



Photo credit: Students protest in support of removing a fraternity following an alleged sexual assault at a university in Lincoln, Nebraska: Matt Bills, Shutterstock, August 2021

A Return to “College Culture” Sparks Student-Led Protests against Sexual Violence in Higher Education (Again)

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Content warning: This article contains references to sexual assault and violence.

The fall of 2021 marked the return of millions of students to university campuses after a long hiatus due to the COVID-19 pandemic. While adhering to strict university policies designed to contain the spread of the virus,¹ students have found themselves battling a plague of sexual violence largely on their own. Volatile guidelines from the US Department of Education have left universities with little oversight, meaning

students usually bear the responsibility of developing creative strategies to demand change within their institutions. After new cases of sexual violence surfaced at numerous universities, young activists have ignited a new wave of protests calling on universities to dismantle the infamous “college culture,”² which has long been associated with pervasive violence that disproportionately affects women and marginalized communities.

About the Series

Gender-based violence (GBV) affects one in three women worldwide, making it an urgent and important policy challenge. Many countries around the world have passed laws intended to protect women from violence, yet violence persists. Over the past year, the COVID-19 pandemic has raised awareness of the perils women face from gender-based violence—what has come to be known as the “shadow pandemic”—but it has also aggravated risk factors while increasing barriers to protection, support, and justice.

This publication aims to focus on the intersection of gender-based violence and the rule of law by examining how legal frameworks, judicial system responses, and public policy contribute to the ways in which gender-based violence is—and is not—addressed around the world. Each piece addresses the complicated challenge of gender-based violence and the successes and failures of various public policy responses globally, and offers recommendations for a path forward.

LEGISLATION TO ADDRESS SEXUAL VIOLENCE ON CAMPUS

Under President Obama’s administration in 2011, the Department of Education Office for Civil Rights (OCR) released the landmark “Dear Colleague Letter” (DCL) expanding Title IX, a federal law barring gender discrimination, to include peer-on-peer sexual violence.³ Three years later, the OCR released improved guidance for universities and launched several investigations into prestigious academic institutions—and for the first time in US history, it began publishing the names of institutions under investigation for Title IX violations related to institutional mishandling of sexual misconduct investigations and adjudications.⁴

During this period, colleges and universities underwent immense changes to adhere to the guidelines, developing new policies, contracting training services for students and employees, and hiring personnel to oversee Title IX violations. By 2017, the DCL and 2014 Title IX guidelines had been withdrawn by the Trump administration.⁵ Less than two months after COVID-19 was declared a global pandemic, the Department of Education released new guidance that overhauled systems that universities had just struggled to put in place.⁶ Specifically, the May 2020 regulations issued by Secretary of Education Betsy DeVos established a narrower definition of sexual misconduct incidents that educational institutions would be required to investigate and forced colleges to follow a more prescriptive and onerous adjudicative process that would likely result in more student survivors electing to not engage in Title IX processes whatsoever.

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HIGH-RISK ENVIRONMENT

Research and campus climate surveys have consistently documented a prevalence of sexual violence across universities. The combination of heavy alcohol consumption and a limited understanding of consent among the student population have fostered an environment that perpetuates sexual assault—“the college culture.”⁷ A 2019 national survey of 108,221 undergraduate students across 33 schools revealed that approximately 7 percent of cisgender⁸ heterosexual⁹ (cis-het) males reported experiences of sexual assault with physical force.¹⁰ For female students, the statistics were closer to one in four.¹¹ Gender and sexual minority students are nearly three times more likely^{12, 13} to experience violence than their cis-het male peers. Those who choose to report incidents to the school experience significant disruptions to their education¹⁴ and often suffer serious mental health consequences, including depression and post-traumatic stress disorder.¹⁵

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Certain student populations have been identified as having a higher likelihood of being perpetrators of sexual violence. Namely, male students who are affiliated with fraternities (“Greek life”) and male athletes. Male fraternities are associated with environments where violence against women is normalized, a key component of the so-called “college culture.”¹⁶ A recent study found that men affiliated with these social organizations are 300 percent more likely to perpetrate sexual assault.¹⁷ However, it is important to note that it is not all men in frater-

nities who are committing these acts, and that there is a larger issue of universities neglecting to address sexual violence at an institutional level. The study found that it was approximately only 5 percent of men who were committing the vast majority of the sexual assaults, indicating that the men were repeat perpetrators. Forty-six percent of the incidents of sexual assault reported in the study were committed by men who admitted to raping 10 or more times. Due to a combination of low reporting rates (less than 10 percent of campus survivors report these incidents to their institution) and a lack of peer accountability within their social circles, these men are able to commit repeated acts of sexual assault without consequence.¹⁸

USING SOCIAL MEDIA TO BRING SHAME

Universities and experts feared elevated rates of sexual violence once social gatherings resumed.¹⁹ Fear shifted to reality when Vanderbilt University²⁰ and Virginia Tech²¹ received at least six notifications of sexual assault within the first month of the fall 2021 semester. Frustrated with institutional betrayal,²² students are now taking advantage of social media to publicly shame their universities, particularly focusing on fraternities.^{23, 24}

In August, a member of the University of Nebraska-Lincoln (UNL) Phi Gamma Delta chapter, a fraternity known as FIJI, was accused of sexual assault. Once word hit social media platforms, there was viral outrage among young adults across the United States. Less than a day after the report, a video on popular social media platform TikTok that showed hundreds of students shouting, “Rot in hell!” outside the FIJI lawn had already amassed more than two million views and almost 400,000 likes.^{25, 26} After mounting pressure from students, the FIJI chapter at UNL received a five-year suspension. Leaders of protests against sexual violence

at Auburn University credited videos of activism at UNL for inspiring them to speak out against their administration.²⁷

Weeks later, in October, Brandon Freyre, a 20-year old member of Kappa Delta Rho at the University of Delaware, was charged with a series of felonies, including strangulation and assault, for his violent actions against a female student.²⁸ University leadership waited four days to release a statement denouncing Freyre’s actions.²⁹ In contrast, the petition for his expulsion disseminated by students gathered 20,000 signatures in just two days, and a video documenting Freyre’s friends laughing at the protest was viewed more than seven million times.³⁰

Platforms like Instagram, TikTok, and Twitter, which students are leveraging to drive public knowledge and institutional change, have made it impossible for administrators to contain awareness of protests to their campuses. The combination of on-campus, in-person protests and the ability for students to quickly spread the word about incidents at their schools has sparked a cascade of protests across multiple campuses calling for abolition of Greek life organizations.^{31, 32}

“A better approach to addressing sexual violence requires comprehensive prevention tools.”

RESPONSES FROM KEY STAKEHOLDERS

When a fraternity member is publicly exposed for committing sexual assault, the response from universities is often to temporarily suspend the organization the student is affiliated with. Suspensions of fraternities fail to consider that the issue is the not the organization itself, but rather how it fosters

dangerous attitudes toward women, people of color, and LGBTQ+³³ students, which manifest as the perpetration of sexual violence. A better approach to addressing sexual violence requires comprehensive prevention tools, such as effective education on consent throughout a student's college career, as well as coordinated trauma-informed services for survivors. Universities should enforce zero-tolerance policies toward perpetrators of peer-to-peer sexual violence and the social organizations that enable them, to ensure that the consequences for these crimes are based on the crime itself and not any extraneous factors that should not be prioritized.

At the federal level, Title IX guidelines for universities have evolved into a political football, tossed from one administration to the next. To circumvent the politicization of sexual violence on college campuses, states have begun to adopt more comprehensive legislation that expands survivor rights and improves the transparency of the disciplinary proceedings.^{34, 35} Amid the latest series of protests, President Biden announced that his plans to roll back the Trump-era Title IX guidelines would begin in May 2022,³⁶ a contrast to his claims of immediate action during the presidential campaign. In the meantime, student survivors are expected to suffer the consequences of the current guidelines and disciplinary process. Advocates are waiting to see if Catherine Lhamon's recent confirmation as assistant secretary for civil rights in the Department of Education will speed up the federal regulatory process to undo the harmful regulations currently in place.

“Why are young adults in higher education still being forced to fight for basic safety and protection on their college campuses?”

FUTURE FOR STUDENTS IN HIGHER EDUCATION

Demonstrations have occurred at more than a dozen schools since the beginning of the fall 2021 semester, with participation ranging from a few disillusioned students to thousands filling the streets with provocative signs and chants. After years of advocacy, protests, and repeated national media attention, it is important to ask the question: Why are young adults in higher education still being forced to fight for basic safety and protection on their college campuses? Institutions of higher education, without pressure to change their policies and practices from the federal government, continue to privilege the social and psychological safety of cis-het men on campus over the physical safety of women, sexual and gender minorities, international students, and students of color.

In response to the COVID-19 pandemic, universities were able to swiftly shift operations from in-person to online learning, while implementing new policies to curb the spread of the virus within weeks. Despite sexual violence on college campuses being a documented issue for at least half a century, universities still choose not to prioritize the safety of students. If sexual violence prevention was treated as a public health emergency of the same magnitude as COVID-19, students would likely not be suffering the way they are today. In the absence of consistent federal laws and university accountability, students are once again forced to take matters into their own hands as they advocate for change within their own campus communities and in the field of higher education writ large.

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