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THEN AND NOW: A HISTORY AND ANALYSIS OF THE UNIVERSITY OF
MAINE SYSTEM SEXUAL ASSAULT MANDATORY REPORTING POLICY

by

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A Thesis Submitted in Partial Fulfillment
of the Requirements for a Degree with Honors
(Communication)

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University of Maine

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Abstract

This thesis will examine and analyze the history and campus climate (See Appendix) that led to the implementation of "mandatory reporting" of campus domestic violence and sexual assault (See Appendix) when a student discloses an incident to a faculty or mandated reporter. With this policy implemented, regardless of whether the student discloses this information to another student and a faculty member overhears the exchange, or if the student expresses the incident directly to the staff member, a faculty member is still required to report suspected sexual assault, even if not explicitly stated. This includes statements made in course discussions, as well as within written assignments.

This thesis will describe the legal, social and cultural landscape of campus sexual assault, the campus climate and its role in perpetuating sexual assault, mandatory reporting regarding students, as well as potential policies and practices that outside higher institutions have implemented and how the University of Maine may consider adopting these in order to encourage faculty reporting while still complying with federal law and remaining sensitive to the needs of the victim. There is great interest in ensuring the correct college response and level of interest in responding to these reports at universities nationwide, including responses from the faculty here at the University of Maine. As more and more high-profile instances of sexual assault erupt across social media, there is great scrutiny from faculty, students, and parents alike of college responses to these incidents. From the establishment of the Clery Act and the instance of Jeanne Clery in 1986 to the more recent instance of Brock Turner at Yale University in 2015, there has been an enormous backlash towards university responses as well as the response of the

law to sexual assaults. Though lacking in discussion and awareness in the past, recent years and aforementioned high-profile cases have called for the United States Department of Education (USDE) and the Office for Civil Rights to further investigate the response of colleges, their policies - or lack thereof - and the rights of their students.

Sexual assault will be the umbrella term utilized throughout this thesis, which comes from the most recent terminology issued in the University of Maine policy and listed on the Office of Sexual Assault and Violence Prevention website (OSAVP) as of 2017. Sexual assault is defined as "...an offense that meets the definition of rape, fondling, incest, or statutory rape" (See Appendix) as well as an act that creates a hostile environment for the student. (University of Maine OSAVP, 2017). This is the most inclusive term available for definition by the University of Maine OSAVP that incorporated most, if not all, aspects of rape on campus.

Brent Sokolow, Executive Director of the Association of Title IX Administrators, noted in the 2013 Chronicle of Higher Education that "...Title IX is intended to empower victims, not make them into observers... who merely watch from the sidelines, as administrators get carried away with resolving complaints that the victims never made" (Engle, 2015). Title IX, which has led to the expansion of resources and policies in higher education institutions across the United States - including, potentially, the mandatory reporting policy - urges for greater resources for students who have experienced sexual assault. Yet the main argument against policies such as the mandatory reporting policy is that, in the nationwide push for transparency and protection of campus crime statistics, mandatory reporting can ultimately take away decision-making power from the victims, making them into observers. Only when universities are careful to comply with the intent

of Title IX's sexual harassment (See Appendix) provisions, the Clery Act and its expansions, and the Violence Against Women Act - alongside their legal obligations - can meaningful victim support and university legal compliance peacefully coexist (Engle, 2015).

This thesis is written with the intention to connect the reader with the history of the University of Maine, its relationship to sexual assault, and the events that led to the creation of the sexual assault reporting policy. It also seeks to relate that timeline to that of the national discussion on sexual assault, the University's relationship to federal laws and bills, and how, moving forward, we can continue to generate improvements to remove barriers and increase access to resources to sexual assault victims. In doing so, we can better understand how to reach out to victims, provide adequate resources, and continue to improve resource accessibility to students at the University of Maine while preserving the environment of trust between students and mandated reporters.

Dedication

This thesis is dedicated to the survivors of sexual assault on college campuses, those who have found courage to speak out against their perpetrator, and those still seeking ways to obtain justice from their universities.

Acknowledgments

I also would like to dedicate special thanks to my family and friends who have read, proofread, and listened to my ramblings about this project for the past year. Without their support, I would not have felt as though I had produced my best quality work. As well as this, my advisor and my committee members have been invaluable flexible, reliable, and committed to ensuring that my work put forth was the best possible. Their input was extremely valuable to the completion of this work.

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The National Discussion On Campus Sexual Assault

On average, 21 percent of undergraduate females on a college campus have reported experiencing sexual assault since their first year of college (RAINN, 2017). Nearly one in four female undergraduate students are being sexually assaulted on a nationwide scale within the United States (RAINN, 2017). Of these sexual assault victims on college campuses, over 90 percent remain silent about the incident. They do not report to police, university police, or faculty of the University (Fisher et al., 2000). As for those who committed the sexual assaults, of self-reported male assailants, 63.3 percent of perpetrators committed repeated assaults (Lisak et al., 2010). Their victims remained silent, and as a result, the assailants neither faced nor feared consequence - resulting only in further victimization (see Appendix) of women.

‘Sexual assault’ will be the term used throughout this thesis that encompasses a range of forced and coerced sexual activity. The term sexual assault will include attempted rape as well as completed rape, and all terms as specified by the Clery Act, which will be thoroughly discussed in the National Discussion section. Because sexual assault and sexual violence carry with them many challenges in correctly measuring statistics, this thesis will include all definitions of sexual assault as specified by the Violence Against Women Act and the Clery Act. Many sources have been drawn from for this thesis, including the National Crime Victimization Survey (NCVS), the National Justice Department (NJD), academic and government sources, and the Rape, Abuse, & Incest National Network (RAINN).

Timeline of the National Discussion on Sexual Assault

1957- First Study on Campus Sexual Assault

1977- Alexander V. Yale

1985- Mary Koss Study

1986-1990 Jeanne Clery Act

1992- Buckley Amendments

1998- Campus Courts Disclosure

2000- Campus Sex Crimes Prevention Act

2005- National Campus Safety Awareness Month

2008- Higher Education Opportunity Act

2011- Dear Colleague Letters

2013- Campus Sexual Violence Elimination Act (SaVE Act), VAWA

2014- Clemson University Online Training Shutdown

2015- Safe Campus Act, APA College Study

In only 1957 did the first study on campus sexual assault ever come to light. Published in the American Sociological Review (Vol. 22, No. 1, pp. 52-58), the study was titled “Male Sex Aggression on a University Campus.” It was the first study of its kind ever officially conducted and published. Its author, Eugene Kanin, created the study around a model where men utilize manipulation and gender stigmas to pressure and exploit women in sexual ways.

1977 was the first time students took action utilizing Title IX in their defense on the grounds of sexual assault. At this time, women at Yale University were gathering together to try and put a name on ‘sexual assault’ and the rape culture they experienced there - though at the time, they had no name for this. One of the primary students involved in this activist movement that would become a lawsuit, Ann Olivarius, was told by administrators at Yale that “...if she did not stop saying those things about faculty members, she would get sued for defamation—and Yale would not help her” (Simon, 2003). A lawsuit that was never intended to be a lawsuit, this group of women simply sought for their university to “...create a centralized grievance procedure for sexual harassment”, said Ann Olivarius herself in 2011, “... But Yale fought the idea tooth and claw” (Olivarius, 2011). Yale’s only method of dealing with complaints of sexual harassment or assault during this time was to express sympathy, but to advise her that this was “all part of life” (Olivarius, 2011). Their case was initially thrown out due to technicalities, but would later be the reason for the development of the Yale Grievance Board for sexual assault reporting, leading to hundreds of other institutions doing the same.

In the year 1985, a professor at Kent State University by the name Mary Koss would issue a national rape survey aimed towards college campuses across the nation. This survey, which was sponsored by the National Institute of Health, was administered to 32 separate college campuses. 3,187 college female undergraduates and 2,872 male undergraduate students responded regarding their sexual experiences since the age of 12. Questions regarding sexual assault were included. Of the individuals who responded to the survey, 207 of the women had been raped within the very same year of the survey.

15.4 percent of the female respondents had also acknowledged rape some time in their lives since age 14; 12.1 percent had admitted to experiencing an attempted rape, and 4.4 percent of the male undergraduates who reported acknowledged they had committed the legal definition of rape some time since age 14. (Koss, 1988). These figures would come to be known as the “one in four” statistic that we continue to use today, and which has been repeated in dozens of studies even as recently as 2015.

The development of an incident involving the rape and murder of one Jeanne Clery, a student at Lehigh University in 1986 sparked nationwide discussion of sexual assault on college campuses. Jeanne Clery, a student at Lehigh University in Pennsylvania, was raped and murdered by a fellow student in 1986 (Associated Press, 1986). Lehigh, which had suffered 38 other violent crimes over the course of the three years prior to the attack, had not revealed this information to the public, and Clery’s parents sued the college under the premise that had that information been publicly available, Clery would never have attended the university. Clery’s parents won the lawsuit, and established a non-profit group titled ‘Security on Campus’ (Associated Press, 2008). As a result of the high-profile case, national backlash erupted against unreported crimes - specifically at colleges. In 1988, a bill that would grow to be the Clery Act was passed in Pennsylvania. Named the “College and University Security Act”, this initial bill required all universities and higher education institutions to report their annual crime statistics, as well as describe their implemented safety programs and protocols publicly. However, this bill was strictly for Pennsylvania.

As a result of this initial push, the Clery Act was signed into federal law by George H. Bush in 1990, mandating that all institutes of higher education be obligated to

report all university crime in an Annual Security Report. With the Clery Act in place, not only are crime reports mandated to be published and available to the public, but every institution of higher education is also required to warn the campus community if an immediate threat is present, as well as have policies for campus crime and security in place that are publicly understood and available to all students and employees (USDE, 2016). The Clery Act has singlehandedly dictated reports of sexual assault crimes on campus since 1990 and, with the help of a team of full-time workers, repeatedly checks all universities for violations of the Clery Act of any sort.

Since the establishment of the Clery Act in 1990, many higher education institutions have been fined and charged for acting in noncompliance with its federal regulations. The United States Department of Education had previously left Clery Act violation decisions up to its eight regional offices, but in 2010, established a specific task force unit. As of 2014, there were 13 full-time workers who specialize in the Clery Act at higher education institutes who seek to ensure that universities are acting in compliance. There was a plan to have an estimated 26 full-time Clery Act specialists by the end of the 2016 year (Stratford, 2014). These acts of noncompliance can include errors in the university's definitions of sexual assault and sexual crimes, their programs, resources, and reporting methods available to students, and the awareness of students of university crimes. These fines are considerable - up to \$35,000 per violation as handled by the United States Department of Education. (CITE) In 2013, the United States Department of Education fined Lincoln University a total of \$275,000 for defying the Jeanne Clery Act by intentionally failing to provide campus investigations of two instances of sexual assault, as well as failing to include these assaults in their Annual Security Report (Spahr,

2013). The largest Clery Act violation on file occurred in just 2016, where Pennsylvania State University was charged almost \$2.4 million for violations related to failure to disclose crimes mandated by federal law (New, 2016). Previously, the highest charge for other Clery Act violations had been in 2007 against Eastern Michigan University (EMU) (Loppnow, 2007). Eastern Michigan University failed to notify its students of the murder of EMU student Laura Dickinson in her residence hall in the winter of 2006, followed by numerous other violations. As a result, the university was charged \$350,000, and the president of the university, John Fallon, was fired (C. Staff, 2008).

These fines are important because although the Clery Act could be seen as incentive to hide crime statistics in a university Annual Security Report, the USDE not only will charge a university hefty fines, but the publicity itself harbors great issues for universities attempting to attract new students, and ultimately offers great deterrent to lying about yearly crime statistics. Other large fines for Clery Act violations have occurred at schools such as Virginia Polytechnic Institute and State University, Pittsburgh Technical Institute, Miami University of Ohio, Washington State University, and many more (Stratford, 2014). According to a 2016 study, over 200 institutions were under federal investigation as of that May (McNeill, 2016).

While the Clery Act has brought important public awareness regarding victimization risk on college campuses across the nation, it has not been implemented without criticism (Jordan, 2014). This is true, in part, because Clery reporting is limited to incidents that have been reported to campus police officers, resulting in an underrepresentation of the actual number of rape and domestic violence cases on campus (Fisher, Hartman, Cullen, & Turner, 2002). As mentioned previously, Annual Safety

Reports through the Clery Act can only establish crimes confirmed by university police departments, not local police departments, which can skew the results. Local police departments are of course capable of resolving their statistics outside of the university police departments, but are not obligated to report them as university police departments are. A Democratic senator from Missouri, Claire McCaskill, has vehemently defended her belief to remove - or, at minimum, simplify - the Clery Act. She stated in 2015 that “...Clery [Act] statistics do not accurately illustrate the prevalence of campus crime, as increases in the number of a particular crime may have as much to do with improved reporting techniques as an actual uptick in criminal activity” (New, 2015).

As well as this, unclear boundaries remain between what is guaranteed as confidential and what could potentially be passed on and require personal information - from both the victim and the perpetrator. Rachel Gettler, Office of Civil Rights attorney, discussed how it is the responsibility of a Title IX coordinator to determine whether or not a victim of sexual assault’s wish to remain anonymous can be respected. "For example," she said, “if the Title IX coordinator has information indicating that the alleged perpetrator has previously sexually assaulted other students on campus, it may be necessary to override this student's request for confidentiality in order to pursue disciplinary action against the alleged perpetrator" (DeAmicis, 2013). In a study published in 2016, the journal wrote “...institutions of higher education across the country do not have an incentive to acknowledge the problem publicly or address it proactively. The current oversight of the federal laws has the perverse effect of encouraging colleges to under-report sexual assaults” (Boucek, 2016).

In 1992, the Buckley amendments provided that records kept by campus police and security for law enforcement purposes are not confidential “education” records under federal law (the Family Educational Rights and Privacy Act, or FERPA) (Clery Center.org, April 2017). 1992 was also the year that the Bill of Rights concerning Campus Sexual Assault Victims was signed into law. This bill requires colleges and higher education institutions be able to fund and afford basic rights for victims of sexual assault, which includes ensuring that the victim is able to make a report to local police departments.

In 1998, the Campus Courts Disclosure Provision was enacted. This meant that any results of a student disciplinary case involving a violent sexual assault of any form were no longer protected by federal privacy laws; this meant that alleged perpetrators of the crime were no longer federally protected, however, the victim’s rights remained federally protected (Clery Center.org, April 2017). Also in 1998, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act was updated in order to eliminate previous loopholes for higher education institutions in terms of crime statistics and reporting by expanding definitions and crime requirements for both on and off-campus areas.

In the year 2000, the Campus Sex Crimes Prevention Act was put into effect by the United States federal government (Clery Center.org, April 2017). This act mandated that campus police departments and public safety departments must incorporate a statement in their Annual Security Reports that distinguish to their campus community where members of the community are able to find public records of registered sex offenders and other individuals who could be perceived as threats to the campus safety.

In 2005, the United States Congress unanimously approved an initiative to assist in the end of sexual violence on campuses (Clery Center.org, April 2017). This initiative focused on a partnership between the Clery Center and universities across the nation by dedicating the month of September each year to awareness of the Clery Act and the safety of campus communities. Thus, National Campus Safety Awareness Month was born.

In 2008, the Higher Education Opportunity Act was enabled, extending the scope of the Clery Act by incorporating greater access to emergency response services and resources, as well as broader definitions for hate crimes and further anonymity protection for “whistleblowers”. This act also enabled the United States Department of Education to inspect and report on universities and their compliance to the Clery Act (Clery Center.org, April 2017).

In 2011, Vice President Joe Biden and United States Secretary of Education Arne Duncan created a group of resources intended to help employees and faculty of higher education institutions better understand and apply their legal obligations in assisting and preventing sexual assaults and sexual assault victims on their respective campuses. The resources released included two fact sheets: One regarding Title IX, one on sexual violence, and the well-known ‘Dear Colleague’ letter, sent out in April of 2011. The ‘Dear Colleague’ letter acts as an individualized notice to all faculty of universities, describing to them the dire importance and size of the issue of sexual assault on campuses across the United States. In fact, many credit the Dear Colleague letter with the spark that helped institutions of higher education connect Title IX regulations with sexual assault on college campuses (Kingkade, 2013). The letter was met with much

confusion and differing interpretations from universities across the nation; multiple colleges adapted their policies to adhere to the requirements listed in the letter - yet in the following years after the letter was sent out, the USDE found and fined institutions such as Michigan State University (Resolution Agreement: Michigan State University (Rep.), September 2015), Harvard University, Tufts University, and a few others that had evidently violated sections of Title IX that instructs universities to include a statement in their sexual misconduct policies that states “...mediation of sexual assault complaints is prohibited” (New, 2016). All of these higher education institutions were then instructed by the USDE to update their policies to include this statement and avoid being charged.

The reason that these universities did not include this policy statement, however, was that the release of the Dear Colleague letter in 2011 made the policy seem like “...a recommendation, not a clear mandate” (New, 2016). The letter stated that “...In cases involving allegations of sexual assault, mediation is not appropriate even on a voluntary basis,” the guidance states. “OCR recommends that recipients clarify in their grievance procedures that mediation will not be used to resolve sexual assault complaints.” This only further exemplified the struggle of universities nationwide to adhere to USDE, Clery Act, and Title IX procedures. However, many Maine universities publicly give credit to the letter for overhauls in their policies. At the University of Southern Maine, the ‘Dear Colleague’ letter was evidently the direct cause for the campus-wide decision to make all university faculty mandatory reporters of sexual assault (Gallagher, 2014). Other Maine colleges outside of the University of Maine System, such as Bates College, stated that the letter “...publicized Title IX’s sexual assault provisions... [and] was a turning point in their own efforts to beef up campus resources” (Gallagher, 2014).

The Campus Sexual Violence Elimination Act, commonly paraphrased to the Campus SaVE Act, was federally approved in 2013. An amendment and extension of the Clery Act, President Barack Obama signed the SaVE act into authorization alongside the Violence Against Women Act of 2013 on March 7, 2013. This act expanded the requirements of the reporting aspect of the Clery Act, which broadened crimes that campuses are obligated to report to incorporate all versions and aspects of sexual assault and violence. This means that all higher education institutions must also incorporate crime reports of sexual assault, domestic violence, stalking, and dating violence into their Annual Security Reports (Know Your IX, 2017). The primary mission behind the creation of the SaVE act is to increase transparency at universities - hence the mandatory incorporation of a wider range of sexual assault crime statistics - to extend the rights of the students and the victim of sexual assault, whether or not they choose to formally report the assault - to promote greater and ongoing education programs and resources for both faculty and students regarding bystander interventions, definitions of all forms of sexual assault and sexual harassment, and information and resources for further action and proceedings with a formal complaint (Carter, 2016).

Also occurring in 2013 during the time the SaVE act was established, Harvard University, Yale University, and Amherst College became a few of the schools recognized in national news over complaints that administrators had failed to foster a safe campus environment and contributed to victim-blaming and rape culture (See Appendix) (Culp-Ressler, 2013). Yale was accused of failing to report an accurate number of sexual assault incidents that occurred on their campus - a direct violation of the Clery Act; Yale had not followed federal law by not disclosing the correct statistics to the United States

federal government. Yale, arguably one of the top schools in the country, thus set a negative tone for other schools by refusing to comply with federal sexual assault standards, and they were fined \$165,000. Unfortunately, this trend continued across other ivy-league and more ‘elite’ institutions of higher education, including Dartmouth (Mukherjee, 2013), Harvard (Gattuso and Salley, 2013), and Amherst (Culp-Ressler, 2012). Administrators failing to report rape or sexual assault demonstrates to students and the federal law that they do not prioritize the health, safety, well-being, or social and economic equality of their students. Whether or not these administrators are intentional in their lack of response, the effects of their inaction contribute to inequality at universities nationwide.

The Violence Against Women Reauthorization Act (“VAWA”), which President Obama signed into law on March 7, 2013, imposes new obligations on colleges and universities under its Campus Sexual Violence Act (“SaVE Act”) provision, Section 304. This landmark federal law provides extensive provisions to improve the criminal justice response to sexual and domestic violence against women. In 2013, section 304 of VAWA amended the Clery Act to add additional reportable crimes (Clery Center.org, April 2017). Those obligations—which refine and clarify, and to some extent change, existing legal requirements and government agency enforcement statements— require revision of institutional policy and practice. Under VAWA, colleges and universities are required to:

- Report domestic violence, dating violence, and stalking, beyond crime categories the Clery Act already mandates;
- Adopt certain student discipline procedures, such as for notifying purported victims of their rights; and

- Adopt certain institutional policies to address and prevent campus sexual violence, such as to train in particular respects pertinent institutional personnel. The interplay of VAWA and other pronouncements—notably the April 4, 2011 Dear Colleague Letter under Title IX issued by the Office for Civil Rights of the Department of Education (“ED”) (“OCR Guidance Letter”) and prevailing institutional policy—warrants legal risk management judgment by institutional counsel and compliance officers, and implicates a range of management steps

For the period 1995–2013, rape and sexual assault victimizations against female students were more likely to go unreported to police (80%), compared to victimizations against non-students (67%). Regardless of enrollment status, rape and sexual assault victimizations were more likely to go unreported than other types of violent crime (Rape and Sexual Assault Victimization Among College-Age Females, 1995–2013, Sinozich & Langton). In 2013, college-age females had a similar rate of rape and sexual assault regardless of enrollment status (about 4.3 victimizations per 1,000), while the victimization rate for not college-age (ages 12 to 17 and 25 or older) females was 1.4 victimizations per 1,000. For both students and non-students ages 18 to 24, the 2013 rates of rape and sexual assault were not significantly different from their respective rates in 1997 (Rape and Sexual Assault Victimization Among College-Age Females, 1995–2013, Bureau of Justice).

The reasons for not reporting a rape or sexual assault victimization to police varied somewhat between students and non-students. A greater percentage of nonstudent (19%) than student (9%) victims stated that they did not report to police because the police would not or could not do anything to help. Non-student victims were also more

likely to state that they had reported to a different official. Student victims (12%) were more likely to state that the victimization was not important enough to report, compared to nonstudent victims (5%). About a quarter of student (26%) and nonstudent (23%) victims who did not report to police believed the incident was a personal matter, and 1 in 5 (20% each) stated a fear of reprisal (Rape and Sexual Assault Victimization Among College-Age Females, 1995–2013, Sinozich & Langton).

23 Columbia and Barnard University students would come to file a federal Title IX complaint in April of 2014. This complaint was created under the incidence where the universities had mishandled sexual assault cases for the 23 students. Emma Sulkowicz, one of the most well-known victims in this case, describes that she and two other girls reported the same attacker to the university - and there were no consequences for him, and he was allowed to stay on campus. Sulkowicz said in an interview with TIME magazine that "...One panelist kept asking me how it was physically possible for anal rape to happen. I was put in the horrible position of trying to explain how this terrible thing happened to me" (TIME Magazine, May 2015).

In 2014 national news, Clemson University suspended their online sexual assault training after students at the university complained that the training was too invasive, asking individuals personalized questions. The course was shut down and was modified to meet the student's requests (Dockterman, 2014). At St. Olaf College in Minnesota, a required course was implemented titled "Think About It" - and all students were required to take the training, or they would not be able to sign up for courses. There, as well, students have come forward with issues of invasiveness and effectiveness of the training itself. Students and faculty have expressed concern that anyone who could commit an act

of sexual assault in the first place is unlikely to gain anything from a generic online training course (Nelson, 2015). This should be taken into consideration, particularly while considering the University of Maine has also invested in an online sexual assault training program, which will be discussed later on.

In 2014, the University of Wisconsin-Madison campus police sent out an email with what allegedly were intended to be ‘safety tips’ to their students. One of their suggestions stated “...If you present yourself as easy prey, expect to attract some wolves.”; another section of the post stated: “a victim looks like a victim!”. The tips, which came from a newsletter titled “Shedding the Victim Persona: Staying Safe on Campus”, led to the assumption by parents and students that the police were engaging in victim-blaming. Any incidence where language that could be considered victim-blaming by parents or students of a university can deeply hinder a student’s confidence in reporting to a faculty member or university police officer; students as they will be even less likely to seek help from police when they are putting out messages that perpetuate a culture rich with victim-blaming language. These so-called safety tips were only removed after suffering large waves of criticism online, and a formal apology was issued (New, 2014).

Also in 2014, a study was conducted where over 1,000 higher institution administrators were surveyed on how well they believed their universities to act on reports of sexual assault. While the findings suggested that the general success of many colleges were that they were adequately responding to sexual assaults on campus, the survey also indicated that improvements are undoubtedly necessary (Amar, Strout, Simpson, Cardiello, & Beckford, 2014).

Despite the implementation of these policies since the establishment of the Clery Act in 1987 and their good intentions, the issue is still at large. Many argue that these policies and laws are simply getting universities and students to talk about the issue more frequently than in the past due to the USDE and federal laws pushing for further transparency in crime statistic reporting. However, in 2014, the Obama administration released a list of higher education institutions under federal investigation for noncompliance with sexual assault reporting and incident handling (Steinhauer, 2014). This was the first time that the United States federal government had released such a list to the public. The goal of this release was to continue to stack pressure against colleges nationwide to be held to a federal standard. This release triggered another round of worry and backlash across the country - primarily from worried parents and guardians of children attending college. “We are making this list available in an effort to bring more transparency to our enforcement work and to foster better public awareness of civil rights,” Catherine E. Lhamon, the assistant education secretary for civil rights, said (U.S. Department of Education Releases List of Higher Education Institutions with Open Title IX Sexual Violence Investigations, May 2014).

In 2014, 91 percent of higher education institutions reported absolutely no rape incidents on campuses. Of the 11,000 college campuses who are required to disclose their crime statistics, this incredible majority did not report a single one (91 Percent of Colleges Reported Zero Incidents of Rape in 2014, November 2015). For the first time ever, colleges were also mandated to report crime statistics on dating violence, domestic violence, and stalking - however, these categories also fell short, where only “...10 percent of college campuses disclosed a reported incident in 2014” (91 Percent of

Colleges Reported Zero Incidents of Rape in 2014, November 2015). This report also showed that campuses which did report at least one instance of sexual violence also tended to report other variations of sexual assault, indicating that a campus that does provide resources to provide an accurate report on sexual violence welcomes reports of other forms, whereas campuses that do not report one incident are likely to not report in any other categories, as well (91 Percent of Colleges Reported Zero Incidents of Rape in 2014, November 2015).

In 2014, 74 percent of all rapes reported through the Clery Act were incidents that occurred on campus. When looking only at the incidents reported on on-campus housing, an average of 82 percent of all reported rapes occurred solely within on-campus housing; 53 percent of reports of on-campus fondling also occurred strictly within on-campus housing. These alarming statistics unfortunately align with Clery Act statistics from earlier years, as well, which indicate that most sexual assault incidents occur on campus residential housing units (Downey, April 2016). This is defined as dormitories, student residence halls, and fraternity and sorority houses located on university property or owned by the university itself. However, under the Clery Act, universities are not obligated to reveal exactly which institutions these assaults occurred within. In fact, a Massachusetts study that spanned from 2001 to 2011 showed that 81 percent of all reported rapes and sexual assaults occurred specifically in student residence halls, whereas nine percent occurred in homes or apartments, and only 4 percent of those occurred in fraternity housing (Analysis of College Campus Rape and Sexual Assault Reports, 2000 – 2011: from Massachusetts Executive Office of Public Safety and Security, September 2012). It is vitally

important to understand where sexual assaults are occurring on campuses - for both the faculty and student demographics of a university - because students need to be able to identify where and when they are most vulnerable to sexual assault. Teaching intervention early on by identifying locations where students are most vulnerable to attacks can and will increase awareness of students of their safety and surroundings on campus. There is an undeniable stereotype that most sexual assaults occur at college fraternities; these statistics clearly show otherwise - and are perhaps hurting students because they are unaware of where they are most at risk. This is vital in implementation of training, policy, and resources for students on campus, which will be looked at later on.

The University of Northern Iowa told all of its faculty and staff in 2014 that they were now obligated to report any variation of sexual violence, harassment, or assault to a Title IX officer on campus. “All university employees who are aware of or witness discrimination, harassment, sexual misconduct or retaliation are required to promptly report to the Title IX [of the Education Amendments of 1972] officer or a Title IX deputy coordinator.” (Discrimination, Harassment, and Sexual Misconduct Policy, 2014). It was the first time that the University of Northern Iowa mandated each and every faculty member be a reporter (Flaherty, 2015). In another similar move to the University of Maine’s eventual mandatory policy implementation, the University of Northern Iowa stated that they will make ““...every reasonable effort” to maintain privacy”, but that they cannot guarantee it. (Flaherty, 2015).

Midsummer of the year 2015, the ‘Safe Campus Act’ was brought to the attention of universities across the United States. Sponsored by Republican representatives. This

bill was notable because, in attempts to ensure students - both accuser and accused - have fair hearings and trials, law enforcement was given a more important role in the complaint and reporting process. Despite its well intentions with law enforcement, this law is seen as potentially concerning, because it indicates that colleges are only allowed to go forward with complaints they have received from students if the accuser - or victim - is willing to go forward with the process of law, thus exposing them to the entire process of trial with their assailant. Rightfully so, people against the bill acknowledged that students and victims would be far less likely to ask for help if they felt that coming forward - whether to a faculty member or to a law enforcement officer - would "...automatically trigger a criminal investigation or other harsh sanction" (Svrluga, July 2015). In summary, this bill sought to allow protection for both the accused as well as the accuser, allowing all evidence to be used and both parties to have lawyer protection. This bill was produced under heavy criticism nationwide.

In 2015, new research conducted by the American Psychological Association discovered patterns of colleges underreporting in institutions of higher education across the United States. This research proved that despite receiving fines for violating the Clery Act and federal law, schools continued to underreport sexual assaults. One of the researchers involved in the project, Corey Rayburn Yung, noted that "...When it comes to sexual assault and rape, the norm for universities and colleges is to downplay the situation and the numbers... [and]... the result is students at many universities continue to be attacked and victimized, and punishment isn't meted out to the rapists and sexual assaulters" (American Psychological Association (APA), February 2015). These conclusions were drawn from statistics of on-campus sexual assaults reported by 31

colleges at the time that they were simultaneously undergoing investigations by the USDE for Clery Act compliance. While the audits were taking place on campuses, reported on-campus sexual assaults saw a 44 percent increase from years previously. After the investigations ceased, the university reporting numbers then dropped to statistics that resembled those pre-investigation. Thus, the research concluded that schools only provided an accurate perspective into sexual assault reporting whilst under the eye of federal law (American Psychological Association (APA), February 2015). Yung, author of the study, also noted that he believes that the current fines for Clery Act violations (\$35,000 fine per incident) are simply “not stringent enough” to warrant schools following Clery Act guidelines.

In 2016, Worcester Polytechnic Institute (WPI) came under fire for alleged victim-blaming during a trial of a WPI student against her rapist. Lawyers harassed the victim with questions such as “...You felt it was OK to go to the roof, a dark secluded roof with a man you know nothing about, whose name you don’t even know, and you felt that was not risky behavior? Would you agree with me that if you had not gone to the roof with Mr. Rodriguez this incident wouldn’t have occurred?” (New, 2016). WPI officials were aware that this line would be asked during questioning and yet did not prevent lawyers from asking it to the victim - their own student - after she had reported the incident. Alongside the issue of Clery Act noncompliance arises the problem of victim-blaming languages in resources and policies in universities across the United States. Colleges nationwide are struggling to term individuals as ‘victims’ and ‘perpetrators’. This struggle is born from a common concept related to sexual assault reporting called ‘victim-blaming’. Even if done in good intention, certain resources,

flyers, and programs can feature wording that can be perceived as such. Schools and colleges are notorious in both aspects of this blame-game, for both perpetuating as well as diligently fighting against this concept. Reporting policies are carefully worded for this specific reason.

Before 2016, the Clery Annual Security Report - and all reports of crime statistics to the federal government - did not require the public reporting of stalking, dating and domestic violence incidents. According to the Clery Report's most recent publication, not only must there be readily available resources and programs that deter new employees and students against dating violence, sexual assault, and stalking, but also awareness and prevention programs (Clery Report, 2016).

The Clery Act, as of 2016, requires all higher education institutions to include four general categories of crime statistics (Clery Act, 2016):

- Criminal Offenses —Criminal Homicide, including Murder and Nonnegligent Manslaughter, and Manslaughter by Negligence; Sexual Assault, including Rape, Fondling, Incest and Statutory Rape; Robbery; Aggravated Assault; Burglary; Motor Vehicle Theft; and Arson
- Hate Crimes—Any of the above-mentioned offenses, and any incidents of Larceny-Theft, Simple Assault, Intimidation, or Destruction/Damage/ Vandalism of Property that were motivated by bias;

- VAWA Offenses—Any incidents of Domestic Violence, Dating Violence and Stalking. (Note that Sexual Assault is also a VAWA Offense but is included in the Criminal Offenses category for Clery Act reporting purposes); and
- Arrests and Referrals for Disciplinary Action for Weapons—Carrying, Possessing, Etc. Law Violations, Drug Abuse Violations and Liquor Law Violations.

More recently in headlines was the alarming case of one reported rape at Baylor University which led to the uncovering of a massively hidden culture of rape within the Baylor University football team, despite the fact that administrators at Baylor initially claimed this incident as “an isolated case” (Tracy & Barry, March 2017). Freshman student Jasmin Hernandez attended a Baylor football party, and was subsequently raped by 20-year-old football player Tevin Elliott. However, after reports came out that Elliott was arrested on rape charges, several more students came forward with allegations of sexual assault caused by other football team members, as well as several other instances that specifically involved Elliott. The speculation and outrage that followed led to the filing of a lawsuit against the university by lawyer John Clune, who quantified the sexual assault claims to indicate that “at least 52 rapes by at least 31 players had occurred from 2011 through 2014” (Tracy & Barry, March 2017).

Another allegation involved a former assistant football coach at Baylor, Kendal Briles, who attempted to recruit incoming students for the football team by saying “Do you like white women? Because we have a lot of them at Baylor and they LOVE football players” (Tracy & Barry, March 2017). The girl who initially triggered these allegations

by coming forward to report her rape, Hernandez, also reported the indifference of the university in assisting her after her rape; after being taken immediately to the hospital and recounted the incident to a police officer, the university denied Hernandez any access to resources from the university counseling center or from the student health center. They said that they were “too busy” to see her, and that “...all their appointments through the end of the semester were taken... Every time they denied me — told me there was nothing they could do” (Tracy & Barry, March 2017). Hernandez’s grades declined - something she attributes to her sexual assault and subsequent denial of therapy from Baylor - and as a result, she lost her academic scholarship and dropped out of the college.

Despite Baylor’s claims of evaluating their internal reporting capabilities and apologizing profusely to the victims and the public, the university attempted to have a lawsuit against them thrown out; A federal judge denied the university’s request, stating that the 10 women who filed the lawsuit “...had plausibly alleged that Baylor was deliberately indifferent to her report(s) of sexual assault, depriving her of educational opportunities to which she was entitled” (Tracy & Barry, March 2017). Fear of students coming forward at Baylor was attributed to incidents where students were “retaliated against” for reporting, as well as “...fear[ing] being stigmatized for reporting assaults that involved underage drinking or premarital sex” (Baylor University Board of Regents, May 2016). Baylor issued a 13- page report on its failings in their transparency and adequate responses to sexual assault, self-hailing the university as... “no other university has been as transparent about its failings” (Baylor University Board of Regents, May 2016).

Timeline of the University of Maine Policy & the Influences of the National
Discussion

1991 - Women's Resource Center Established

1992- Richard Dinsmore Case (UMFK)

1994 - Bangor Daily News Article

2000- National Crime Victimization Survey

2001- Safe Campus Project

2002- University of Maine Football Team Scandal

2004- Male Athletes Against Violence

2010- Delta Tau Delta Incident, USDE Investigation

2013- Office of Sexual Assault and Violence Prevention

2014- Mandatory Reporting Policy Implemented, Consent Definition Updated

2015- Women's Resource Center Defunded

2016- The "Ke\$ha" Issue

2017- Women's Resource Center Reinstated

The 1990's at the University of Maine brought a variety of perspectives on sexual assault to campus in terms of new resources and their handling of reported incidents. In 1991, the Women's Resource Center (WRC) was established with the responsibilities of handling Safe Campus Records - containing details of University of Maine potential programs intended to prevent sexual abuse and domestic violence. Other responsibilities

of the WRC included generating flyers, brochures, and training programs for relationship and domestic abuse, as well as handling funding from the National Institute of Justice and maintaining meetings and notes from the Safe Campus Advisory Committee. The original missions of the WRC included "...Provid[ing] educational and cultural opportunities that further women's personal and professional development, promot[ing] a broader understanding of the diverse experiences of all women, [and] increas[ing] women and girl's participation in education and society" (Special Collections, Raymond H. Fogler Library, University of Maine, "Women's Resource Center Records (University of Maine), Page 4, 1950's-2016).

The WRC participated, held, and created dozens of women-centered events on campus. One of the most vital events managed by the WRD involved hosting various University of Maine Student Women's Association meetings and events including on reproductive rights. Many of those were organizations that director of the WRC, Sharon Barker, played a major role in, such as the aforementioned Safe Campus Project, the President's Council on Women, Provost's Gender Issues Advisory Committee and Task Force on the Retention and Promotion of Women Faculty, Career Development Project for Professional Women on Campus, and much more. Beginning in the 1992-1993 academic year, the WRC also published the Support Staff Newsletter and On Campus With Women which was a biannual information calendar of programs and events of interest to women (Special Collections, Raymond H. Fogler Library, University of Maine, "Women's Resource Center Records, University of Maine, Page 6, 1950's-2016).

The following year, in May of 1992, a University of Maine Fort Kent (UMFK) professor, Richard Dinsmore, was fired from his position after being accused of sexual harassment by one of his students, Rebecca Robinson. A friend of Robinson encouraged her to report to campus officials "...after she and another friend read a poster on sexual harassment during a break from class." The girls then agreed that "...[of] five of the six items on the sheet, Rebecca was experiencing with Dr. Dinsmore'" (Ripley, 1994). The complaint to university officials directly led to the investigation, suspension, and apparent firing of Dinsmore from his position. Interestingly, both Dinsmore and Robinson agreed that, at the time of the report, there was "... coherent sexual harassment policy in place... [in] the University of Maine System" (Ripley, 1994). According to the article, Dinsmore was fired amidst a University of Maine System-wide adjustment of formulating a proper sexual harassment policy "...for use by all seven campuses," and that before that policy was created and approved, "...four of the universities, including UMFK, had separate but somewhat different policies" (Ripley, 1994).

In 1993, Dinsmore would file a \$1 million lawsuit against the University of Maine System and UMFK officials involved in his suspension and firing, and in March of 1994, his case would go to trial. Ultimately, Dinsmore would walk away winning nearly \$1 million in damages and attorney fees, as well as receiving a settlement for \$500,000 and being reinstated to his previous tenured position. Dinsmore's attorney throughout the process, David G. Webbert, stated that "...In a university setting, sexual harassment is a weapon people can use to get people fired" (Grimsley, December 1996). In response to the lawsuit and Webbert's statements, Vendean Vafiades, a counsel for the University of Maine System, said that despite the outcome of the lawsuit, the University of Maine

System's outlook regarding Dinsmore and the student code of conduct did not waiver. "Professor Dinsmore's conduct caused us great concern," Vafiades said. "We feel we have an institutional obligation to protect our students" (Grimsley, December 1996). Notably, these statements were published in an article titled "Companies Can Sometimes Overreact".

In 1993, two University of Maine at Machias professors, Edwin Jessiman and Richard Nelson, filed a complaint against the University for allegedly allowing a professor and coworker, James Lehman, to sexually harass his students (Maine News Index - Portland Press Herald 1993). In 1996, they then sued the University of Maine at Machias under Title IX, Jessiman claiming that he had "...been defamed as a result of an internal [University] review of the very complaints that he raised against a colleague regarding sexual harassment and abusive treatment of students" (Nelson v. University of Maine System, (d.me. 1996), 923 F. Supp. 275, 281 (D. Me. 1996).

In 1994, an article was published in the Bangor Daily News regarding preventing sexual assault specifically at the University of Maine campus. Within the article, the debate is brought forward concerning whether or not "...what, if any, approach to sexual correctness policies on campus would work to prevent... rape" (Anderson, 1994). The debate, which features quotes from what the article calls rape experts and anti-rape activists, it seems that programs and policies that deterred individuals from engaging in rape in the first place were nonexistent as well as questioned for their successes, or lack thereof. The article went on to discuss how William Lucy, the Dean of Student Affairs in 1994, said that the campaign against rape should instead focus on the "...abuse of alcohol on campus," which would "...prove far more effective in combating rape than

implementing sexual correctness policies” (Anderson, 1994). The tone of the article reads as uncertain from all angles as to what policies, if any, or education should be instilled at the University of Maine. The only mentioned rapes within the article are two assaults over the course of “the past seven years” described as a “date rape” on a fraternity property, and that “...charges were dropped on one of the two” (Anderson, 1994). Taking this as valid fact, we can draw the obvious conclusion that the Clery Act had little effect on campus sexual assault reporting from its implementation to 1994, likely due to the apparent lack of education, programs, and policies on the University of Maine campus.

The turn of the century at the University of Maine would bring various projects and studies involving sexual assault and victimization on campus. A survey titled ‘The National Crime Victimization Survey’ (NCVS) was issued in 2000 by the United States Bureau of Justice Statistics with the intention of exposing how commonly rape and sexual assault victimizations occur on a college campus population. In this study, 2.8 percent of the sample had experienced either a completed rape (1.7 percent) or an attempted rape incident (1.1 percent). The victimization rate was 27.7 rapes per 1,000 female students. At the University of Maine during this time, with roughly 10,000 students - 53% being male - this could potentially mean that amongst the 4,700 women on campus would mean there are roughly 169 rapes per year for female students alone (Fisher, Cullen & Turner, December 2000).

The Safe Campus Project began at the University of Maine in January 2001. The project “...was grant-funded from 2001 to 2006, 3 2-year funding cycles” (Klein, 2017). Renate Klein, current University of Maine professor who headed the project during this

time, noted that the Safe Campus Project would ultimately “...not seek refunding because [the University of Maine], under leadership of [Vice President] Janet Waldron, wanted to make [the Safe Campus Project] a regular university program” (Klein, 2017). There was evidently “...[a] lot of university support at the time” (Klein, 2017). The project’s intent was to provide information and resources about positive, pro-active ways to encourage a safe and healthy campus environment, as well as within relationships (UMaine News, August 2015). The grant was given to develop a program that improved victim services, address offender accountability and create initiatives that focused on domestic violence prevention and well-being (Uteuova, February 2017). The Safe Campus project, despite ample interest in 2005 and 2006 according to its coordinators (Klein, 2017) decided not to re-apply for federal funding in 2007, and the University of Maine moved the project into the Women’s Resource Center to continue the project with institutional funding.

The Safe Campus Project also trained “responders” on campus, which assisted many employees in understanding and acting on signs of abuse amongst co-workers. This, with the current mandatory reporting policy, would have been ideal training to provide to all faculty in present day. However, the Safe Campus project was also removed from the Women’s Resource Center around 2011, “without any consultation, or discussion”, much like the eventual fate of the Women’s Resource Center itself in mid-2015. The University of Maine held a 10-year anniversary event for the project in November of 2010; its director at the time, Carey Nason, stated that the Safe Campus Project “...[got] their message out to several thousand people a year... through traditional and web-based social media and other activities” (UMaine Today, November 2010). The Safe Campus Project, which was a representative organization for the Maine Coalition

Against Sexual Assault (MECASA), was hailed as a “key campus organization” by Elizabeth Ward Saxl, the executive director for MECASA, before its defunding. “Given the high prevalence of sexual violence that occurs on college campuses across Maine, [the Safe Campus Project is] ... an important step” (UMaine News, October 2011). The Safe Campus Project no longer exists at the university (Uteuova, February 2017). Sharon Barker, former WRC director, also commented on the lack of Women’s Health Services. Women’s Health Services - which acted in a way similar to Planned Parenthood - was once located in its own wing of Cutler Health Center. In 2017, Barker commented that “...it was disbanded 15 years ago” (Uteuova, February 2017). Klein, former project director of the Safe Campus Project, stated that “...[the] loss of [the project] and [the Women’s Resource Center] ... is a reflection of little to no university support for these issues” (Klein, 2017).

In September of 2002, the University of Maine Student Conduct Code Committee determined that two undergraduate students, Stefan Gomes and Paris Minor, had committed sexual assault against an anonymous female student in June of that same year. Stated at the disciplinary hearing, such disciplinary action against a student for an incident of sexual assault can become part of that student’s permanent educational record. 152 courts have recognized the greater consequences of student disciplinary action, specifically noting that the “...potential consequences reach beyond [a student’s] immediate standing at the [college]” (Gomes v. Univ. of Me. Sys., D. Me. 2005). In this same case that occurred here at the University of Maine in 2005, the court did acknowledge that “The University’s decision could ‘interfere with later opportunities for higher education and employment.’” It was stated at this hearing that those charges

“...could have a major immediate and lifelong impact on [their] personal life, education, employment, and public engagement” (Gomes v. Univ. of Me. Sys., D. Me. 2005).

All of this, however, comes amidst an acknowledgment from the Supreme Court that argues that while a person’s good name, reputation, honor, or integrity is at stake, “...the minimal requirements [of action] must be taken.” CNN argued that “...though the punishment [at college] isn't as severe as in criminal cases, it's significant for both the accuser and the accused. It can end a college education, and critics of the process say it can unfairly damage lives” (Ganim & Black, December 2015). This seems to simultaneously argue that whereas these accusations could be true and the individual needs considerable consequences for their actions, these same actions could harm an individual’s integrity, and should be taken as lightly as possible. This same court case also stated that the “...University's disciplinary process was not ideal and could have been better” (Gomes v. Univ. of Me. Sys., D. Me. 2005). The two assailants were former members of the University of Maine football team, and were suspended - not expelled - from the University. New York Times published an article with a statement from Harry Richardson, the lawyer of the two: “In my view, this is an academic lynching” (Roberts, October 2002). Richardson was formerly a University of Maine football player. The woman, who remained anonymous, stated that she left the University after the incident because “...they couldn't guarantee my safety... I have a protection order against Paris and Stefan, but I'm scared.” Former football coach, Jack Cosgrove, stood by the player’s innocence throughout the incident; “This [accusation of sexual assault] is something where I cannot be wrong... I can't be wrong on this” (Roberts, October 2002), placing his trust in the bond between teammates and coach. Some may consider Cosgrove’s

loyalty to his football team honorable - but the New York Times article in which his interview was published noted that "...Coaches have been known to dissuade a victim from going to the authorities with a simple, "We'll take care of it internally, honey"" (Roberts, October 2002). The author also notes that Cosgrove was unable to answer why the victim would jump through such hoops if she was not telling the truth - and that should he be wrong, "the same woman is victimized yet again" (Roberts, October 2002). Both Gomes and Minor filed a lawsuit against the University but later dropped the charges and transferred (Michigan's Thumb, 2003).

In 2004, professor at the University of Maine as well as a University of Maine alumnus, Sandra Caron, would create a group that still exists on campus today. Known as the Male Athletes Against Violence (MAAV), the program is comprised entirely of upperclassmen, male Black Bears' athletes whose mission is to challenge traditional roles of masculinity and to educate students and people that sexual abuse and violence against women is very much a man's issue. MAAV would grow to annually be involved in an event that would come to be known as an annual event on the campus - "Walk a Mile in Her Shoes". An event in which male student athletes are invited to walk in female shoes in order to show resilience against sexual assault and domestic violence towards women on college campuses, Caron found supporters in football coach Jack Cosgrove, as well as other Black Bears' coaches. MAAV typically has 10 upperclassmen males in the program each year.

In the fall 2007 semester at the University of Maine, a survey was administered to first-year students living in the UMaine residence halls. Some 994 students, representing 58 percent of the residence halls population, provided usable responses. Among other

issues, students were asked if they had observed discriminatory or harassing behavior at UMaine based on: Gender 70% responded never; Race/Ethnicity - 73% responded never; Sexual Orientation - 70% responded never; Social Class - 78% responded never; Disability - 80% responded never. In addition, they were asked if they had ever personally experienced discriminatory/harassing behavior at UMaine based on: Gender 89% responded never (University of Maine, "The University of Maine Self Study Report", 2009).

2010 and the years thereafter would bring great change to the University of Maine, both in their system wide language and in their individualized policies. In one of the more well-known incidents of sexual assault on a fraternity property at the University of Maine in 2010, an anonymous female student attended a party at the fraternity Delta Tau Delta. She went to University of Maine student and Delta Tau Delta member Joshua Clukey's room at the fraternity and was subsequently sexually assaulted. The following day, the girl reported the incident to the president of Delta Tau Delta, and the fraternity expelled Clukey the next week. Later that year, Clukey pleaded guilty to the assault, as well as to furnishing alcohol to a minor (Harrison, June 2015). In December 2010, Clukey pleaded guilty to one count each of assault and furnishing alcohol to a minor. He was ordered to pay a \$1,000 fine, according to the Bangor Daily News archives (Harrison, J., June 2015).

From November 16-19, 2010, the United States Department of Education issued a review of the University of Maine through the Clery Act Compliance Team. The review's focus was to ensure that the institution was behaving accordingly within the means of the Clery act. The review was randomly selected, and not due to any specific reports against

the University. However, the Clery Act Compliance Team cited the University for failing to report sexual assaults from all available resources. This meant that the University of Maine had failed to report three sexual assaults from campus security authorities (CSA). Offices with figures of campus security authority did not have any standardized methods to alerting the campus police department as to any reported incidents of sexual assault, and some offices did not even respond to the university police department's email requests as to any reported incidents. Thus, after being cited by the USDE and the Compliance Team, the University of Maine concluded that three sexual assaults had not been correctly reported in their 2009 calendar year Annual Security Report. Ultimately, the University was asked to standardize their procedures in terms of gathering incident data from CSAs, and reported to the USDE that they had "detailed [their] new internal policies and procedures for requesting and compiling crime statistics" (USDE Final Program Review Determination, April 2015). It should be noted that despite the fact that this misinformation took place in 2010, the final review was not published until 2015. This did qualify as a Clery Act violation on the terms of the University of Maine, though no fines were issued. The determination was not able to be appealed, and the USDE issued a document reminding the University of Maine of the seriousness of the issue at hand, citing the Violence Against Women Act and reminding them of their responsibilities to "...re-examine its campus safety and general Title IV policies and procedures on an annual basis to ensure that they continue to reflect current institutional practices and are compliant with Federal requirements" (USDE Final Program Review Determination, April 2015).

At the University of Southern Maine Gorham, six sexual assaults would be reported in 2010. 15 sexual assaults would be reported at the same campus in 2012 (Gallagher, 2014). During this time, administrators from the University of Southern Maine blamed these higher statistics on the fact that federal grants had allowed them to expand their education programs and resources revolving around sexual assault reporting. Joy Pufhal, director of student life and dean at the University of Southern Maine at the time, stated that the reason for this upswing in numbers was due to the creation of "...a culture of reporting. The increase in numbers reflects an institution that is responding. There is... awareness that we have zero tolerance... and... that we're prepared to deal with it" (Gallagher, 2014). In a stark contrast to the University of Southern Maine's jump in reports, the University of Maine Orono dipped in its reports of sexual assault - "...report[ing] five sexual assaults in 2012, down from nine in 2010" (Gallagher, 2014).

The following year, December faculty notes from the Faculty Senate mention that "...[the policy] issue has been discussed since 2011... [and] several faculties was consulted and then the System entered the discussion to change UMaine System policy" (Faculty Senate Notes, December 2014). However, there are no documentations of these 2011 discussions within the Faculty Senate notes available on the University of Maine website. Otherwise, there is little faculty documentation on the topic of sexual assault whatsoever at the University of Maine throughout meeting minutes and documents available throughout the 2011-2012 school year. There is also no documentation at faculty meetings for any discussion involving policies, programs, resources, or the policy itself before the update throughout 2012-2013 until its first mention in December of 2014.

In August 2013, the Office of Sexual Assault and Violence Prevention (OSAVP) at the University of Maine was established. Elizabeth Lavoie was named Coordinator of Title IX and OSAVP by Dean Dana during this time (Rhoda, 2014). The mission statement of the OSAVP reads currently on their website as “...work[ing] to promote a safe community for everyone. We strive to reduce sexual assault, relationship violence, and stalking by encouraging healthy and consensual relationships” (OSAVP, University of Maine website, 2017). The OSAVP has established sexual assault presentations, brochures, and other methods of accessing resources throughout the University of Maine campus. Accessibility to 24-hour services, anonymous resources, and a multitude of options for a victim of a sexual assault indicates the determination of the program and the University of Maine to reach out to their intended audiences.

According to UMaine’s records during this time, most students reporting sexual assault, sexual harassment and stalking in the spring and fall of 2013 did not pursue investigations, whether through the conduct hearing process or police. Of the 33 students who reported sexual assaults in that time, 23 did not pursue an investigation. Of the 32 students who reported sexual harassment, 21 did not pursue an investigation. And of the four stalking reports, three did not pursue an investigation (Rhoda, 2014).

In 2013, when student complainants did come forward, about 44 percent of stalking, sexual violence, harassment, sexual harassment, hazing, and physical assault or threatening allegations resulted in the offending student being found responsible. Thus, we have less than half of accused students being found guilty of the accused crime. This is, of course, taking into consideration that some victims who came forward would not reveal the name of the perpetrator, and some could have filed a police report outside of

the University Police system. Yet the fact remains that students fear coming forward with reports of assault (Rhoda, 2014).

The number of cases at the University of Maine Orono soared to 24 in 2013. This was likely because this was the year that recommendations to beef up sexual violence education and reporting policies took effect (Portland Press Herald Editorial Board, November 2014). The University of Southern Maine experienced different statistics - after receiving federal grants to employ education and resources regarding sexual assault reporting in 2009, sexual assault numbers continued to drop from six in 2010, to 15 in 2012, to a mere four in 2013 (Portland Press Herald Editorial Board, November 2014).

As according to the Violence Against Women Act, the Clery Act, and thus federal law, all federal higher institutions as of the 2014 school year were now instructed to implement and extend their sexual assault policies. To be in accordance with the Clery Act and VAWA, an updated draft was established for the Title IX and University of Maine Sexual Assault Policy enforcing that all University employees act as mandatory reporters of sexual assault. The draft was established on July 23rd, 2014 and approved in November of 2014. This meant that all syllabi from that point on must incorporate the mandatory sexual assault policy, beginning in the spring semester of 2014. “The Spring Syllabi must now have a statement ‘If you tell a teacher about an experience of sexual assault... your teacher is required to report the information to the Sexual Assault office or to OEO’” (Faculty Senate Meeting Minutes, December 2014).

Also updated in 2014 was the University of Maine System definition of consent (See Appendix) in terms of sexual assault. Found within Section V, the policy reads that

“Consent is agreement to engage in sexual contact. Consent must be informed, freely and actively given, and consist of a mutually agreeable and understandable exchange of words or actions. Consent is clear, knowing and voluntary. Consent is active, not passive. Consent may be withdrawn at any time” (Revised Sexual Assault Harassment Policy Procedures, University of Maine, November 2014). The updating of this definition of consent - a transition from the previous “no means no” - resulted in all students and faculty having to take a training on sexual assault prevention, reporting, and understanding consent. “The mandate creates an expectation of action on the part of bystanders, making prevention a community responsibility” (Portland Press Herald Editorial Board, November 2014). This updated policy was seen as a “welcome shift” by the public, and all seven University of Maine System colleges adhered to this updated definition (Editorial Board, Portland Press Herald, November 2014).

The Board of Trustees approved and ratified the new policy on sexual assault unanimously (Maine’s Public Universities, 2014). The University of Maine policy also refers to accusers as “complainants” rather than “victims” or “survivors,” which acts as a way to maintain political correctness without stating one is guilty or innocent (Schow, 2014). In a National Public Radio interview, University of Maine Dean of Students Robert Dana commented on the urgency and pressure on colleges to prove that they are dedicated to preventing sexual assault. In terms of the college climate at the University of Maine at this time, he noted that “...Colleges and universities are... very jittery about it.” In terms of reporting an assault to university officials, he also noted that “...some rush to judgment is inevitable,” (Smith, September 2014).

Ironically, students do not need to consent to admit to any incident where their consent was rejected or ignored. Many students fear repercussion from the university, their peers, and even the perpetrator of the attack - as well as judgment from their teachers and those within their campus culture. Students may fear reporting to a professor or faculty of the University of Maine - intentionally or unintentionally - because not only are "...about 85 to 90 percent of sexual assaults reported by college women are perpetrated by someone known to the victim" (Most Victims, National Institute for Justice), but RAINN reports that an average of seven out of ten sexual assaults are committed by someone that the victim knows personally, making the decision to report more difficult; a victim of sexual assault may fear ostracization from others within the campus culture if their assailant is a friend of many - or even fear they may not be believed. This, in addition to the fact that most victims fear further interaction with the perpetrator if they do move forward with an accusation, can deter individuals from coming forward in the first place.

The majority of faculty on campus agreed that any immediate and severe threats to a student's safety should be immediately reported (Gluckman, 2014). The policy itself states that every and all employees of the University are obligated to report any incident of sexual assault when learned of by the employee. The policy also states that reporting the assault - whether told in confidence or not - must occur, but not necessarily to local police. However, in cases where the threat implies forthcoming harm to the student, the report must go forward to police.

This updated policy, which reinforces professors to come forward with reports from students, could also be interpreted as acting against federal law. The Violence

Against Women Reauthorization Act requires colleges and employees to alert victims of sexual assault that they have the given right to deny involvement of law enforcement (Bidwell, 2015). Requiring an official report of law enforcement by a mandatory reporter, therefore, would remove that student's right to decide whether or not they want to involve law enforcement with their case. College students reported in a study that the potential negative outcomes of such a policy could include "...reduced victim autonomy and diminished reporting" (McNeill, May 2016).

Stated at the initial meeting to implement the policy, trustees offered disapproval, with one member stating that they were "...curious ... [how to] balance the victim's desire not to report to law enforcement with campus safety" (Gluckman, 2014). Many faculty members initially admitted worry that the policy would endanger the trust between themselves and students. The primary worry is that fewer students will come forward if they are under the impression that speaking leads to a report, which leads to personal information, with and sometimes without their permission to do so. Even further than this, professors were concerned that students who do utilize the mandatory reporting policy may need further assistance and explanation from the professors, who may not be entirely qualified in that area. In fact, trust was listed as one of the primarily significant issues that helped to determine if and to whom survivors of sexual assault reported (Sable, Danis, Mauzy, & Gallagher, 2006). Other widely acknowledged factors that can deter individuals from reporting include "...a fear of the loss of confidentiality" (Logan et al., 2005; Sable et al., 2006). Ultimately, the choice to include or disclude this information on the syllabus was not permitted to the faculty.

Including the policy within syllabuses might solve the problem of faculty members having to explain or reiterate their position as mandated reporter, but some professors still find it, and the policy itself, problematic and not well-understood by the faculty as a whole. Sandra Caron, a professor here at the University of Maine campus, said that she does include the policy within her syllabi because she wants her students to be able to make an “informed choice” about coming forward. However, her greatest concern is still focused on balancing the needs of the victims while still allowing students to maintain control of the situation. She noted a fear of a so-called “chilling effect” within the classroom, which could certainly play a role in determining whether or not a student might participate in a class discussion, what they may write about in an essay, or even whether or not they may approach a professor for a personal issue - all for fear that an unintentional report may arise from their comment (Flaherty, 2015). “If a student comes to us and, because of the level of distress, begins pouring out their experience, it’s not the time -- or it seems really insensitive to say -- ‘Stop, wait a minute, I’m a mandated reporter,’” said Catherine MacGillivray, associate professor and director of the women’s and gender studies program at the University of Northern Iowa (Flaherty, 2015). Thus, many professors are uneasy with the mandatory reporting policy; either they respect the trust and privacy between themselves and the student, or they succumb to the factors of accountability for the University as a whole. Student at the University of Maine, Amber Hathaway, stated that the mandatory reporting policy is “demeaning”, and that it “takes away [student’s] decision-making power by assuming that the student is incapable of making an appropriate decision for themselves... The mandated reporting policy on campus infantilizes survivors by assuming that they are not competent enough to make

the appropriate decision for themselves and it gives them even fewer people they can turn to” (O’Malley, March 2017).

Robert Milardo, another professor of family relations at the University of Maine, views the updated policy as “...basically one-sided, in that it serves the needs of the institution, the University of Maine, to report and investigate allegations of sexual assault and related issues, but it doesn’t deal effectively with student advocacy.” Students should have a “confidential source they can go to -- and that includes faculty” (Flaherty, 2015).

Faculty members also worry about what details they would need to include in their reports. The updated policy demands that faculty members need to disclose “all relevant details about the alleged sexual discrimination shared by the student that the university will need to determine what happened -- including the names of those involved, any witnesses and any other relevant facts, including the date, time and specific location of the alleged incident” (Flaherty, 2015). Many fear that this policy is, in fact, simply ensuring that the University is secure in its federal compliance to Title IX, the Clery Act, and the Violence Against Women Act - rather than acting as an advocate for the students.

Before the policy update, David Fiacco, the primary director at the University of Maine Office of Community Standards, Rights, and Responsibilities, discussed the importance of the campus culture and how the policies on this topic must adapt to that culture (Rhoda, 2014). However, a Trustee member within the University of Maine System (UMS) admits that although this updated definition of consent and mandatory policy is in agreement with most federal regulations - primarily the Violence Against

Women Act- these definitions and regulations are not well-understood by the average person (Gluckman, 2014).

The policy is 'enforced' by an online sexual assault prevention training required by all staff and faculty members at any university within the University of Maine System (including all branches of the University of Maine). However, only students that are employed by the University are required to take the sexual assault prevention training (University of Maine Sexual Assault Prevention Training, April 2017). The University of Maine website featuring a link to the training states that the training is "...considered mandatory by the State of Maine" (University of Maine Sexual Assault Prevention Training, April 2017). Both students and employees must receive a score of at least 75 percent correct, or will fail and need to re-take the sexual assault awareness test.

Although the training required by all staff and employed students helps awareness of the issue on an individual and campus-wide scale, that training indicates that professors simply have the same level of sexual harassment and assault training that their students do - nothing more or less that is required by the University of Maine System.

As well as this, a large amount of students at the University of Maine are not employed by the University - meaning they are not in any way required to take the preventative training course. Although the development and implementation of such programs are generally seen as a positive trend, students, administrators, and researchers want to know, "Do these programs work?" The answer, of course, depends a great deal on the manner in which effectiveness is defined (Breitenbecher, 2010). In comparison to the aforementioned online trainings implemented by colleges such as Clemson University and St. Olaf College, many view these online training courses as essentially worthless in

their preventative capabilities, and are more for the benefit of bystander intervention and understanding student's rights to come forward than for intervention purposes. In one article, the author describes her daughter's required online course training on sexual assault prevention before attending the University of Michigan, "...but just a few weeks into her first semester, a student reported being sexually assaulted in the central quad on campus, and two young women she knew said they had been raped while on dates" (Steinhauer, 2014).

Contrarily, however, resides the argument that ensuring all staff and employees are mandated reporters simplifies the process of a student finding an available and easily accessible method of seeking help and reporting, Brett Sokolow, the CEO of The National Center for Higher Education Risk Management (NCHERM), stated "...If everybody's a mandated reporter, it simplifies who's who, and it simplifies the training" (Flaherty, 2015). This statement suggests that a campus-wide mandated reporter policy not only shortens the distance between a student and a resource, but also clarifies who is responsible for what on a faculty level. The idea of the policy seems to be that if everyone is a mandated reporter, a student will feel more surrounded by opportunities and options to reach out for help if they felt necessary, rather than far from resources. There are certainly other positives to this reporting standard - mandatory reporters will make it easier to investigate and discipline those that engage in sexual harassment. And without a doubt, the policy sets the right tone. University of Maine spokesperson Dan Demeritt says the system implemented such a policy "to optimally create a culture of student safety, care, and development" (Flaherty, 2015). However, it is only the beginning -

shaping the faculty culture to adhere to student needs is a start, but the culture within the student community must also be flooded with worthwhile resources.

Ultimately, faculty of the University of Maine should encourage this policy, but only as a part of the overall goal in reducing sexual assault on campuses (BDN Editorial Board, 2015). Robert Dana - at the time the Vice President for Student Life - noted that the launching of this policy will certainly reflect in the number of reports that the University will inevitably receive moving forward. Dana also noted that this was "...much more realistic [for the campus]". Nancy Cantalupo, the assistant dean for ethical programs at Georgetown Law in Washington, has said that the Clery Act - by holding colleges responsible - simply provides an incentive for institutions to keep their sexual assault numbers low, which is not the goal. Instead, she advocates for intervention programs, that help educate both men and women on how to intervene in a potentially dangerous or threatening situation involving sexual assault. Cantalupo, a strong advocate for adapting to the campus culture in order to take steps to end violence - rather than what the Clery Act advocates for, which is solely reporting to the University (Jost, Campus Crime, 2011).

During this same time period, Maine Judicial Court was seeking blame for a sexual assault that "could - or should... have been foreseen" on the University of Maine campus (Koenig, December 2014). In the incident involving Delta Tau Delta and University of Maine student Joshua Clukey back in 2010, the case was reopened by the Attorney, Thomas Douglas, who was representing the victim, who was seeking the highest court of the state of Maine to overturn the previous Superior Court judgment - which was in favor of the fraternity Delta Tau Delta - in order to allow his victim to

proceed with a lawsuit against the national organization of the fraternity. Douglas stated to the court that “...What distinguishes this from other cases against Delta Tau Delta is the specific foreseeability of this crime. This is not an isolated case where they could say, ‘How could we have possibly known this person was dangerous?’” (Koenig, December 2014). The Maine Supreme Judicial Court did not reach an agreement on the matter as of December 2014.

2014 collectively ended with 9 reports of rape on campus in the Annual Campus Security report at the University of Maine, as well as 4 reports of rape off of campus (Campus Safety & Security, 2017).

In the summer before the fall 2015 semester began, the University of Maine quietly defunded and shut down the Women’s Resource Center on campus, choosing to instead funnel that funding into the Rising Tide Center. The Women’s Resource Center, which - for 23 years - had provided health assistance and counseling support for victims of domestic and sexual violence was no longer in existence. The Women’s Resource Center (WRC) was a center focused on promoting gender equality, sexual equality, reproductive health, and counseling for domestic and sexual assault victims. Though the Rising Tide Center does provide some of these same qualities, its drive and primary mission is to promote women faculty into typically ‘male’ career paths, such as science, engineering, and math-related fields. “For the last 6 years, the focus of Rising Tide initiatives has been ... enhancing the climate at UMaine, clarifying policies and procedures that affect retention, reducing isolation, and providing professional and leadership development opportunities for women faculty” (University of Maine Rising Tide Center, 2017). These objectives very clearly differ in their intention from those of

the Women's Resource Center; Though its website was deactivated, their remaining Facebook page states that their mission is "...To promote and maintain a positive and supportive climate for women at the University and to provide linkages with women and women's organizations throughout the state of Maine" (Women's Resource Center, Facebook, 2015). Sharon Barker, former director of the WRC, stated that "Advocacy, I think, was one of the most important things that we did, as well as the connection with feminist women. I would refer students to other women on campus who had different expertise. It was that referral resource development... We did a lot of behind the scenes work that wasn't necessarily credited to us, but we were a catalyst that brought attention to these issues" (Uteuova, February 2017).

In the first Faculty Senate meeting after publication of the policy within the syllabi, faculty were already split between those asking to rescind the policy statement from their syllabi and those who did not see any issue. "The Faculty Senate suggests that the requirement to include a statement in all class syllabi regarding sexual discrimination policy and mandated reporting be rescinded. Discussion: Someone asked, "...what's the issue..." (Faculty Senate Notes, January 2015). Other faculty noted that "...there may be a better way to communicate the policy instead of the syllabus." On the same note, Dr. Dana added that it is the faculty's responsibility to educate the students, and that the "more this is discussed, the more it comes into the light." (Faculty Senate Notes, January 2015). Ultimately, it seemed that upon the first month of implementation, the faculty was "...split ½ and ½" regarding the issue of incorporating the policy on the syllabus (Faculty Senate Notes, January 2015). From faculty notes, we can see that faculty verbalized their personal issues with students

approaching them in hopes of confidentiality, but being forced to report. To combat this, Dr. Dana responded stating that a student could be sent to a confidential officer on campus; but not only does the policy not guarantee confidentiality with those officers, either, that can also be degrading to the value of the student and teacher relationship, eliminating their layer of trust. Those who were not necessarily opposed to the survey admitted that although it is good to have it in their syllabi, "...This is an important issue and [we] need to get it right. It needs to have discussions, not...put [solely] in the syllabus" (Faculty Senate Notes, January 2015).

Interestingly, during this particular meeting an excellent point was brought up - why is the policy only brought up in the syllabus, not including the student code of conduct and other University of Maine student documents? (Onsrud, Faculty Senate Notes, January 2015). Dr. Dana responded by saying that the addition of the policy to the syllabus "encourages [both] student and faculty knowledge." He then continued on to say that "...faculty seem to be unaware of the policy." Robert Milardo stated "...[the policy] being on the syllabi doesn't convey the complex issue. Students discuss something... [and] they may not realize that the faculty now needs to report [it]. It really doesn't educate the faculty or students." Dean Dana restated that the addition of the policy to the syllabus was so that "everyone knew the policy". It is clear from this meeting that, despite the fact the policy was imposed on every syllabus across the University of Maine, faculty were struggling to grapple its meaning, extent, and their responsibilities to it.

From this particular time in the policy's development, the only requirement was "... that everyone knows about it" (Faculty Senate Notes, January 2015). As evident from notes from just this faculty meeting, not only were - and are - some, if not a majority, of faculty not aware of the policy's extents and implications, but this offers insight into the effectiveness of the online Sexual Assault Training that had been issued the semester beforehand in hopes to guide the University of Maine community into the policy change.

The very next month, it seemed that the topic had calmed, and the tone of the faculty senate had changed. In fact, faculty senate discussed the topic briefly only once more before the end of the semester. Faculty continued to push to increase participation of all resources and faculty to advocate for victims of sexual harassment and sexual assault (Faculty Senate Notes, February 2015). It was then recommended that a specific Task Force be created with the approval of University of Maine President, Susan J. Hunter. "...The Faculty Senate of the University of Maine recommends President Hunter convene a Presidential Task Force with full participation of all stakeholders including faculty with specialized expertise in sexual harassment, assault and discrimination, representation of faculty senate, the director of Victim Advocacy, graduate and undergraduate students, public safety, community members (e.g., Spruce Run/ Womancare and Rape Response Services), and representation of the administration. The charge of this task force will be to develop a comprehensive policy on sexual discrimination that balances the interests of the institution with a clear interest in victim advocacy" (Faculty Senate Notes, February 2015). By the end of the first semester of the policy inclusion on the syllabi, however, confusion was still evident.

Faculty Senate discussed in late April of 2015 the fact that the previous sexual assault reporting policy had been mailed out to students and parents, rather than their updated version that was now incorporated on all syllabi. This caused questions to arise, including whether or not the policy was still “updated”, and whether or not the sending of the old policy meant that faculty were still obligated to include the “updated” policy on their syllabi. “Is the sexual assault policy still in effect as it was before, do we add it to the syllabus or not? A new handout came in the mail that had the exact policy as before. If there’s a new policy, why was this one mailed out?” (Faculty Senate Notes, April 2015). As a whole, the first semester of policy implementation seemed riddled with both staff and student confusion as to how to thoroughly and properly uphold the policy and its standards under the Clery Act, VAWA, and Title IX obligations.

Before 2015, the Clery Act did not require that individualized data for rape, fondling, incest, and statutory rape be collected by institutions of higher education across the nation. Prior to this adjustment, such statistics were reported under the combined statistic of “sex offenses”. Therefore, no data exists for individualized rape, fondling, incest, and statutory rape before that year. Rape and fondling were unified under the sex offenses “forcible” category, and forcible, incest, and statutory rape were unified under sex offenses “non forcible”. As of the 2015 data collection, statistics for Sex offenses – Forcible and Sex offenses – Non Forcible were no longer collected (Campus Safety & Security, 2017). Looking at the 2015 Annual Security Report here at the University of Maine, it is evident that the number of reported sexual assaults have declined since 2013. In 2013, 24 total sexual assaults were reported, including on and off campus. 19 of these occurred on campus. 18 of them occurred in on-campus housing facilities. 5 of them

occurred off of campus property. In 2014, 13 total sexual assaults were reported, both on and off campus; 9 of them occurred in on-campus housing, and four occurred off of campus property. In 2015, 16 sexual assaults were also reported on campus. 14 of these occurred within on-campus housing facilities, and none were reported off of campus property (University of Maine Annual Security Report, 2016). Dartmouth college, who has faced Clery Act violation charges in the past, has also seen a drop in sexual assault reports in 2015 compared to recent years. Dartmouth had 17 reports of rape in 2015, versus 42 in the year prior. However, this does not mean that the mandatory reporting policy has discouraged students from coming forward- students could simply be using more confidential resources, as the number of on- and off-campus resources continues to expand. Confidential resources outside of the University do not comply or fall under the category mandated by the Clery Act to be reported in the Annual Security Reports, and could very well be a reason for the decline. Dartmouth Director of Safety and Security, Harry Kinne, noted that there are simply "...[many] more avenues of confidentiality [and outreach] than there has been in the past" (Zhou, 2016). In terms of our own decline in reported rapes, this could also be the case. Elizabeth Lavoie, Title IX Coordinator for the University of Maine, when asked about the successes of the Office of Sexual Assault and Violence Prevention and the mandatory reporting policy updates, stated that "As for the effectiveness of the reporting policy - I can tell you that since my office was established in 2013 my services have increased steadily with each academic year. I have been able to help students who have experienced all forms of gender discrimination including: Sexual harassment, sexual assault, dating violence, domestic violence, and stalking" (Lavoie, April 2017). Thus, we can draw the conclusion that incorporation of sexual assault

reporting and resources in all syllabi has done good for the campus community. Despite the fact that technical reporting numbers have appeared to decline, more resources are in place for the University of Maine than ever, and students have more access to confidential resources - as well as mandatory reporting resources - than ever in UMaine's past. Therefore, it should be considered that students are taking greater advantage of both options. Dartmouth Title IX Coordinator, Heather Lindkvist, also stated that in terms of Dartmouth's decline in sexual assault reports, she "... cannot definitely determine the cause of the decline in reported rapes, [but] the shift in confidential resources may be one facet" (Zhou, 2016).

Across the University of Maine System for the year 2015, the University of Maine ranked as number one for most reported incidents of rape, sexual assault, and other Clery Act required categories. The University of Maine Orono had 16 reported rapes total in 2015, whereas the University of Maine Fort Kent had one, the University of Maine at Farmington had six, the University of Maine at Machias had six reported rapes and one incident of fondling, and the University of Maine at Presque Isle had three reported rapes. Other VAWA offenses recorded included one instance of domestic violence and one instance of dating violence at the University of Maine Presque Isle. The University of Maine Orono was the only other school within the system with VAWA offenses, including two domestic violence incidents, nine dating violence incidents, and five stalking incidents. The University of Maine Augusta had no rapes reported, but did have one reported incident of fondling. No statutory rapes were reported anywhere (Campus Safety & Security., April 2017). It should be noted that while the University of Maine Machias had only 786 students enrolled in 2015, they had the second highest number of

reported rapes across the University of Maine System. In comparison, the University of Maine Orono had 10,922 and only 16 reports; if the University of Maine Orono was comparing reports in terms of Machias crime statistics versus registered students at this time, Orono should have received an estimated 83 rape reports that year. A sophomore in 2015 at the University of Maine at Machias commented on a review site for the University that “..Sexual assault is so actively prevented that students passively complain about the campaign going... too far... There is not a sexual assault problem on campus” (Niche.com, January 25, 2017).

In 2016, campaigns and debates were brought to campus that focused on popular women’s rights issues in the media. One of these issues particularly drawn to the University of Maine was what has been dubbed the ‘Ke\$ha’ issue, referencing pop singer Ke\$ha and her sexual assault charges against her music producer known as “Dr. Luke”. Ke\$ha has been unable to produce and release music due to this court case against her perpetrator, as he is also her music producer, and thus her career has been simultaneously halted. The judge threw out her requests to dissolve her recording contract with her assailant, as well as for monetary damages (Brodesser-Akner, October 2016). This has led to a campaign known by the hashtag #FreeKesha, and has triggered further discussion of sexual assault and sexual assault reporting across the United States. This led to the Office of Multicultural Student Life and Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Services hosting a discussion on this topic on the University of Maine campus in the spring semester of 2016 (Lane, March 2017). One of the primary purposes of the event was to get students discussing topics they “...don’t really want to talk about,” Patrick Nason, a second-year student who helped facilitate

the event, said. “I feel like people can learn a lot of stuff from this... I think this is important because no one wants to talk about it” (Lane, T. C., March 2017). Another voice on the topic came from Arianna Sessoms, the Graduate Assistant Program Educator for the OSAVP at the University of Maine. She believes that accessibility to responsible and appropriate discussion forums, such as this one, are vital to facing and helping end sexual assault. A primary issue for this topic is misinformation, “[leading to] victim-blaming and slut-shaming, especially when [a] victim reports... abuse. We can begin changing these views in our society by educating our local community and encouraging the importance of supporting victims and survivors of sexual abuse on campus,” Sessoms said. According to Sessoms, discussions at the community level will create a ripple effect to help aid the end to rape culture at other institutions, in society and around the world. Her final words on the topic were “...Violence thrives in silence” (Lane, March 2017).

According to a Clery Compliance Officer here at the University of Maine, Steve Martell, there were many updates to the 2016 Clery Act and Annual Security Report at the University of Maine. “...Many definitions changed in 2016 and it was the first year that stalking, dating violence and domestic violence were required to be reported” (Martell, April 2017). Data for the 2016 Annual Security Report at the University of Maine has not yet been released.

In 2017, two years after the defunding and closing of the Women’s Resource Center (WRC) at the University of Maine Campus, members of the Student Women’s Association (SWA) began a petition to bring back the center. The petition, available

online, features a statement from the SWA as follows: “We, the Student Women's Association, demand the University of Maine recognizes the needs of the female student body... not providing this space is irresponsible and a disservice to women and all students who benefit from having an administration that commits to gender equality” (Student Women’s Association, Change.org, March 2017). Student comments featured on the petition include one from a student at the University, who wrote “...I reported sexual harassment to my Title IX officer at UMaine in Spring 2016 [and] the harassment had a negative [and] stressful impact on my life [and] my work as a student... I would have benefitted enormously from a safe, supportive space [within] a small campus where I saw my harasser almost everywhere” (Satori, March 2017). Thus far, the petition has collected over 1,000 signatures, and it was recently announced that progress is in the works to re-implement the Women’s Resource Center within the Memorial Union on the University of Maine campus.

Programs and resources exist both within the faculty culture and the student culture for victims of sexual assault and advocates for student resources. Local fraternity to the University of Maine, Beta Theta Pi, hosted its 24th annual “Sleep Out” in February of 2017, aimed towards raising money for Bangor Rape Response Services. The public relations chair of the fraternity noted to local news station WABI that the Sleep Out was created with the intention to show the fraternity’s “...firm stance against sexual assault in Maine and in our community,” and that each year the fraternity sees “...a lot of support from our campus with this” (Krinjak, 2017).

As of 2017, federal, state, and local Maine laws currently indicate “sexual violence” as an all-encompassing, non-legal term that refers to crimes like sexual assault,

rape, and sexual abuse (Sex Crimes: Definitions and Penalties: Maine, RAINN, 2017). RAINN's State Law Database defines Maine's sexual assault as 'gross sexual assault', incorporating rape under the conditions of unconsciousness, age, power and control through job or money over the victim, and dozens of other thorough descriptions.

Maine's state laws on all forms of rape or sexual assault seem all-encompassing, particularly in comparison to California's description of rape (Sex Crimes: Definitions and Penalties: California, RAINN, 2017). In the aforementioned and well-known case of Brock Turner, a student at Stanford University who raped an unconscious girl in 2015, the incident took place in California - where, as state law describes, Turner did not technically "rape" the girl - as California law describes rape as an act of sexual intercourse in which the victim cannot provide consent and/or is unconscious. Because Turner did not penetrate the victim with his penis, rape did not occur in the eyes of Californian law. He was charged only with sexual assault, and served only six months in prison (Salyer, 2016). This comes in sharp contrast to some states who do not define unconscious forms of sex, such as oral, as rape. For example, as of just 2016, Oklahoma does not "criminalize oral sex with a victim who is completely unconscious"; this ruling came "unanimously] ...by the state's criminal appeals court" (Redden, 2016).

This ruling comes as a shining example of terminology and incident not agreeing with law. Oklahoma has a separate rape statute that protects victims who were too intoxicated to consent to vaginal or anal intercourse; yet "there are still gaps in the ways laws are written that allow some cases to fall through the cracks," Jennifer Long, leader of a AEQuitas - a group that helps guide sexual assault victims through prosecution, said. "This case - because it did not involve vaginal rape but an oral violation - seems to be

one of them” (Redden, 2016). Maine’s state laws directly address this issue with the statement that “...A person is also guilty of a sex crime if the actor intentionally subjects another person to any “sexual contact” and... the other person is unconscious or otherwise incapable of resisting and has not consented to the sexual contact” (Redden, 2016). In short, Maine currently adheres to the “Yes means yes” consent policy, and has one of the most extensive and encompassing list of sexual assault definitions in the country.

The University of Maine currently differentiates between sexual harassment and sexual assault within its sexual assault reporting policies. Sexual harassment is defined as including “...unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, including sexual assault and sexual violence”. Sexual assault, by the University of Maine, is defined as “Sexual assault means an offense that meets the definition of rape, fondling, incest, or statutory rape. Rape is the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. Sexual assault and sexual contact prohibited by Maine law are also included” (The University of Maine - Office of Sexual Assault & Violence Prevention - Sexual Assault, Harassment, & Student Conduct Code Policy, n.d.).

As it is required, students of all ages, sizes, shapes and cultures find the mandatory reporting policy within their syllabi of every course taught at the University of Maine. There is both a long and shortened version of the policy, either of which is allowed to be published in the syllabi. However, all syllabi emailed or printed to their students feature, at minimum, the following statement:

“The University of Maine is committed to making campus a safe place for students. Because of this commitment, if you tell a teacher about an experience of sexual assault, sexual harassment, stalking, relationship abuse (dating violence and domestic violence), sexual misconduct or any form of gender discrimination involving members of the campus, your teacher is required to report this information to the campus Office of Sexual Assault & Violence Prevention or the Office of Equal Opportunity.

If you want to talk in confidence to someone about an experience of sexual discrimination, please contact these resources:

For confidential resources on campus: Counseling Center: 207-581-1392 or Cutler Health Center: at 207-581-4000. For confidential resources off campus: Rape Response Services: 1-800-310-0000 or Spruce Run: 1-800-863-9909.”

_____ Ultimately, modern-day resources and policies at the University of Maine for those who have experienced sexual assault are welcome to disclose to any faculty member - who will then be obligated to report that instance to the Office of Sexual Assault and Violence Prevention. The trouble here begins with whether or not the student intended the faculty member to make a report, and whether or not the student intends to provide more information to University officials on the assailant. The policy, as of 2017, explicitly states that “...If the university honors the request for confidentiality, a complainant needs to understand that the university’s ability to meaningfully investigate the incident and pursue disciplinary action, if warranted, against the respondent(s) may be limited” (University of Maine Cooperative Extension, 2017).

Trends & Opportunities

The controversy surrounding one of the University's most recent implementations in the battle against sexual assault, the mandatory reporting policy, certainly remains - but its implementation is certainly a step in the right direction. Moving forward, it must be accepted that the implementation of the mandatory reporting policy cannot be retracted, or we risk losing progress. While mandatory reporting undoubtedly simplifies the process of accessing resources for victims of sexual assault, this does not mean that the University of Maine can nor should plateau their efforts to continue their dedication and progression regarding this cause. In terms of continuing to adjust to the mandatory reporting policy, the University of Maine must identify the needs of its faculty members and students. Questions for the University that could offer expansion for the campus climate and opportunities for progression of the University's policies and resources for victims of sexual assault can be divided into four categories: student input, accessibility, education & training, and resources.

Policies & Definitions

As shown in the timeline, the legal and social discourse of sexual assault as a whole as well as the sexual assault policies at the University of Maine and throughout the UMS have changed drastically throughout the past thirty years. The earliest mentions of policy implementation were mentioned in journalistic articles in the early 1990's that suggested that the only effective ways to prevent sexual assault at the University of Maine were to educate students on how to effectively and responsibly drink alcohol. It seems that there was a clear disconnect between faculty and student understanding of the

issue and its causations at this time. As the timeline progressed, the University of Maine and its external University of Maine System showed obvious updates regarding their handling and management of reports of sexual assault, such as the instance with UMFK professor Richard Dinsmore. When looking at our current policy implementations, SaferCampus.org writes that policies do have their drawbacks, including the fact that despite the recent surge in federal policy activity, such activism "... has also yielded an emphasis on compliance, which sometimes comes at the expense of high-quality, community-based solutions to supporting survivors and reducing campus sexual assault, dating violence, and stalking" (SaferCampus.org: Why does policy matter?, May 2017).

Other potential drawbacks to pushing policies alone include the education levels that go hand-in-hand with such policy implementation; it is clear from faculty notes that the majority of staff at the University of Maine campus were both unsure about the policy's limitations as well as their role in enforcing the policy. It could also be argued that students who have, in their histories, been negatively impacted and/ or marginalized by faculty, teachers, or figures of authority would still be unlikely to reach out to a faculty mandatory reporter. Ultimately, policies may not be exactly implemented as they are written and described; perfecting policies at the University of Maine that inform, educate, and arm both faculty and students or victims of sexual assault with the right knowledge to seek resources would be the most beneficial option. Again, the implementation of the mandatory reporting policy was a good step in the right direction - now, the University might see it as worthwhile to place focus on ensuring its staff is well trained and educated about their own rights regarding the policy, as well as promote training and understanding specific to both faculty and student demographics.

On that note, faculty are not the only targets in terms of making the policies better for all. Students should also be meaningfully informed on the topic of sexual assault, their role in preventing it, and the factors that perpetuate the “rape” culture on college campuses and within the campus climate. Effective campus policies on sexual assault should seek ways to inform and educate their students on sexual assault and the ways in which any student can fight back against sexism, racism, and cultural factors that play into sexual assault incidents. This could include trainings of various kinds, which will be looked at more in-depth later on. Policies that ignore or do not provide education on sexual harassment, stalking, sexual assault and consent are, therefore, ignoring the problem as a whole and not benefitting the student population. This is not to say that the University of Maine policy does so - yet education as a whole could be considered beneficial across any campus to students or faculty.

A current example of faculty policy implementation that ignores the issue is at the University of Missouri, where administrators are considering banning women from fraternity houses on Thursdays, Fridays, and Saturdays. The proposals, titled “Safety of Women Students in Fraternity Houses,” were put forward by a group titled MU Fraternity Alumni Consortium, who is not necessarily affiliated with Missouri University, but has worked with administrators in the past to suggest policies (Gray, 2015). Upon the leak of the proposals, students at Missouri University took to social media to express their disgust with the idea. This is an example, perhaps, of alumni input being more valued than that of current students, which could potentially lead to a policy that the undergraduate class at the college does not agree with. Thus, this proposal can be looked at as a deterrent for students seeking resources (Gray, E., 2015).

What should schools take into consideration when adapting an old or adopting a new policy? Most valuable would be student input - as far as the records show, there is little to no evidence of student input being valued and evaluated with the implementation of any policies or resources here at the University of Maine Orono. Students are the primary victims in sexual assault, and thus, it is most sensible to ensure there are concrete ways in which students can communicate their concerns to the correct resource. Moving forward, students should be able to formally communicate concerns about a method of reporting or the policy itself in order to better the policy for all. If the policy is not suiting the needs of the victims, then the policy is simply not serving its purpose.

Resources

In advancing this policy, it should also be clear and easily accessible for all students to access the protection promised by the sexual assault policies on their campus. Administrators and faculty of all kinds - any individual who is a mandated reporter under this policy - should and must be able to accurately and clearly describe and consistently enforce the policy. Any mandatory reporter must be accurately educated on the methods, services, and even restrictions of the policy in order to present the student or victim with clear accessibility to resources.

Access to greater physical and mental health resources post-reporting would likely only increase the chances of individuals stepping forward and helping to eliminate the campus culture of what is 'right' or 'wrong' when it comes to sexual assault. As of

today, students seeking assistance after an incident of sexual assault, harassment, or domestic violence are encouraged to reach out to a faculty member or campus counselor of some form. The Office of Sexual Assault and Violence Prevention has reported that larger numbers of students have been coming to them each year since the organization's development. Though we can consider this office a success for the University, sexual assault is clearly still an issue, and reduction of other resources may not be ideal. Though the argument could be made in favor of eliminating the Women's Resource Center and Cutler Health Center's Women's Health in order to merge resources into one organization - thus making things slightly easier and more accessible to students - defunding alternative resources such as those, which students have relied on for decades, promotes the idea that the University is disinterested in the messages of such groups, and thus not interested in the physical and mental health and safety of their students.

As stated previously, there is a movement to bring back the Women's Resource Center on campus currently, and therefore this is clearly a need for different centers whose focus is on the safety and health of the campus's female demographic. Ph.D. student at the University of Maine, Amber Hathaway, commented on the many benefits that the Women's Resource Center previously offered students, and praised the center's involvement in the Safe Campus Project - hailing as one of its "most valuable resources" (O'Malley, March 2017). She noted that, through the WRC, survivors of sexual and domestic assault could admit themselves into a confidential counseling service, as well as be led to local services and organizations that could assist the survivor moving forward. The Safe Campus Project offered confidential counseling and helped put survivors in touch with the different local organizations that could help them through the recovery

process. Said Hathaway, "...I think [the Women's Resource Center] needs to be reinstated because the needs of the campus community that the WRC used to serve are no longer being met... While the WRC offered many important services, I think the two services that it offered that we need the most are a resource center for survivors of sexual assault and domestic violence and a safe space for women and femmes on campus" (O'Malley, March 2017). Luckily, the Women's Resource Center will be returning to campus due to student protests, though the official date is unknown at this time.

According to Carrie Hull, a detective with the Ashland Police Department in Ashland, Oregon, reporting was up 106% from 2010 to 2013 after their police department implemented a program called "You Have Options," designed to decrease barriers in reporting, which gives women three options when reporting to police - to give information only, to trigger a partial investigation, or to trigger a complete investigation that will be referred to the prosecutor (Gray, 2014). This could be looked at in perhaps a suggestion for the Office of Sexual Assault and Violence Prevention here at the University of Maine and/or for the University of Maine Police Department; Coordinator for the office, Elizabeth Lavoie, has already ensured that posters, presentations, brochures, and so much more are readily available to students- perhaps the next step may be outlining a student's ability to overcome common barriers within these methods.

If students are interested in a more proactive method in eliminating rape culture, they have the option to join groups such as the Student Women's Association (SWA), the Student Alliance for Sexual Health (SASH), and more directly, the Sexual Assault and Relationship Violence Prevention Committee (SARVP). The Student Women's Association is a subgroup of the Women's Gender Studies program here at the University

of Maine, with the mission of advocating for women's rights both on campus and on a global level; annually, they produce the previously mentioned 'Take Back the Night', the '1 in 3' campaign, and the Vagina Monologues. The Student Alliance for Sexual Health has a primary focus of sexual positivity, but also works on issues regarding sexual consent. Perhaps most direct is the Sexual Assault and Relationship Violence Prevention Committee, which works directly with Title IX and OSVP director Elizabeth Lavoie, to discuss and suggest ideas and issues related to sexual assault and domestic violence to the Vice President for Student Life, the Director of Equal Opportunity, and the Associate Vice President for Human Resources at the University of Maine campus (University of Maine SARVP Committee, April 2017).

Events

Events at the University of Maine can be held and hosted by a variety of students, groups, and programs. As mentioned previously, particular discussions on campus - such as the aforementioned Kesha campus discussion- are created with the intent to share knowledge about victims of sexual assault and action versus inaction of the victim. In May of 2017, a Sexual Assault and Violence Prevention Workshop is being held, open to all students. This workshop features speakers from the Bangor Rape Response organization, a short film on sexual assault intervention, and information on various sexual assault and violence against women campaigns. Events like this must continue to be promoted, to be respected, and ultimately participated in by the University of Maine community. What is remarkable regarding this particular event is that it was inspired and

produced by a group of students in a Women's Gender Studies course here at the University of Maine. Students in the course also created and filmed a short documentary on understanding and intervening in sexual assault incidents for the event. What would be ideal moving forward would be to encourage class discussions on such topics, to promote attendance at such events for course credit, and even to encourage students developing their own events through programs that could include Psychology, Sociology, and the Women's Gender Studies programs specifically here at the University of Maine. This would encourage a campus climate that is more open to discussion on the influencing factors of a rape culture and sexual assault on the college campus.

Education & Trainings

Beyond the fear of social stigma, there is also fear regarding permanently impacting the perpetrator's school and criminal records. When sexual assault is reported or suspected, any disciplinary action taken against a student under this category will remain on the student's educational records forever. This, of course, has career, educational, and lifelong implications for the perpetrator, which only adds another layer of difficulty, as according to the National Institute of Justice, "...about 85 to 90 percent of sexual assaults reported by college women are perpetrated by someone known to the victim... The perpetrators may range from classmates to neighbors" (Most Victims, National Institute for Justice). Individuals may fear the social implications of reporting due to the understanding that doing so may cause irreversible damage to someone they are likely already, at minimum, acquainted with.

In a study conducted here at the University of Maine, it was stated that “[In order] ... to help institutions of higher education become more socially relevant and able to adapt to changing conditions, we must first understand how academic ecosystems function” (Jorgenson, 2015). This study discussed how faculty within institutions of higher education must adapt to an ever-changing social environment and campus culture that so regulates the social norms and attitudes of students towards reporting sexual assault. This study also identified barriers between faculty of particular academic institutions within the University itself, and advised that “...to help universities make the shifts required to keep up with swiftly changing circumstances and high uncertainty, academic community members must also breach these internal barriers to create more resilient, interconnected, and innovative campus communities” (Jorgenson, 2015). Though administrators and professors can influence this campus culture, they are a separate entity that is not necessarily located within the same social ‘bubble’ as students and their peers. Peers are the identifiers of appropriate behavior in college cultures. A supportive administration of mandatory reporting is vital. However, the actual cause of action for an individual to follow through and report a sexual assault is other students. Yet faculty and staff can influence these cultures - not determine them- by influencing initiatives, events, and policies that offer support and interventions to individuals trapped in this campus culture who fear retaliation for stepping forward. Creating a demographic of educated students as well as faculty as to the warning signs and bystander intervention behaviors in case of sexual assault will influence the campus climate more effectively than a university that lies silent about the topic.

As noted previously, there is a sexual assault prevention training course available online from the University of Maine. However, not only is there widespread circulation on the effectiveness of online sexual assault trainings as a whole, this particular training is not required to be taken by all University of Maine students - only those employed by the University. Therefore, the majority of the demographic at the University is not being exposed to preventative and intervention training that could provide answers for students in situations that could encourage or prevent sexual assault. Although the Office of Sexual Assault and Violence Prevention encourages that "...all students... take the Sexual Assault Prevention training", students are in no way obligated to do so (University of Maine Office of Sexual Assault Violence and Prevention, April 2017). Thus, a potential progression for the University of Maine could include expanding who is mandated to take this online training to the entire student body. With such discontent expressed regarding the loss of trust between student and teacher based on the policy, the University of Maine should further its efforts in terms of online and in-person training. This, of course, would have been ideal going into implementation of the mandatory reporting policy. SaferCampus.org suggests that "...Policies should stipulate that staff and faculty receive thorough training on how to appropriately respond to students reporting sexual assault" (SaferCampus.org: Why does policy matter?, May 16, 2017).

As mentioned, online sexual assault trainings are another step in the right direction, but do not do enough to accurately inform an entire university faculty of their rights and student's rights when it comes to reporting a sexual assault. If anything, students and faculty should have different, highly specific online trainings available to them, rather than an all-encompassing training for both demographics. A policy- and

consent-centered training for faculty would benefit the campus climate as a whole far more than the current situation; as well as this, a bystander intervention training would fit the focus of student training more appropriately. Online training in itself is a step forward, but must be further specified in its focus, as well as expanded in who is required to participate, in order to meet the needs of the very different demographics at the University of Maine. This idea was also brought up with the production and proposal of the ‘Bipartisan Campus Accountability and Safety Act’, as mentioned earlier, which would provide a multitude of resources for victims of sexual assault on college campuses, including “...ensur[ing] that college and university staff meet minimum training standards to address sexual assault cases” (Resource Center: Campus Accountability & Safety Act, 2014). Time magazine reported in 2015 that certain colleges were, as of that year, just now beginning campus-wide sexual assault awareness trainings for all incoming students.

As far as other ‘bystander interventions’ being implemented, it seems that the Office of Sexual Assault and Violence Prevention’s only resource on the topic is a bulleted list of what to do in order to intervene in a sexual assault situation. The OSAVP advocates and promotes the fact that they offer ‘trainings’ on the topic, but the only evidence on their website are said bullet points. No events are listed in terms of bystander intervention or sexual assault trainings. In this case, perhaps a better method of ‘training’ would be to offer some form of bystander intervention activity in a mandatory, introductory freshman-level course. Many freshmen are enrolled in a basic, introductory first-year seminar, especially for students who are undecided. The University of Maine could consider introducing this type of training into these mandatory courses, while

targeting the newest demographic to the university, allowing those students to continue on within the college with that knowledge given from the very beginning.

Other colleges have promoted similar campaigns, with success - including at UMass Amherst, Indiana University Bloomington, the University of Texas, West Point Military Academy, Southern Oregon University, University of Pennsylvania, and many more. These programs primarily act as campus-wide initiatives involving flyers, posters, bystander training and prevention programs, and informational/ training videos. The University of Massachusetts Amherst (UMass) has launched a program nicknamed “UMatter at UMass”, which involves an initiative to help the campus community to intervene in high-risk incidents. This program in particular focuses on providing bystander intervention training, utilizing and reinforcing videos regarding public service, and distributing flyers. UMass Chancellor Kumble Subbaswamy stated, “UMatter at UMass is a campus-wide initiative that encourages all of us to be active bystanders and to participate in the effort to create a caring and compassionate campus community” (UMass Amherst Launches Second Phase of U Matter at UMass Initiative to Build Community, Prevent Sexual Assault, January 2014). Though ‘bystander intervention’ programs appear to have been at some point accessible to the student population, the University of Maine should encourage and advertise these trainings and their messages far more to the student demographic.

Students should also be aware of where they are most at risk. Though the goal is to eliminate sexual assault and the ‘rape’ culture, there are also particular stigmas regarding where and who a student might be assaulted by - particularly, fraternity houses. However, as discussed in the Massachusetts study conducted from 2001-2011, it was

indicated - alongside Clery Act statistics from thousands of schools - that most reported rapes occurred within on-campus housing. Generating training and applying specific, targeted measures towards underclassmen students living on campus would be wise - the University of Maine, therefore, could implement parent and/or student orientation programs and trainings that provide education regarding assaults on campus and bystander as well as preventative measures should the student find themselves in that situation.

An aware student body is one that will best promote an individual to take a stand and report their sexual assault(s). This has been proven with a study done at Occidental College, where students were sent a campus-wide alert every time a sexual assault was reported, similar to the way that the University of Maine texts students during cancellations or emergencies on campus. Administration at the college stated "...We want to foster a campus culture that rejects sexual violence and helps educate community members about their role in sustaining and perpetuating such an environment" (Veitch, December 2012). When students discovered through media of a sexual assault that occurred on campus, rather than through their alert system, there was a campus-wide outrage, leading to a protest march, a petition, and an online blog. Accessibility can lead to accountability - and transparency, which is the primary goal of Title IX regulations and the Clery Act, helps students feel more in control. Perhaps such a method implicated at the University of Maine would help not only parents and employees hold the University more accountable, but would also attract pressure from its students. This could generate a greater push for resources if the University felt a call for action from its primary demographic.

Prevention and intervention can be successful when identifying two different ideas: not only working to prevent negative behaviors but also promoting the healthy, positive behavior that you wish to be adapted into the campus culture. The best health intervention programs and research have been conducted through promoting what people should do, rather than on what they should not to. In terms of rape prevention, intervention strategies not only need to focus on messages preventing and dissuading from rape, but also promoting messages of treating one another with respect, personal space, and equal rights. A shift to positive focus, supportive resources, and formulating a welcoming, non-harmful community and campus culture will impact social norms, subjective norms, and individual behaviors on all levels. Offering support and services to people who fear this campus culture too much to perform the ‘healthy’ behavior of sexual assault reporting can provide encouragement to do so. There must be a greater push for personal and individual interventions that support the corrections of these misunderstood campus culture “norms” by enforcing the benefits of the healthier, more ‘acceptable’ norm. This can reinforce the healthier norm (preventative sexual assault knowledge, self-protection, moral correctness) and potentially reduce the problematic behaviors. As mentioned with the previously suggested method, reinforcing healthier norms - such as ensuring awareness and public accountability with sexual assault incidents on campus - can place pressure on perpetrators and potential assailants to not act out in incidents of assault, by creating a campus culture that is not only widely aware of incidents of assault, but also is able to discuss it more openly.

This campus culture and the social norms that coincide with it are the contexts in which students at the universities adapt to and grow within. Indicators of right and wrong

social norms and actions identify individuals as to what behaviors and actions they should participate in, and which are deemed normal. In a study conducted here at the University of Maine in 2016, it was discovered that social experiences through community and close friendship in a college circle is vital in the adjustment of teenagers and young adults (Dieter, 2016). Young adults in the process of adjusting to a new community post-high school rely on the assumptions of social norms that surround their initial experiences at the University of Maine. Thus, reinforcing positive actions by reporting any incidents of assault, providing resources, and offering assistance to any and all victims of sexual assault does far more for the campus culture than victim-blaming, shaming the victim, or quieting assault reports in order to keep university Annual Security Reports low of crime statistics.

Additionally, the physical and social environment must constrain rape-related behaviors and promote behaviors that lead to safety, equality and respect. These constraints may evolve through, again, adjusting the campus climate and its cultural context so that individuals who would condone or commit acts of sexual violence are more susceptible to more severe consequences for those attitudes, intents, and behaviors. This may involve making community organizations realize the threat to society if they do not engage in sexual violence prevention work. It could also involve bystander intervention, such as UMass's "UMatter" program training, in which individuals engage in staged high-risk situations that could, in a real campus culture, contribute to a rape-supportive culture. This would help students understand their own responsibility in intervening, and increasing their awareness of potential threats if they fail to do so. The University of New Hampshire (UNH) also has a campaign for bystander intervention

efforts, titled “Bringing in the Bystander”, whose primary focus is tying in the responsibility of bystanders alongside the victims to prevent sexual assault (Kingkade, 2013). A video campaign at Northwestern, inspired by this same UNH movement, featured students from the University of Massachusetts-Amherst in an attempt to showcase “...situations in which a student can intervene in potentially dangerous interactions” (Kingkade, T., 2013).

In thinking specifically about sexual violence prevention, social norms within all campus culture circles must be changed so that there is no longer pressure to engage in sexual violence or objectification of women. Instead, faculty and students must create a campus climate that provides positive pressures to engage in behaviors that promote safety, equality, and respect. Not only must there be social norms regarding non-violence, but there must also be clear and consistent sanctions when the norms are violated. This is why our updated consent policy, as of 2014, is so important - rather than the previous “no means no” - with a vague interpretation of no left up to both victim and perpetrator, as well as the law - the University of Maine System updated their policy on sexual assault to “affirmative consent”, also known as “yes means yes”, which is much more distinct.

Conclusion

In terms of University of Maine history, our policies have expanded exponentially for sexual assault victims only since the 1990’s - however, these have not come without cost. The loss of various other sexual assault and women’s advocacy programs have since

been disbanded or defunded during these same three decades. However, many faculties still view the mandatory reporting policy as a potential for excess trauma for the victim by reporting confidential information, as well as many even act as a deterrent if a student is under the impression that any and all reports must be looked into by law enforcement. Yet as of 2017, our mandatory reporting policy has, according to those in the Office of Sexual Assault and Violence Prevention, been extremely successful in assisting with the provision of resources to students on campus in need. In fact, in a recent study, it was found that most college-age students approve of mandatory reporting policies, and that “... Over two-thirds would strongly support or support such efforts to address sexual victimization” (McNeill, 2016). 85 percent of college students also reported they are very confident in their professor’s abilities to act in compliance and do their duty in the eyes of the law (McNeill, 2016).

The former coordinator of the University of Maine Safe Campus project noted the importance of encouraging and educating audiences, especially here at the University of Maine. She stated that by helping to understand that the campaign to end sexual abuse and assault “is everyone’s responsibility,” and that “...personal attitudes, beliefs and value systems are at the root of domestic violence and sexual or other forms of abuse” (UMaine Today, November 2010). The University of Maine should not cease at compliance with Title IX or federal regulations - instead, this university - as well as universities nationwide - should rather create ways to further implement programs and resources that advocate for their own students and their safety. In 2014, the Massachusetts Institute of Technology issued a survey regarding the campus culture’s ideas and impressions of sexual assault (MIT, 2014). All systems within the University of Maine would do wise to

carry out a similar survey, in order to more accurately perceive the effects of the mandatory reporting policy, and the individual student's impressions and likelihood of reporting an incident to either a university employee or a police officer. Universities should aspire to reflect the needs of their students, specific to their campus climates, by educating both staff and students in the culture that sexual assault thrives within.

As evidenced in the Faculty Senate notes during the creation and debate of the mandatory reporting policy, many professors asked for the policy on the syllabi to be rescinded, while others did not see issue with it - and still others did not know the extent to which their responsibilities to their students had shifted. The mandatory reporting policy and the system wide policy definition of consent are defined and clear, and all faculty should ideally be comfortable, knowledgeable, and confident in their understanding of the policy. Thus, the University of Maine must look at its trainings offered to faculty and students regarding sexual assault.

Sharon Barker, former director of the WRC, recently said "...Things are worse now [at the University of Maine] than they were twenty years ago, because at least at that point, there were initiatives that tried to address [women's] issues" (Uteuova, February 2017). If the director of the Women's Resource Center is under the impression that University of Maine initiatives to protect the safety of their students, particularly their female students, there is clearly an issue in terms of where our funding is tunneling instead.

As a nation, the discussion on sexual violence on college campuses has swelled enormously - but the underlying causes that contribute to sexual assault remain extremely complex. The University of Maine System - and particularly the University of Maine, as

its flagship institute - should be obligated to adhere to and adjust their campus culture behaviors in order to be truly successful in prevention. "Individual behavior change is absolutely necessary, but ..community change will shift norms and expectations. The idea here is that [community change] will be able to affect more individuals, more efficiently, if we focus on changing the norms, expectations, and values of our communities" (Creating Safer Communities: RPE Model of Community Change, Texas Attorney General). Although mandatory reporting implemented campus wide seems beneficial, Mary Koss, researcher and professor who coined the term "date rape" back in the 1980's, stated that regardless of social media awareness of the sexual assault issue on college campuses, "What's most important.... is to prioritize victim choice." Moving forward, universities nationwide and specifically the University of Maine must continue to honor, respect, and prioritize the victim's power to choose.

Editor Tyler Bishop wrote "...no act of Congress is going to be a cure-all to higher education's sexual-assault problem" (Bishop, September 2015). This is true - the power to make strides towards the elimination of sexual assault in higher education institutions across the nation begin with the policy-making done right here at the universities themselves. Student input leads to better policies, better policies lead to better education and training for students and faculty, better education and training across the campus climate lead to awareness, intervention, and understanding of what perpetuates a rape culture, working towards eliminating the culture as a whole.

The national discussion on sexual assault has grown from a spark to a flame in the past few decades, but our efforts must continue. Across campus cultures nationwide, the push to recognize and incorporate resources, organizations, and campus events - such as

the Slut Walk, Take Back the Night, and more - must carry on. Though it appears that, at a minimum, the inclusion of reporting language to the syllabus has done the campus community of both faculty and students some good, the University has defunded and eliminated services that included the Safe Campus project, Women's Health Services, and, temporarily, the Women's Resource Center. Judging by the speed and unsuspected nature of the defunding of the Women's Resource Center in 2015, we can assume that the University is also capable and willing to defund other remaining programs focused on campus safety and sexual assault services on campus. That being said, the University of Maine would be well-inclined to implement both their updated policies as well as reinstate some - if not all - of their former resources and institutions. A campus climate that engages faculty in reporting, with the availability and accessibility of resources that the University now offers, combined with their formerly defunded resource centers would create a community more focused on successful prevention and intervention. The discussion of sexual assault, both nationally and at the University of Maine, must continue to rise to the surface to better build a community around the needs of the many and the individuals.

Mandatory reporting has, according to the words of Elizabeth Lavoie, sent forth greater numbers of students seeking help to the Office of Sexual Assault and Violence Prevention with each academic year. Yet the fact that the statistics are nonexistent means that we can only assume, from the reduction of obstacles in reporting for students made possible by mandatory reporting, that it is a beneficial progression for the campus. However, the campus climate, education and trainings, student input, accessibility and

resources must also make progress to support this policy and the positive intentions behind it.

Mandatory reporting, as a piece of changing the campus climate, is progress for the University of Maine. It ultimately reduces the number of steps that a student may have originally had to take in order to find a university reporter and feel comfortable enough to come forward with an actual report. It is progress because it encourages all faculty to be, at minimum, aware of the issue that is massively hidden, and yet present, at the University of Maine and across the nation. Mandatory reporting is effective because it incorporates sexual education training that, at a minimum, offers insight for both faculty and students about the issue at hand, and that awareness becomes education.

Though implemented without much warning and without what seems to be a thorough explanation of the more difficult situations involving reporting and confidentiality, the intention was to benefit the students at the University, and that intention is honorable. The mandatory reporting policy has also led to resources and information being laid out in every syllabi across campus, meaning that any student - whether or not they intend on reporting to a faculty member - has a packet with at least some information on resources at the University of Maine and in the local area, with methods of both anonymous and police reporting.

The three decades' worth of events that led to the creation of the mandatory reporting policy here at the University of Maine - spanning from 1977, where *Alexander v. Yale* proved there was yet to even be a term for sexual assault - to today, where all faculty and even fellow student employees are obligated to work towards a safer campus community. The boundaries to reporting sexual assault for students at the University of

Maine have been eliminated greatly with the implementation of this policy, and so long as the faculty are comfortable and prepared to uphold the policy's responsibilities, the policy itself will serve the campus climate as a whole as well as individual students well. Further research into the statistics of mandatory reporting and utilization of campus resources may be an area that the University should consider looking into.

Yet this change in the campus climate is not enough. The mandatory reporting policy sheds light on the issue at hand, but we need greater training - through online education and bystander intervention courses - and informative sources on the issue. We need more discussion-based events on campus, such as the Ke\$ha event in 2016. The Student Women's Alliance singlehandedly petitioned to bring back the Women's Resource Center just a few months ago in 2017, and the result brought the center back to the University of Maine campus. Encouraging campus-wide discussions on the topic, providing earlier education specifically to the most vulnerable demographic on campus - freshmen - and ultimately working to promote healthier relationships, behaviors, and a campus culture across the University of Maine and, hopefully, the University of Maine System as a whole.

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Appendix

Definition of Terms

Sexual Assault: “...An offense that meets the definition of rape, fondling, incest, or statutory rape. Rape is the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim” (The University of Maine - Office of Sexual Assault & Violence Prevention - Sexual Assault, Harassment, & Student Conduct Code Policy, n.d.).

Sexual Harassment: Including “...unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, including sexual assault and sexual violence” (The University of Maine - Office of Sexual Assault & Violence Prevention - Sexual Assault, Harassment, & Student Conduct Code Policy, n.d.).

Rape Culture: “...An environment in which rape is prevalent and in which sexual violence against women is normalized and excused in the media and popular culture” (Marshall University, 2017).

Campus Climate: “...The current attitudes, behaviors and standards of faculty, staff, administrators and students concerning the level of respect for individual needs, abilities and potential” (University of California, 2014).

Victimization: A victim is a person who suffers direct or threatened physical, emotional or financial harm as a result of an act by someone else, which is a crime. “Types of victimization can include rape, sexual harassment, stalking, theft, and dating violence” (University of the Pacific, 2017).

Rape: A crime that involves “...Any sexual penetration of the victim’s vagina, mouth, or rectum without consent of the victim. Rape involves penetration with (a) the use of force/fear or the threat of force/fear; or (b) with a person who is otherwise incapable of giving consent, including situations where the individual is under the influence of alcohol or drugs and this condition was or should have reasonably been known to the accused” (Federal Bureau of Investigation, 2014).

Dating/Relationship/Domestic Violence: Violence that is considered “...emotional, verbal, physical and/or sexual abuse by an intimate partner, family members or parties in a dating relationship” (University of the Pacific, 2017).

Consent: “Consent is agreement to engage in sexual contact. Consent must be informed, freely and actively given, and consist of a mutually agreeable and understandable exchange of words or actions. Consent is clear, knowing and voluntary. Consent is active, not passive. Consent may be withdrawn at any time. Silence, in and of itself, cannot be interpreted as consent” (The University of Maine - Office of Sexual Assault & Violence Prevention - Sexual Assault, Harassment, & Student Conduct Code Policy, n.d.).

Fondling: “Fondling is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity” (The University of Maine - Office of Sexual Assault & Violence Prevention - Sexual Assault, Harassment, & Student Conduct Code Policy, n.d.).

Incest: Incest is considered “...Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law” (The University of Maine - Office of Sexual Assault & Violence Prevention - Sexual Assault, Harassment, & Student Conduct Code Policy, n.d.).

Victim-Blaming: “Victim blaming is a devaluing act where the victim of a crime, an accident, or any type of abusive maltreatment is held as wholly or partially responsible for the wrongful conduct committed against them” (United States Legal, 2016).

Author's Biography

Kathleen Evelyn O'Toole was the first of her family's generation to graduate from college, earning a bachelor's degree in Communication with a minor in Child Development and Family Relations. She has been involved in various ways on campus, including as a member of Active Minds; as a Peer Advisor at the University of Maine Career Center; as a facilitator for Honors 170: Currents and Contexts; as a member of Phi Beta Kappa Honors Society; and as the President of the Lambda Pi Eta National Communication Honors Society.

Accepted into the University of Maine's Masters in Social Work program as of May 2017, Kathleen plans to earn her MSW immediately after graduation. She hopes to earn her licensure in clinical social work and someday work in a family therapy practice or as an elementary school guidance counselor.