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Congress, experts call on federal officials, campuses to improve campus sexual assault data collection efforts

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By Matt Rocheleau, Boston.com Staff

More than three dozen members of Congress have written to the federal office in charge of enforcing the Clery Act, calling on it to do a better job of collecting data on campus sexual assaults.

Advocacy groups and researchers have been calling for better, more transparent data collection for years. The [Globe's review of Clery data](#) -- federally mandated reports on campus crime -- found that the number of assaults reported by most, if not all, campuses -- both locally and nationally -- over the past decade have been much lower than estimates of numerous studies.

Even with a spike in reported campus sexual assaults over the past five years, the rates schools are reporting come nowhere close to figures in a 2007 Department of Justice-funded [study](#) which estimated that about 5.2 percent of college women are sexually assaulted each year.

Experts say such low numbers tend to mean schools either need to do more to make students feel comfortable reporting the crime or schools need to do a more thorough, honest job in their methods for collecting and reporting the data, or a combination of the two. Stronger federal oversight could be a key driver for this, too, experts say.

Campuses urged to monitor prevalence, not just reported cases

One part of the [letter](#) signed by 39 members of Congress called on the US Education Department's Office for Civil Rights to require colleges and universities to conduct anonymous surveys of students to more accurately report how prevalent sexual assault is on each campus -- not simply how often it is reported.

An estimated 88 percent of victims do not formally report the crime, according to a 2007 [study](#) funded by the Department of Justice.

David Lisak, a clinical psychologist who has spent the past three decades researching campus sexual assault, said the fact that few, if any, schools study how prevalent the crime actually is on their campuses "underscores one of the major shortcomings in how higher education has been handling sexual assault."

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Lisak, who recently retired from teaching at UMass Boston, has advised US military officials on how to prevent and respond to sexual assault cases at service academies.

He said that changes made by the Department of Defense in just the past several years has led military academies to implement better methods of collecting meaningful data about sexual assaults than higher education has managed over the past two-and-a-half decades since the Clery Act was signed into law in 1990.

The country's three military academies not only compile annual statistics on sexual assaults reported to authorities, but also conduct an anonymous survey of cadets and midshipmen every two years to get a more accurate picture of how many sexual assaults actually occur.

For example, during the 2011-12 academic year, 58 sexual assaults were reported at the service academies, according to a [report](#) from the Department of Defense to Congress. But an anonymous survey estimated the actual number of sexual assaults at the academies that year was about 526.

"We've really been focusing our efforts on trying to increase reporting so victims can get the help they need," said Department of Defense spokeswoman Lt. Col. Catherine Wilkinson.

Asked why few, if any, higher education institutions anonymously survey students regularly about sexual assault, Lisak said: "Because then the numbers are out there."

"There's still a lot of resistance," he added. "All universities have mechanisms already in place [to conduct such a survey]. This would not be technically challenging really at any level. We really just need the will."

The Jan. 29 letter from members of Congress also urges the education department office to: be more transparent about its investigations and enforcement actions around campus sexual assault and harassment; create a central, public database about laws and guidelines schools are expected to follow around the issue of sexual assault; and to require campuses to be more transparent in disclosing what each is doing to prevent and respond to sexual assault, including making available information about crime statistics, enforcement actions, and students' rights under Title IX.

When asked for a response to the letter, Education Department press secretary Dorie Nolt said in a statement: "We have received the letter and will respond to it. We agree that this is a very important issue, which is why we have prioritized civil rights enforcement and are working to galvanize a national effort to help prevent sexual assaults and to better support survivors of sexual violence. In fact, last week, President Obama issued a Presidential Memorandum to establish the 'White House Task Force to Protect Students from Sexual Assault.'"

Federal department unsure why some Clery figures seem off

The figures that the Globe reviewed for its story on campus sexual assault came directly from an online database run by the federal Education Department.

Every higher education institution in the US that receives federal financial aid is required by law to submit the data to the department. The department then posts those figures to the website, www.ope.ed.gov/security.

The data dates back to as early as 2001, but some of the crime figures, particularly between 2001 and 2003 seem unbelievably high.

Jane Glickman, a spokeswoman for the federal Education Department, also doubted the validity of some of the data between 2001 and 2003 but said she had no idea why the numbers were likely wrong and said she did not know of anyone in the department who could provide an explanation for the apparent inconsistencies.

She said the department simply collects the data from schools and posts the numbers online. She said the department tries to check back with schools if certain numbers seem off, but otherwise the department does not analyze the data it collects.

Glickman also declined to comment on, and said she did not know anyone in the department who could comment on, why the Globe's review found that the number of sexual assaults has risen in recent years while other crime types have gone down or held relatively steady.

"The law calls on the department to collect campus crime data and ensure that institutions are complying with the law's provisions," Glickman wrote in an email. "We do not analyze the data or do research into why certain crime categories are going up or down."

However, the department is the only agency in charge of enforcing the Clery Act and its data reporting rules.

In the 15 years between 1997 and 2012, the department completed a total of 59 investigations into schools suspected of not being in full compliance with the Clery Act, according to a list of the finished reports on the education department's [website](#) that the spokeswoman referred the Globe to. Of those, 34 investigations were completed in the four years between 2009 and 2012.

She said the department does not disclose investigations that are ongoing.

The department conducts such reviews if: a complaint is filed; "a media event raises certain concerns;" the school's independent audit "identifies serious non-compliance;" or through a "review selection process," the website says.

Glickman said the department takes all complaints and reviews seriously but noted that some reviews take several years and said that the department has limited resources to conduct such investigations.

A 2002 [study](#) funded by the Department of Justice found that about only 36.5 percent of schools reported "crime statistics in a manner that was fully consistent with the Clery Act."

The Education Department's Office for Civil Rights also investigates allegations of colleges and universities violating Title IX, the federal civil rights law protecting students from general discrimination.

Over the past several years, the number of such complaints related specifically to campus sexual violence has risen, according to data provided by department spokesman Jim Bradshaw.

In the both the 2009 and 2010 fiscal year there were 11 such complaints. There were 18 complaints in 2011 and 17 the following year before the number of complaints spiked to 30 during 2013.

In the department's current fiscal year, which began Oct. 1, there have already been 13 such complaints.

The office said it currently has 39 pending Title IX investigations involving allegations of sexual violence at post-secondary institutions.

Still, experts say more needs to be done to hold schools accountable.

"The Office for Civil Rights is broken," said Colby Bruno, an attorney at the [Victim Rights Law Center](#) in Boston, who runs training programs about the education rights of sexual assault victims and helps some students file federal complaints against their schools.

“The law isn’t really lacking. Where we’re lacking is enforcement,” she added.

Getting Clery data from the Education Department website, especially for years prior to 2005, can be confusing and cumbersome.

Even after the data is found, it’s can be difficult to interpret, in part because schools are given leeway in how they interpret certain aspects of the law and thus how they report. For instance, Glickman said schools “have latitude” in how they determine what areas around their campus to include when they report Clery data.

“To me the data is vitally important because there’s a sense of accountability and I think schools need that,” said Bruno. “Reliable data is also important because we want to see if programming and prevention efforts are working.”

Other past, ongoing efforts to improve Clery

The letter from members of Congress was led by Democrat US Representatives Jackie Speier, of California, and Carolyn Maloney, of New York. The letter also said the office should provide campuses with better guidance about how to respond to same-sex violence and gender identity discrimination.

In recent years, some efforts have been made to improve the effectiveness of the Clery Act.

In a “[Dear Colleague Letter](#)” issued April 4, 2011, the federal education department outlined a series of guidelines for how colleges should respond to sexual harassment and violence.

Last year, Congress passed and President Barack Obama signed an updated version of the [Violence Against Women Act](#), which added a section called the Campus Sexual Violence Elimination Act, a law setting new standards for how campuses report sex offenses. Schools will need to comply with those new regulations for the first time when they submit Clery reports this coming fall.

And, last week, to go along with the release of a White House [report](#) on the prevalence and devastating effects of sexual assault on college campuses, Obama created a [task force](#) of senior administration officials who, with input from campus officials, students, advocacy groups and law enforcement, will try to find ways to protect students from rape and sexual assault.

Obama said he the group’s first body of work is due in 90 days.

Advocates for sexual-assault victims say that, to go along with changes at the federal level, they have seen a surge in activism around the issue from students, campus organizations, and alumni.

Particularly, “We’re seeing a lot more victims willing to step forward and publicly talk about what happened to them and using that as a pressure for change,” said Scott Berkowitz, president of the Rape, Abuse & Incest National Network, a Washington, D.C.-based anti-sexual violence organization.

“Hopefully that will put some pressure on colleges about how they deal with it,” he added.

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