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The Sexual Assault Crisis at the University of California

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Abstract:

According to a report done by the National Sexual Violence Resource Center, it is estimated that 1 out of 5 women and 1 out of 16 men will experience sexual violence throughout their time at college. Applying these numbers to the total undergraduate student population of the University of California system, that equals more than 20,000 undergraduate UC students who will potentially undergo sexual assault. Across the nation, the realities of sexual violence against students become much more evident with sexual assault cases on the rise. As I will show in this article, campus sexual assault is an ongoing problem that many higher education institutions have tried to tackle with a creative, innovative, and progressive approach. This research paper examines the current state of sexual assault at the University of California campuses and evaluates the standard policies of each campus. I aim to emphasize nine different colleges within the University of California system, comparing their approaches to the issue of sexual harassment and will ultimately recommend the best alternatives.

## **Rape Culture and #MeToo**

One of the most significant issues college students face today is sexual assault, which has come as a result of the rape culture that society has deemed acceptable. Rape culture is an environment in which sexual assault is justified and normalized amongst society.

Rape culture is further perpetuated by cultural norms that include shaming women for wearing certain clothing, and degrading women's bodies by engaging in misogynistic comments such as, "boys will be boys" and "she asked for it!" Historically, sexual assault has been met with denial, hostility, and unwillingness to pursue further investigation by college faculty. This response to sexual assault, however, no longer has a place during the #MeToo era, a 21st-century movement that emphasizes the multiple sexual assault experiences of victims across the world. It began as a social media phenomenon by Tarana Burke who used the #MeToo phrase to raise awareness and share her survivor story. The movement has brought awareness to sexual assault on college campuses and has widely criticized current policies to effectively keep students safe (Felton, 2018). After all, a University is expected to cultivate a safe learning environment where students can pursue an education. Colleges and universities have found it increasingly challenging to carry out this mission and keep the issue at bay, with reports of sexual assault doubling every year. Higher education institutions need to be able to enforce the stringent policies set in place to minimize and prevent the number of sexual assault cases happening on and off university campuses.

## **Historical Context**

The issue of sexual assault is not only confined to the gates of college campuses but is pervasive around the country and the world. Sexual harassment on college campuses is a significantly threatening problem that has recently gained the attention of national news. There

has been a larger degree of expectations of universities to keep students in a safe learning environment; this expectation coupled with the common and negative assumptions of college Greek life has made the sexual assault issue most pressing within higher education institutions. In most of these cases, women are the victim of violent assaults; men are also likely to become victims of sexual assault. This culture poses a threat to the surrounding community on campus, the institution, and the students themselves.

The consequences of sexual assault reach academic depths, beginning with the toll it takes on the victim's academic success and social circle. In explaining how sexual assault hurts a student's academics, the American Association of Professors asserts that college students subjugated to sexual violence "rarely perform at their prior academic levels, are sometimes unable to carry a normal course load, and frequently miss classes. These changes stem sometimes from social withdrawal, sometimes from a desire to avoid the perpetrator" (2013). When students attempt to avoid the perpetrator, they are willing to go to great lengths to do so such as: dropping mandatory courses; not attending classes that the perpetrator (or their colleagues) is in, or even transferring to another school where they are forever rid of their physical presence. However, the damage inflicted is far from gone as victims often suffer long term effects such as post-traumatic stress disorder and depression.

Studies also suggest most cases of sexual assault are never reported because of the victim's fear of retaliation from the accused, along with other concerns not being taken seriously. Rape, Abuse, & Incest National Network, concluded this fear of retaliation is justified as they found, "8 out of 10 rapes are committed by someone known to the victim" (2017). The likelihood of acquaintance rape is alarming because victims of sexual assault often regard these people as classmates, close friends, or like family; this relationship "blurs understandings both of consent

and assault, and lessens the likelihood of reporting” (2017). In situations like this, victims are less likely to report an incident where they directly know the person who committed the crime and do not directly want to be held accountable for the consequences.

The #MeToo movement, however, has played a pivotal role in empowering women to come forward and be the voice for other victims of sexual assault at multiple universities. Amid this era, it has become clear that universities need to reevaluate their approach to this issue and implement policies that ultimately prevent sexual assault on college campuses. Social movements like #MeToo and others help women regain the confidence to speak out, while also making them more aware of programs available on how to help others in similar situations.

### **Problem**

Looking at the degree of this problem, several things must be considered. Now, more than ever, students are reporting a greater incidence of crime compared to recent years. In a study conducted by Ro’ee Levy and Martin Mattsson, both doctoral candidates at Yale University, their research suggests that upon studying the effects of the #MeToo social movement across 24 countries, the movement increased overall reporting of sex crimes by 14 percent in these different countries, with about a 7 percent increase in the US. Although they found that the number of reported crimes increased, they also noted that the number of crimes “cleared” by police did not—a clear ongoing trend that proponents of the social movement have vocalized and criticized (Levy et.al, 2020). This willingness to start reporting a crime can be attributed to factors like a stronger support system by different programs, and the nation-wide struggle exposed in the light of the #MeToo movement, which seeks to remove the stigma surrounding victims of sexual assault who report cases. Thus, many crimes that were unreported in years before were not factored into statistics and might misguide the actual increase in crime rates.

This in addition to the growing population of students on campuses, presents additional opportunities for higher crime rates considering more students.

Within this context, it is easier to analyze the “Security and Fire Safety Report,” an annual report where every University of California campus is required to disclose the different types of crimes and crime rate statistics for the year that occurred on the main campus. These reports are compliant with the federal Clery Act, which requires schools to disclose information regarding their crime statistics on and around campus. The campus Annual Security Report includes annual “statistics on crimes reported to Campus Police, Campus Security Authorities, and local police” (University of California, 2019).

In addition to crime statistics, the Annual Security Report must also describe the various programs and policies that the institution enforces regarding campus security and the protection of students outside the campus. Notwithstanding UC Berkeley and UC Santa Barbara, every other main campus experienced a spike in sexual offense reports from 2017 to 2018. Breaking it down: UC Merced had 4 rape crimes reported in 2017, and 8 in 2018; UC Davis experienced 7 rape incidents in 2017 and 14 in 2018; UC Santa Cruz reported 12 rape incidents in 2017 and 15 in 2018; UC Irvine reported 14 rape incidents in 2017 and 18 in 2018; UC San Diego had 13 rape crimes reported in 2017 and 18 in 2018; and lastly, UCLA’s statistics exhibited the highest rape crime number with the university dealing with 31 rape allegations in 2017 and 54 rape allegations in 2018.

It is important to note, however, that these statistics are not fully reflective of the number of complaints reported to the school. This is due to several reasons, one of them being that “potential complaints of sexual misconduct” are left out of these statistics, for fear of appearing to be a dangerous campus, as critics suggest is what is happening (Gomes, 2019). According to

Victoria Gomes-Boronat, “the University of California-Davis received 231 undergraduate student complaints [in 2016] and resolved 21 of the complaints through formal investigations (9%)” (2019). This statistic is significant because it is not reflective of UC Davis’ 2016 Clery report and can be the issue of universities attempting to underreport sexually violent crimes. Furthermore, although many reports may be filed, there is no certainty that these reports will be followed up with a disciplinary process. The low number of cases resolved through a formal investigation reiterates the concern of victims about universities not taking their complaints and reports seriously.

This same concern is prevalent throughout the rest of the campuses across the UC system. In many cases, these universities do not take complaints against faculty and staff seriously, according to documents reviewed, as well as an interview with a UC Merced Campus Advocate. In providing an answer to the question, “According to the Clery Report, in the year of 2018, UC Merced had 8 rape crimes reported. Does that number seem accurate based on what you’ve seen?” Lynna Cano recounted that at the top of her head, she’s met with over 40 survivors of on-campus sexual assaults. This situation can simply be the result of sexual assault survivors choosing not to pursue an investigation and instead confided in Ms. Cano, or can take the result of UC Merced underreporting their cases as many critics claim universities undertake. In addition to this result, she provided a website with a database showing figures of the number of sexual harassment complaints by university students against faculty and staff from January 2007 through December 2016; a figure that reveals that three campuses often did not discipline senate faculty promptly, and another figure that shows that two campuses struggled to meet certain investigation requirements under university policy. These two campuses are UCLA and UC

Berkeley, two of the most prestigious public universities, which also happen to have the two highest student populations of the UC campuses.

Looking at two of the most populated colleges within the UC system will provide a greater understanding of the significant issue of sexual assault. Since many different acts can fall under sexual assault, such as fondling, incest, rape, and statutory rape, there will only be an emphasis on the rape statistics in the campuses of UC Berkeley and UCLA. The statistics concerning the Berkeley campus, in particular, showed that the number of reported rapes between 2018 and 2019 went down one number, from 20 to 19, with UCB having a total enrollment of 41,910 students. Juxtaposed to the UCLA report, the number one public university in the world reported 31 cases of rape in 2017 and 54 cases of rape in 2018, with a total enrollment of 44,947. Statistically speaking, one in 2,095 students at UCB reported a rape crime, and considering the same logistics with UCLA, one in 832 students reported a rape crime.

Considering the total population allows for the statistics to be fairly analyzed. However, the disparity in the total enrollment number between the two prestigious colleges does not hinder the results. The disparity in student population between UC Berkeley and UCLA is 3,037 students and dividing this number by 2,095, which is the total number of students in a group where only one person reports a sexual assault crime, it shows that even when placing UCB on the same playing field of total enrollment as UCLA, there is the possibility that only one more student, not exceeding two will be included in the rape statistic regarding UC Berkeley, placing UCLA as the college with the highest rape crime.

### **Support and Solution**

Whereas prevention programs and anti-sexual violence policies pervade throughout the systematic set of policies across all UC campuses, each school shares some educational

autonomy on determining the terms and conditions applicable to enforcing these policies and the disciplinary measures taken for those who violate it. Acts of harassment create a toxic campus culture that ultimately has direct effects on the students and the community. The differences in approaching sexual assault are reflected in statistical numbers.

Moving forward, new strategies should be considered, and there should be a process that effectively reforms the sexual assault policies that are set for all the campuses within the UC system; policies that tackle the scope of the sexual assault issue as it is today and not a decade ago. The workshops available through the CARE program that “identifies intervention strategies available to bystanders when a male peer seems on the verge of committing a potential criminal sexual offense” are a good idea that should continue to evolve. This program was announced by Janet Napolitano as a way to combat sexual assault, which requires every UC campus to open a CARE (Campus, Advocacy, Resources, and Education) office—hence the mandatory CARE workshop provided to incoming freshman every year. However, the campus should enforce a mandatory CARE VIP sexual assault presentation all year round, and not solely for incoming freshmen, which is the current policy.

At the UC, students should have more alternatives to approaching a complaint of sexual assault, instead of simply being offered a Title IX investigation as the only viable option, in which faculty and staff interview all involved parties, hold a hearing, and determine the ruling of the accused. UC San Diego has taken the lead role in implementing other programs aimed to prevent sexual violence on its campus. In particular, the UC San Diego campus has promoted a new proposition to tackle the sexual assault crisis. They refer to this progressive approach as Campus PRISM (Promoting Restorative Initiatives for Sexual Misconduct on College Campuses); this kind of response is rooted in the principles of restorative justice, which

emphasize the rehabilitation of both the victim and the offender by making amends through facilitated meetings or “restorative circles” (UC San Diego Campus PRISM). These restorative circles meetings look different to every student, depending on the victim’s level of comfort with the different workshops provided, and depending on the school, as this progressive idea has already been implemented in higher education institutions such as the College of New Jersey. Their policies may be carried out through one-on-one workshops aiming to be interactive with the sole purpose of knowledge building. For those who are accused, this may be through attending webinars or workshops on the neurobiology of sexual assault and toxic masculinity and guidance on having healthy relationships and consent (North, 2019).

Some, however, believe that the process of restorative justice is ineffective in the context of sexual assault, because of the seriousness of the problem. One of these people includes Lynna Cano, who said that restorative justice is too lenient and fears that some students might feel uncomfortable undergoing workshops with their perpetrators. Though her concern has some validity, this process should still be a viable alternative for students who don’t want to pursue a Title IX investigation. As long as this alternative is not implemented as a mandatory policy that victims of sexual assault have to choose, restorative justice can be an alternative resolution for students.

At UC San Diego, faculty and staff offer students this alternative, which has more options and thus a more comprehensive approach to tackling the issue of sexual assault, in the way that the victim seems to find better satisfaction of justice and closure, and where the accused is educated about the issue. Around the country, many universities have adopted this alternative option as there is evidence that it encourages learning. According to a study conducted by David R. Karp and Olivia Frank, the researchers found that through data collected from over 600+ cases

at 18 different colleges and universities, students were able to demonstrate more “active accountability, interpersonal competence, procedural fairness and closure” than they would with the traditional approach to dealing with behavior (Karp 2016; Frank 2016).

During the interview with Lynna Cano, she mentioned that UC Merced is unique in the sense that it is the only campus of all nine UC’s to “have outside consultants, and employ advocates outside of the university” in the area of sexual assault counseling (Cano, 2019). In trying to explain the importance of this fact, Cano explained that she is not employed by UC Merced, but by the local crisis center. In this position, she says that students are more willing to talk to her rather than someone from the university because of the stigma surrounding faculty and staff on college campuses and their procedure of dealing with cases like these. In joining forces with a local community program, UC Merced has extended the number of services it can provide to its students and offers extended support such as transitional housing, legal advocacy support, and an emergency safe house, all of which are provided through the program that Cano works for.

Though trying to make positive strides, the University of California, the leading public university system in the United States, has earned its recognition for its award-winning research and faculty but continues to be behind the fight against sexual assault, as compared to other colleges and universities around the country. For example, the University of Iowa has called for education on sexual assault by offering a for-credit elective class called “Flip the Script,” which is designed to bring awareness to sexual assault by teaching students self-defense maneuvers amongst other educative lessons such as how to intervene in a complicated situation. Other students at the University of Oregon are learning about sexual violence differently. Their way of combating sexual assault is all about creativity; engaging students through the power of art and

theatrics. Here, all incoming freshmen are required to view a theatre production called “It Can’t Be Rape,” which details the story of a victim who experienced sexual assault which details the story of a victim who experienced sexual assault and the impact it had on the survivor, the perpetrator, and their friends (Howard, 2018). This play is an example of a hands-on approach to reach students, where they might be more willing to pay attention to a play, as opposed to listening to someone speak for hours about the effects of sexual violence.

### **Conclusion**

The hypocrisy in the UC system is concerning and alarming; for an institution that claims to be doing everything possible to cultivate a safe learning environment, they have failed to be responsive to the needs of the students and provide them with adequate support. Looking at the statistics, there is a clear pattern that shows that some universities within the UC system need more reforming than other campuses. UCLA and UC Berkeley, as the leading universities in the UC system, need to follow the path of several universities around the country and learn from their sister schools of UC Davis and UC Merced. All schools, however, could improve their policies and campus culture by creating more programs and providing more resources to students who seek out help. This problem requires universities to take students’ complaints seriously, by taking disciplinary measures against those accused, even if it means faculty and staff. To enforce these laws, there must be a strict state and federal law in place that implements tougher penalties for schools that attempt to get around the system and fail to comply with the Clery Act. Before higher learning can take place, college campuses should focus on how to provide a safe space for advancing knowledge, and should collectively work to add more standard policy programs like CARE. In tackling an issue as important as sexual assault, the University of California schools

cannot be divided by research awards and prestige but should be united in the mission to create a top-notch learning system that is rooted in safety first.

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