequently causes more crimes to be committed—including more rapes which cause more rape kits which need to be tested and more people victimized.\(^\text{62}\) The federal government is investing $41 million dollars to help pay for the testing processes according to President Obama’s Fiscal Year 2016 budget.\(^\text{63}\) An additional investment of $20 million dollars for a related research conducted by the Department of Justice’s National Institute of Justice targeted at how to reduce and prevent the backlog is also a part of the budget.\(^\text{64}\)

\(^{61}\) Lisak, 78-82.


\(^{63}\) Ibid.

\(^{64}\) Ibid.
The economic impact sexual violence has on our government should be recognized as an incentive to help curb sexual violence, not simply a backlog from occurring. $20 million dollars is allotted for pure investigation endeavors concerning how to end and prevent the backlog from getting worse. Yet, a more worthwhile administration of these funds would be toward prevention research since we already know the best way to prevent a backlog is to not have one in the first place. The amount of rape kits in the backlog is staggering. The implications of such a backlog even more so: for every rape kit that is untested, there is a victim awaiting resolution and a predator likely committing more crimes. By not testing theses kits in a timely manner, the government is allowing more kits to build up that may contain evidence linking these sexual violations to the same person.

What is even more staggering is remembering that these kits only represent victims who have come forward and been willing to undergo evidence collection and DNA testing on their bodies. Not every case of sexual violation leaves behind physical evidence. It would be wise for the government to try to reduce costs in this realm by investing in youth prevention programs to try to eliminate both the cost and the crimes.

**Proposed Policy Outline:**

We have study after study and headline after headline telling us what policies are and are not working to combat sexual violence. Most of their evidence demonstrates we are not doing enough to reduce the insidious nature of rape culture in our society. Some suggest we need more prevention techniques, but do not go far enough to make explicit what exactly it is we need. We should want everyone to feel like they have the right to be

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65 Ibid.
safe. No victim should face deterrence when they want to find closure, but the reality is that they will. Those deterents can come from the way a policy is written at the school, state, or federal level or from the people they must interact with to get that policy to effect their circumstances.

Title IX exists to help eradicate gender-based discrimination in our school systems, but it is inefficient at addressing the needs of individuals when they find fault with a policy. Sexual violence is about power. In the face of this, no victim should be treated as weak when they seek resolution. Victims should feel empowered to speak up for themselves. They should not have to feel like they are in battle with the systems meant to support them and help bring resolution to their victimization.

Often, victims are left at a crossroads about what to do in the face of a policy that is inefficient. We have come a long way at improving punishment measures and are steadily making improvements at respecting victims post incident, but we still have far to go at encouraging individuals to make reports. As mentioned above under Economic factors, sexual violators are often serial criminals. While we may never be able to completely eliminate those who which to do others harm, we can combine all of the information we have to create a proper prevention agenda through a focus on developing healthy relationship narratives. We have a responsibility in the way we share sexual violence narratives; we need to do more than simply tell people how they need to not act, but also explain what is acceptable behavior. We need to teach proper ways to handle rejection for they achieve full adulthood. Too often people are forced into uncomfortable situations purely because that is just the way it has always been. Implementing prevention
strategies beginning in middle school allows young people to grow up in a system in which they are taught to be better partners and citizens.

It does not have to be this way. We need to be more than simply respond when someone points out a problem with a policy. We have the right ideas and the tools to make them a reality, but are not deploying them at the right stages. Moreover, we are leaving out significant parts of the population when we treat sexual violence as something that occurs to young white women at colleges and universities. Yet, it is also important to make these distinctions as they reveal the problems with our reporting systems. Young white women are culturally recognized to be victims of sexual violence, because the narratives surrounding such acts recognizes them. What about those outside this framework who are meant to be able to speak up for themselves: men, middle-aged, low-income, people of color, trans, sex workers, and a whole host of other types of individuals who have histories of not being believed or who presumed through cultural narratives that they will not be.

Not everyone will walk onto a college or university campus. Not everyone will be violated by a man. Not everyone will want to go through the justice system and take years to find a resolution. What victims require is help in their day to day lives. They need to be able to trust themselves. They need the system to do more than respond to the things that happen to them. They deserve to have a system in place which will respect their voice.

Such a system will not come from a quick policy amendment. A desired social change that will encourage people to come forward and report their victimization requires a long-term plan. Moreover, the implementation of such a change needs to reach beyond
the typical voices—psychologists, government officials, law enforcement—to form a feedback loop during the drafting process of new policies affecting sexual violence consisting of former victims who will help to pinpoint where potential issues are. In essence, instead of policies responding to complaints they would try to prevent them.

Overall, the desired changes to respect an inclusion of victims voices and prevent victimization would include mandated Healthy Relationship Education deployed in middle schools when young people start participating in dating type relationships, but before they reach the age those relationships start becoming intimate. This education needs to include both positive and negative approaches to education, so students are taught to not only say no to and resist behavior they do not want to participate in, but also how to respectfully respond to someone who rejects them. These education endeavors need to be repetitive and acknowledge the pervasive nature of rape culture so people will know what to do if they are ever in a situation where they need to fight back against it.

We cannot will a person into wanting to be better. We cannot rely on policies to tell them to be better. We have to teach them how. We have a mass of research telling us so. The research also tells us it is not primarily the fault of the policies themselves that has left a continually high rate of people not reporting sexual violence. The fault is with society. We need to raise citizens who will be respectful of victims’ voices and needs as they become school officials, officers and jury members. We need to have a plan for the individuals who will create, interpret, and interact with policies in the future.

This is not just simply a matter of expanding sex education. The teaching of healthy relationships has more to do with basic day to day interactions than intimate

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66 Putting it in terms of people would be too simple. Rape culture is more than one person or a group of people. It is a systemic problem that has a long, vast history with no identifiable beginning,
experiences. We need to train people how to interact, not just teach them what not to do. Alongside this, we need to be able to see beyond an event in order to respect the individual who was effected by it—to regard the obligations society owes to victims. The point of this approach is to lessen the frequency of rape and to eliminate the so-called grey areas. We conjointly want to have more people reporting their victimization and being believed when they do so as a matter of catching the perpetrator(s) before they commit another act. The frequency of rape reporting can only go up when we make those reports have an impact. Victims need to see the socially constructive impact their reporting can cause through proper implementation of policies which address them respectfully. Allowing reports to go uninvestigated or rape kits to languish in storage rooms only allows more crime. All together these measures will cultivate in a cultural change. We must respect and uphold a person’s right to not be sexually violated through properly configured education about the importance of public health.

**Education Objectives**

A cultural revolution is required to eliminate rape myths and create a space where victim’s of sexual violation feel comfortable making reports about what happened to them. It needs to be emphasized through education stateless targeted at young people that they have the right to protect their own personal autonomy. It should also be made clear that they will also be facing a system that will not always address their needs properly. The effort to better inform young people should be done as a measure of balance between an institution’s need to protect their people against sexual violence (whether that be the government or a university) and what an individual needs to protect themselves.
An anti-sexual violence program that focuses on reducing rape culture and teaching positive consent as young people start thinking of themselves as sexual beings in middle schools can control the narratives surrounding how personal agency is taught. Moreover, by focusing on preventing rape culture, young people will be informed about potential difficulties they may have if/when they seek to make a report about a sexual violation. Such education will also act as a long-from strategy to reduce the prevalence of individuals who challenge those who seek to make reports. To repeat a declaration made earlier, it is imperative that people trust the systems that they are reporting to. The best way to change a system is to cause fundamental alterations with those who grow into it—a generational replacement strategy concerning how we confront victim’s needs.

A program that seeks to respect victims includes:

- mandatory imposition of healthy relationship education
- open discussion about what rape myths are
- resources people can seek if they want/need more information/help
- consultation with victim’s right groups to know how to speak to people instead of at them

Many policies fail to properly commit to the last point. Victims require policies that allow them control, agency, and power over their situations—state of beings their violators did not allow them.

As previously laid out, the data exists concerning when young people become sexual active, what strategies to teach consent work and don’t work, and how policies are currently failing to respect victim’s voices concerning sexual violence. Likewise, the facts of what is needed to increase a person’s willing to report an incident against them already exist: a person needs to feel like they will be believed. Brought together, this data sets up the argument that a strategy focused on prevention and young people could result
in a cultural revolution in which people would feel more comfortable reporting their violations if they could do so in a social system in which their peers and those enacting policies related to sexual violence could be seen as trustworthy. After all, the policies themselves can only do so much. Attention needs to be paid to who participates in writing such policy in order to better incorporate victim’s voices.
Bibliography


For Further Reading and Inquiry

Buchwald, Emilie, Pamela R. Fletcher, and Martha Roth, eds. Transforming a Rape Culture: Revised Edition. Minneapolis, Minnesota: Milkweed Editions, 2005. This book is a collection of essays from many points of view covering many subjects about the prominence of sexual violence in American culture. It covers past and ongoing actions to reduce the prevalence and acceptance of sexual violence within our culture through a change in citizens’ fundamental attitudes and values. It explores the cultural issues that lead to sexual violence.

de Becker, Gavin. The Gift of Fear and Other Survival Signals That Protect Us From Violence. New York, New York: Dell, 1997. Gavin de Becker is a specialist on security issues. His book The Gift of Fear councils individuals to listen to their feelings instead of trying to rationalize away their fear. He assesses both ways violence can be avoided and the subconscious signs everyone picks up for how to function during violent situations. He discusses the way people are socialized not to see their way out of harmful situations through a denial or suppression of their emotional reactions. Through an exploration of specific cases, de Becker outlines for people what warning signs they should pay attention to protect themselves. He focuses heavily on how the rejection of a “No” is a warning sign in many contexts as a violation of social consent.

End the Backlog. http://www.endthebacklog.org/. End the Backlog is a policy and advocacy branch of the national non-profit Joyful Heart Foundation founded by Mariska Hargitay. It works to identify the extent of the national backlog of rape kits in the United States, raise money to eliminate the backlog, and research ways to prevent the backlog from growing through an advocacy focused on policy changes and public awareness. The program assists with not only ending backlogs, but also establishing survivor-centered reforms.

Know Your IX: Empowering Students to Stop Sexual Violence. Accessed March 29, 2015. http://knowyourix.org/. Founded in 2013, Know Your IX is a place where students can learn about their rights and how they can take action if they are unsatisfied with their school. The mission built by survivor-activists is to educate students about their civil right to education from sexual violence while also pushing for policy changes. They emphasize empowerment through activism.

The Relationship Foundation: “The Missing Component in Our Education.” http://www.therelationshipfoundation.org/. The Relationship Foundation is an initiative founded in 2008 in New York high schools incorporating Social and Emotional Learning Curriculum (SEL) and Nonviolent Communication (NVC). Their effort with such education is to
diminish the culture of violence with a hope that similar programs will take effect worldwide. Currently, they reach more than 500 students. They also have programs/workshops for parents and educational institution staff members.

Russell, David R. "Rethinking Genre in School and Society: An Activity Theory Analysis." *Written Communication* 14, no. 4 (1997): 504-54. SAGE. Russell provides an analysis about how classroom genre systems and social practices relate through writing He does this through a discussion of interactions people have through texts. Specifically, he explores the construction of self identity in education settings and the way such education influences larger social practices such as forming personal agency.


“U.S. Department of Education Releases List of Higher Education Institutions with Open Title IX Sexual Violence Investigations,” U.S. Department of Education, May 1, 2014. [http://www.ed.gov/news/press-releases/us-department-education-releases-list-higher-education-institutions-open-title-ix-sexual-violence-investigations](http://www.ed.gov/news/press-releases/us-department-education-releases-list-higher-education-institutions-open-title-ix-sexual-violence-investigations). All schools that receive federal funds must comply with Title IX. This is the initial list of 55 higher education institutions the U.S. Department of Education released last year that are under review by the Office for Civil Rights (OCR) and has since nearly doubled. This list was the first comprehensive catalog of its kind to be publicly released in an effort of transparency. Schools inclusions on this list do not mean they are violating the law only that they are under investigation concerning whether or not they are handling the aspect of Title IX related to sexual violence properly, because either a complain was made to the OCR or the OCR initiated a compliance review.
## Appendix A: National Referendum’s Affecting Sexual Violence Policy Timeline

<table>
<thead>
<tr>
<th>Year</th>
<th>Event</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1972</td>
<td>Grove City v. Bell</td>
<td>U.S. Supreme Court rules Title IX applies only to the specific programs within an institution that receive specifically targeted federal funding.</td>
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<tr>
<td>1972</td>
<td>Preventive Health and Health Services Block Grant</td>
<td>Distributes the first federal allocation of money for rape prevention and rape crisis services to sexual assault centers.</td>
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<tr>
<td>1975</td>
<td>Meritor Savings Bank v. Vinson</td>
<td>The Supreme Court finds that sexual harassment is a form of illegal job discrimination.</td>
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<tr>
<td>1978</td>
<td>Prison Rape Elimination Act (PREA)</td>
<td>Prohibits and seeks to eliminate sexual assaults and sexual misconduct in correctional institutions and community corrections settings.</td>
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<tr>
<td>1978</td>
<td>Davis v. Monroe County Board of Education</td>
<td>Decreases Title IX covers student-on-student harassment. Damages are available if the school had notice of and was “deliberately indifferent” to the harassment.</td>
</tr>
<tr>
<td>1980</td>
<td>Debbie Smith Act</td>
<td>Incorporated into the larger Justice for All Act, this act authorizes grants to test rape kits across the country in an effort to eliminate the nation’s significant rape kit backlog.</td>
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<tr>
<td>1980</td>
<td>Jackson v. Birmingham Board of Education</td>
<td>The Supreme Court rules that Title IX prohibits punishing someone for complaining about sex-based discrimination.</td>
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<tr>
<td>1980</td>
<td>Adam Walsh Child Protection and Safety Act</td>
<td>Created programs designed to prevent child pornography, promote internet safety, and protect children from sexual exploitation.</td>
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<td>1986</td>
<td>The Federal Government Changes Definition of Rape to Remove “Force” Language</td>
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<td>1993</td>
<td>Alexander v. Yale</td>
<td>University First use of Title IX in charges of sexual harassment against an educational institution.</td>
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<tr>
<td>1995</td>
<td>Canev v. University of Chicago</td>
<td>U.S. Supreme Court rules that private individuals have the right to sue under Title IX.</td>
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<tr>
<td>1997</td>
<td>Rape Shield Law</td>
<td>Protects the privacy of rape survivors by preventing cross examination into a person’s prior sexual history.</td>
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<tr>
<td>1997</td>
<td>Franklin v. Gwinnett County School</td>
<td>U.S. Supreme Court rules unanimously that plaintiffs who sue under Title IX may be awarded monetary damages for intentional discrimination.</td>
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<tr>
<td>1997</td>
<td>Violence Against Women Act (VAWA)</td>
<td>Tightens federal penalties for sex offenders, funds services for victims of rape and domestic violence, and provides for special training of police officers.</td>
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<tr>
<td>1998</td>
<td>The Office for Civil Rights</td>
<td>Released a list for the first time of the higher education institutions under federal investigation for possible violations of Title IX.</td>
</tr>
</tbody>
</table>
Appendix B: Rape Myths

COMMON THEME OF RAPE MYTHS: THE SEXUAL VIOLATOR IS INNOCENT AND THE PERSON ACCUSING THEM OF RAPE IS THE ONE IN THE WRONG

ONLY WOMEN ARE VICTIMS OF RAPE
ONLY MEN CAN COMMIT RAPE IT IS NOT RAPE IF THEY'RE IN A RELATIONSHIP

SHE CLEARLY WANTED SEXI SHE WAS BEING FLIRTATIOUS AND WEARING A SKIMPY OUTFIT!

RAPE REQUIRES PHYSICAL FORCE WHICH LEAVES BEHIND OBVIOUS WOUNDS/BRUISES

WOMEN LIE ABOUT RAPE FALSE REPORTS ARE PROMINENT

STRANGERS ARE THE MOST LIKELY TO COMMIT RAPE

CONSENT CANNOT BE RESCINDED

A WOMAN IS ONLY PLAYING COY WHEN SHE SAYS "NO."

THE TRUTH?

RAPE IS ABOUT VIOLENCE, NOT SEX.
CONSENT INVOLVES AN AGREEMENT TO SPECIFIC ACTS AND CAN BE VOIDED AT ANY TIME.
"NO" MEANS "NO."
"STOP" MEANS "STOP."
A PERSON'S OUTFIT AND BEHAVIOR ARE NEVER REASON TO VIOLATE THEM.

ESTIMATES OF FALSE RAPE CLAIMS ARE BETWEEN 2 AND 8%--SIMILAR TO OTHER CRIMES.

ANYONE CAN BE THE VICTIM OF RAPE OR OTHER SEXUAL VIOLENCE.
ACQUAINTANCES ARE THE MOST LIKELY TO COMMIT RAPE.
RAPE DOES NOT HAVE TO LEAVE PHYSICAL WOUNDS OR INVOLVE A WEAPON.
RAPE INCLUDES COERCION.

Appendix C: The Price of Sexual Violence

The economic costs associated with sexual violence include costs to fund and manage crisis services, short and long term medical treatment for victims/survivors, a lifetime loss of income (as people may require time off from work after their victimization), the criminal justice process, and the treatment and management of perpetrators.

<table>
<thead>
<tr>
<th>RAPE KIT TESTING CAN COST BETWEEN $400 AND $1500 DEPENDING ON THE AMOUNT OF BIOLOGICAL EVIDENCE COLLECTED.</th>
<th>IN 2008, VIOLENCE AND ABUSE CONSTITUTED UP TO 37.5% OF TOTAL HEALTH CARE COSTS OR UP TO $750 BILLION.</th>
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</thead>
<tbody>
<tr>
<td>In 2002, a study by Clark, Biddle, &amp; Martin found VAWA to be fiscally efficient. VAWA is estimated to cost $15.50 per U.S. woman. VAWA saves $159 per U.S. woman in averaged victimization costs.</td>
<td></td>
</tr>
</tbody>
</table>

**Programs Aimed at Lowering Costs:**
- Violence against women act
- Victims of crime act
- Preventive health and health services block grant
- Crime victim compensation programs (state level)
- Rape crisis centers (local level)

**Benefits of Having Advocates:**
According to a 2006 study by Campbell, advocate-assisted services precipitate more helpful information reaching victims. When advocates are present in the legal and medical proceedings following rape, victims experience less psychological distress, physical health struggles, sexual risk-taking behaviors, self-blame, guilt, and depression.

Colleges and university must provide services that allow victims to avoid their violators (dorm changes, class schedule rearrangement, etc.) as well as mental health support even if an individual does not pursue disciplinary charges against their violator.

If a college or university fails to properly address a victim's needs, they may potentially have to reimburse victims for expenses resulting from its mistreatment. Costs to victims include the financial burdens that are associated with withdrawing from a semester or, completely, and relocation of/to off-campus housing.


Author’s Biography
Melissa Carrigan was born in Coeur d’Alene, Idaho on January 20, 1990. She
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Upon graduation, Melissa plans to pursue a career working on policies related to
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