

**Student Knowledge and Understanding of Sexual Violence: A Case Study at Duke
University**

Erica Becker

**Advisor: Dr. Clara Muschkin
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Sanford School of Public Policy
Duke University
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Abstract

An estimated 20-25% of women experience sexual assault while at college. In response, institutions of higher education are improving their policies and working to educate students on the issue. The purpose of this study is to examine whether undergraduate students at Duke University know and understand the University's Student Sexual Misconduct Policy on consent and sexual violence. Data gathered from student surveys (n = 320) yielded mixed results on respondents' knowledge of the policy. In addition, though students had greater understanding of sexual violence than hypothesized, respondents lacked understanding of the role of alcohol in consent. Statistical analyses showed that men, varsity athletes, freshmen and non-LGBTQ students were more likely to misunderstand sexual violence, as measured through responses to scenario questions on the student survey. Recommendations of this study to the University include adding information on alcohol and consent to the Student Sexual Misconduct Policy, improving outreach and follow up for educational programming, and implementing scenario questions in future surveys and training materials.

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Introduction

During recent years, sexual assault on college campuses rose into the national spotlight and became a major topic of concern for the federal government, students, and universities alike. Rates of sexual violence, especially against women, are alarmingly high within campus environments, with experts estimating that 20 to 25% of women experience sexual assault during their time at college (Carroll et al. 2013; Pérez-Peña 2015). Disconcerting figures such as this have sparked a national dialogue on institutions' responsibility to assess the prevalence of sexual violence on campus, actively work to prevent situations of sexual assault, and provide victims with appropriate aid and robust conduct proceedings. In response to the widespread prevalence of sexual assault on campuses, the Obama administration has taken increased action to address the problem by creating a task force to examine the issue, passing new policies that hold schools to higher standards, and demonstrating its commitment to combatting the issue by placing dozens of colleges nationwide under federal review (U.S. Department of Education 2015).

Although the Obama administration and the Office of Civil Rights are now pushing colleges to improve their prevention efforts, policies, and handling of campus sexual assault cases, institutions of higher education do not appear to be devoting time to evaluating whether students are affected by these policies and changes (White House Task Force to Protect Students From Sexual Assault 2014). Previous research in this area has focused on the effects of specific educational programs on participants' knowledge and attitudes towards sexual assault, and does not provide a complete picture of students' explicit knowledge of school policies or understanding of the application of these policies (Katz and Moore 2013; Koelsch et al. 2012; Breitenbecher and Scarce 1999; Edwards 2009; Foubert and Marriott 1997; Anderson and Whiston 2005). Thus, it remains unclear whether students are familiar with these policies or

understand what constitutes sexual assault based on these policies. Using survey data gathered from 320 undergraduates at Duke University, this study investigates students' awareness of campus policies and definitions on sexual violence and consent, and whether they can apply them to real life situations.

Concept Definitions

Institutions of higher education are free to create their own definitions of rape and sexual assault. However, most campus policies and definitions tend to draw on language used by the federal government (Carroll et al. 2013). According to the Federal Bureau of Investigation, the summary definition of 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” (Federal Bureau of Investigation 2014, 1). The U.S. Federal Code defines sexual assault as a sexual act inflicted upon a person through force or threat, when the person is asleep, unconscious, or unaware the act is occurring, or when the person is otherwise unable to consent to the sexual act. The code further defines consent as “freely given agreement to the conduct at issue by a competent person,” in which consent given by force, a lack of active resistance, and previous sexual interactions cannot be interpreted as consent (Cornell University Law School 2015, 1). The full definitions of rape, sexual assault, aggravated sexual contact, force, and consent as laid out in the U.S. Code can be found in Appendix A.

Duke University, in setting its own policy, adheres to the Duke University Student Sexual Misconduct Policy, which is applicable to all undergraduate and graduate students at the University. The policy defines sexual misconduct and the behavior it entails, including sex or gender-based sexual violence, sexual harassment, sexual exploitation, relationship violence,

stalking and consent, with language similar to that used by the federal government. The code sets standards of conduct prohibiting sexual misconduct, describes the resources available to students who have been the victims of sexual misconduct on campus, and outlines the reporting and investigative process (Office of Student Conduct 2015). The University revised this policy in July 2014 to include stricter definitions of sexual misconduct and consent, and again altered it in August 2015 to clarify terminology, update definitions, make information on the complaint process more accessible, and include more examples of sexual misconduct (Ballentine 2015).

Duke University's policy differentiates sexual violence from sexual harassment. Duke University defines sexual harassment as unwelcome conduct that interferes with or negatively affects an individual's education, work or living conditions. Sex or gender based harassment occurs when someone in a position of power uses his or her authority to make unwanted sexual advances towards an individual.

This study primarily focuses on the concept of sexual violence, as this term encompasses all actions commonly described by the terms sexual assault and rape that vary in usage and definition across institutions of higher education, the media, and within research settings. The Student Sexual Misconduct Policy defines sexual violence as "any physical act of a sexual nature based on sex and perpetrated against an individual without consent or when an individual is unable to freely give consent" (Office of Student Conduct 2015). In contrast to sexual harassment, sexual violence necessarily involves the occurrence of a physical act. According to the Student Sexual Misconduct Policy, an act of sexual violence is differentiated from other sexual acts through the absence of consent. Duke University recognizes consent as an affirmative, informed, clear and active communication, verbal or nonverbal, that indicates willingness to

participate in a sexual act.¹ According to Duke’s policy, consent has not been given based on any of the following: if a person is confused or uninformed when agreeing to an action; if a person is pressured into giving consent and does not do so out of his or her own free will; if a person is incapacitated by alcohol or drugs; just because a person does not actively resist another’s sexual advances; or just because two people have engaged in sexual activity together in the past. If either party has not given consent for a sexual action, sexual violence has occurred (additional information on these terms is available in Appendix A).

For the purposes of this study, the term sexual violence will be used in accordance with its definition in the Duke Student Sexual Misconduct Policy. However, other terms such as sexual assault and rape will continue to be referenced when they are a part of the relevant existing literature, and should be understood as referring to nonconsensual sexual acts.

Main Questions

The purpose of this study is to answer the following questions:

- Are undergraduate students at Duke University familiar with the University’s definitions of sexual violence and consent as defined in the Student Sexual Misconduct Policy?
- Do undergraduate students at Duke University understand these definitions and what constitutes sexual violence in real-life situations?

¹ The Student Sexual Misconduct Policy defines and elaborates on consent as follows: “Consent is an affirmative decision to engage in mutually acceptable sexual activity given by clear actions or words. Consent is an informed decision made freely and actively by all parties... Conduct will be considered “without consent” if no clear consent, verbal or nonverbal, is given...being intoxicated or incapacitated does not diminish one’s responsibility to obtain consent and will not be an excuse for sexual misconduct.” (Office of Student Conduct 2015)

Theoretical Framework

Sexual violence on college campuses

Recent studies and news reports conclude that sexual violence is a particularly prevalent problem within college communities. From 1995-2013, college aged females between 18-24 years old experienced higher rates of sexual violence compared to other age groups (Sinozich and Langton 2014; Breitenbecher and Scarce 1999). Although national studies previously estimated that one in five female students experience some form of sexual assault in college (White House Task Force to Protect Students From Sexual Assault 2014; Carroll et al. 2013; Katz and Moore 2013), a 2015 study commissioned by the Association of American Universities found that more than one in four, or 27.2% of female students experience sexual assault by force or incapacitation alone (Cantor et al. 2015). Nearly half of the female respondents that experienced sexual assault during college experienced attempted or completed penetration, and as many as one third of female respondents described experiencing sexual assault carried out by coercion or lack of consent, as well as through force or incapacitation. Rates of sexual violence among undergraduate students are also higher at private institutions of higher education than public institutions (Cantor et al. 2015). These estimates are higher than those previously reported (Cantor et al. 2015; Katz and Moore 2013; Koelsch et al. 2012; Breitenbecher et al. 1999).

Factors specific to college campuses contribute to high rates of campus sexual violence. For example, college party cultures often entail heavy alcohol consumption and normalize or celebrate casual sexual engagements (Koelsch et al. 2012). Alcohol is a risk factor for assault, as it impairs cognitive functions and decision-making, and can compound confusion as to whether consent has been given (Office of Student Conduct 2015). As a result, routine consumption of

alcohol or drugs by female students positively correlates with an increased likelihood of experiencing sexual violence (Krebs et al. 2009), and between 62% and 72% of college women who experience sexual assault are under the influence of alcohol (Koelsch et al. 2012). Of the men in a study who reported committing acts consistent with rape or attempted rape, 80.8% targeted women who were incapacitated by alcohol or drugs (Lisak and Miller 2002).

College students also live in a unique environment that can contribute to particularly high rates of acquaintance rape and sexual assault. Sexual violence perpetrated by acquaintances, rather than strangers, implies victims know their attackers, either as a friend, classmate or significant other. Constant social interactions on campuses increase the opportunity for sexual assault because women are in close proximity with potential perpetrators and alcohol on a regular basis (Krebs et al. 2009). Between 75% and 80% of campus sexual violence cases against female students are committed by acquaintances (White House Task Force to Protect Students From Sexual Assault 2014).

Within campus environments, certain demographic groups are disproportionately likely to be the victims or perpetrators of sexual violence. About 25% of female students experience attempted or completed sexual assault in college, as opposed to approximately six to nine percent of male students (Carroll et al. 2013; Cantor et al. 2015), and members of the LGBTQ community, particularly those that identify as transgender, queer or gender non-conforming, are at higher risk for sexual violence (Cantor et al. 2015). Younger women who more recently entered college are at greater risk of experiencing sexual violence, the risk of which decreases during one's time at college (Krebs et al. 2009; White House Task Force to Protect Students From Sexual Assault 2014; Cantor et al. 2015). Men are responsible for the majority of sexually

violent crimes on campuses (White House Task Force to Protect Students From Sexual Assault 2014).

Recent research suggests that women's membership in a Greek organization is not a significant predictor for experiencing sexual assault (Cass 2007), though previous studies found that sorority women were more likely to experience sexual violence. In one previous study, an estimated one in four sorority members experienced attempted rape, and an additional 17% were victims of completed sexual assault (Copenhaver and Grauerholz 1991). Researchers have hypothesized that sorority women are at higher risk of victimization due to high levels of alcohol consumption and frequent socialization with fraternity members, a group with increased likelihood to act as perpetrators (Cass 2007; Copenhaver and Grauerholz 1991).

Although any student on a college campus can commit sexual assault, both fraternity members and varsity athletes are thought to be more likely to commit acts of sexual violence than other students. Commonly identified fraternity values such as group loyalty, aggression, or internal competition, as well as fraternities' supposed celebration of alcohol consumption and sexual conquest, can lead members to internalize negative sexual attitudes (Copenhaver and Grauerholz 1991). One study found that over half of the rapes women reported were committed by a fraternity member or during a fraternity function (Copenhaver and Grauerholz 1991).

Similar to fraternity members, male student athletes are thought to be more sexually aggressive than non-athletes and more often perpetrate sexual assaults reported to campus judiciary offices (Benedict and Klein 1998). Although some researchers have argued athletes are targeted as the subjects of rape allegations (Benedict and Klein 1998), a meta-analysis of 29 studies by Murnen and Kohlman (2007) found that athletic membership is significantly associated with self-reported sexually aggressive behavior and hyper-masculine, rape supportive

attitudes, which are defined as beliefs justifying male sexual aggression. These characteristics suggest higher rates of perpetration.

Across college campuses, sexual violence is an underreported crime (White House Task Force to Protect Students From Sexual Assault 2014). Students may be hesitant to report an experience of sexual violence to the administration if they blame themselves for what happened, fear retaliation from their perpetrators or perpetrators' friends, are unsure of what to expect during the reporting process, or cannot remain anonymous during the process. Women may also be alienated from reporting if they feel the adjudication process is too long, they do not believe their perpetrators will be punished, or they want to avoid continued mental stress (Karjane et al. 2002; White House Task Force to Protect Students From Sexual Assault 2014). Those who are sexually assaulted by an acquaintance – constituting a majority of the cases on campuses – and do not bear any physical injuries from the incident are less likely to report the crime (Lisak and Miller 2002).

Rape myths cloud recognition of sexual violence

Rape myths and stereotypical sexual scripts perpetuate sexual assault and students' inability to recognize situations of sexual violence. Rape myths are defined as generally untrue beliefs that justify or minimize male sexual aggression. They are rooted in traditional views and perpetuated by cultural constructions and the media (Ryan 2011). Sexual scripts are culturally determined patterns of sexual behavior that influence people's attitudes towards sexual experiences and views on sexual violence. Dominant scripts may socialize college men to believe aggressive sexual behavior is permissible or masculine, leading some to act in ways that can legally be defined as rape (Edwards 2009). For example, the possible socialization of

fraternity members to act in sexually coercive ways and follow traditional gendered sex roles may contribute to higher levels of rape myth acceptance and fraternity members' increased likelihood to commit sexual assault (Foubert and Marriott 1997).

Persistent rape myths obscure the true definition of sexual violence and lead people to maintain differing opinions on which party is responsible in situations of sexual assault. People are more likely to view women as victims of sexual assault if their experiences occurred with strangers, involved lots of force, and they physically protested sexual contact early in the encounter (Dunlap 1997). In contrast, many believe a woman is blame-worthy and are hesitant to label a situation as rape if she knew her assailant, was intoxicated, dressed scantily, returned to a man's room of her own will, shared sexual relations with the man in the past, or protested after some consensual sexual contact had occurred (Dunlap 1997; Koelsch et al. 2012). Research has shown that people less often view acquaintance rape and sexual assault in the same light as forced rape because they are accustomed to the myth that rape is when a male stranger violently attacks a female (Lisak and Miller 2002; Dunlap 1997). Discussions of acquaintance rape often invoke language of "miscommunication" and "misunderstanding" to describe the encounter, rather than use terms that refer to the encounter as a serious crime (Lisak and Miller 2002, 4).

Alcohol and previous sexual involvement between individuals further obscure students' interpretation of a situation as sexual assault. Students in a study by Koelsch et al. (2012) specifically noted that when both parties in a sexual encounter are drunk, they do not feel resulting sexual behavior is the fault of either party. Furthermore, if a woman engaged in sexual activity of any kind during an encounter, many people assume she implied consent to further sexual activity (Dunlap 1997). These rape myths tend to perpetuate practices of victim blaming, and cause many people to overlook acquaintance rape as a serious form of sexual assault (Ryan

2011). As a result, the criminal justice system often treats acquaintance rape more leniently, and college communities continue to either intentionally or unintentionally condone victim-blaming practices (Buchhandler-Raphael 2011).

Subscription to rape myths and stereotypical scripts prevents both victims and perpetrators on college campuses from recognizing that an experience was rape or sexual assault. Between 43% and 47% of college women who, in a research setting, described experiences that met the legal definition of rape did not label the experiences as such and claimed to have never experienced rape (Dunlap 1997). These women may have consciously chosen not to describe their experiences as rape because they did not trust friends or the administration, wanted to avoid the label of “victim,” or wanted to protect their own privacy. However, they may not have actually recognized their experiences as sexual assault because the experiences did not match rape myths. A widespread failure to recognize incidents as sexual violence is likely contributing to the problem of underreporting on campuses (White House Task Force to Protect Students From Sexual Assault 2014).

Similarly, many male perpetrators are unaware that they committed a sexually violent act. Of the college men in a study that reported behavior that legally qualified as rape, 84% did not believe their actions constituted rape (Edwards 2009). Both parties’ denial is fueled by prescription to rape myths and sexual socialization; if an experience of sexual assault does not fit the stereotypical script, victims and perpetrators are less likely to acknowledge it as such. As a result, myths can serve as a justification for actions that constitute sexual violence but do not follow a well-known script. Because male offenders tend to be more supportive of rape myths than non-offenders, perpetrators may use rape-supportive beliefs to blind themselves to the true nature of their acts out of self-defense (Amar et al. 2014; Ryan 2011). These conclusions

highlight the general confusion surrounding sexual violence, and highlight the need to investigate students' understanding of the issue.

Response and impact of federal policy and action

Federal policy and the Obama administration's recent actions have shaped the national and collegiate response to sexual violence on campuses. Although individual campuses design their own policies on and definitions of sexual violence, colleges form their guidelines within the context of federal policies. All institutions of higher education that receive federal funding are subject to Title IX of the Education Amendments of 1972, hereby referred to as Title IX. Title IX prohibits discrimination, such as sexual harassment, based on sex and gender within educational institutions and compels schools to address these crimes on campus (U.S. Department of Justice 2014). The April 4, 2011 Dear Colleague Letter issued by the Office of Civil Rights reinforces the need for educational institutions to adhere to Title IX guidelines. The letter emphasizes that sexual violence is an extreme form of sexual harassment, as it is characterized by unwanted sexual advances, and is thus subject to Title IX. Furthermore, the Dear Colleague Letter sets forth standards for schools to follow to prevent sexual violence and increase educational efforts on campus, leading many schools to revamp their campus judiciary procedures for dealing with sexual violence and enhance their victim support services (Carroll et al. 2013).

More recently, the Jeanne Clery Act was amended to include the Campus Sexual Violence Elimination (SaVE) Act (Jeanne Clery Act Information 2015). The Clery Act, signed into law in 1990, requires schools to disclose information on campus crime statistics and guarantee the victims of campus crimes specific rights (Know Your IX 2015). The SaVE Act, which President Barack Obama signed into law in 2013 and went into effect for the 2014-2015

school year, mandates schools implement sexual violence awareness and prevention programs for incoming students and employees. These programs should include information on the school's definitions of sexual assault, rape, and consent. SaVE also requires educational institutions to improve transparency on the scope of sexual violence on campus and provide victims with written explanations of their rights and campus conduct procedure options. Institutions that fail to comply with these guidelines can face penalties ranging from a warning to the loss of eligibility for federal student aid (Jeanne Clery Act Information 2015).

The Obama Administration has further pushed the issue of sexual violence on college campuses into the national spotlight by making it a focal point of White House efforts. The administration created the White House Task Force to Protect Students From Sexual Assault in January 2014, which published its first report on the topic in April 2014 and, more recently, released a guide for colleges and universities with recommendations for preventing and improving the response to sexual violence (White House Task Force to Protect Students From Sexual Assault 2015). The task force and the resources available on its website, NotAlone.gov, are intended to offer colleges guidance on how to best gauge the problem on their campuses, implement sexual violence prevention programs, and respond to instances of sexual violence. In September 2014, the President also launched the "It's On Us" campaign to increase awareness and decrease tolerance of sexual violence on campuses. The campaign features prominent celebrities in ads and videos, and encourages people to act as bystanders and intervene in situations that may lead to an assault (White House 2014). To improve transparency of federal enforcement of regulations, the Department of Education released a list of schools placed under investigation in 2014 by the Office of Civil Rights for violating Title IX guidelines in handling cases of sexual violence (U.S. Department of Education 2015). As of May 2015, this list has

grown to include approximately 111 schools (Dickson 2015). Duke University is not under investigation.

Schools' responses

Many colleges have implemented sexual assault prevention and education programs for students in response to heightened national focus on college campuses. As a result, it is increasingly important to evaluate whether these programs adequately inform students about sexual violence, effectively improve knowledge, attitudes and understanding among students, and impact the rates of sexual violence on campuses.

Although some colleges have not implemented educational programs in response to sexual assault over the past twenty years (Edwards 2009), an estimated 85% of schools provide programs to train students to respond to sexual violence, many of which include information on the school's sexual assault policies (Amar et al. 2014). Sexual violence programming commonly takes two forms: risk reduction or prevention (Edwards 2009). Risk reduction programs, though varying in their methods, provide students with information on how to avoid situations where there is a risk of sexual assault, or offer self-defense trainings on how to escape an assault. These programs have yielded inconsistent results because they tend to specifically target women, often sending the message that it is the victim's responsibility to avoid assault, and only provide information to protect an individual woman, rather than effect change among the wider population (Edwards 2009; Katz and Moore 2013). In contrast, prevention programs seek to discredit rape myths and disrupt perpetration behaviors among males.

Although risk reduction programs are still the dominant form of programming on campuses, college administrations are increasingly turning to bystander intervention programs as

a promising form of prevention programming (Katz and Moore 2013). These programs enlist the support of men and all individuals in a community by approaching program participants as helpers who can intervene in potentially problematic situations occurring between their peers. Bystander intervention programs place some of the burden of preventing sexual violence on groups other than potential victims (Koelsch et al. 2012).

Duke University, in particular, implements a number of sexual violence education programs. Two of these programs, Haven and True Blue, are mandatory for all incoming students. Haven is an online training that students must complete before beginning their freshmen year, and was implemented for the Class of 2017. The program touches on key definitions and policies on sexual violence, as well as bystander intervention strategies. True Blue is a presentation given by a Women's Center staff member to the incoming freshmen class during Orientation Week. The talk is intended to emphasize the conditions under which consent can be given. Additionally, the University and Women's Center offer a number of voluntary educational trainings on sexual violence, as well as informal discussions. Social organizations can choose to have their members undergo a Party Monitor Training cohosted by the Wellness Center and the Women's Center. Although Party Monitor Training reviews various topics, such as alcohol poisoning, the program includes information on sexual violence and consent while intoxicated (Duke University Student Affairs 2015). The Women's Center also runs the P.A.C.T. training program, which stands for Prevent. Act. Challenge. Teach. The program is an intensive, two-session bystander intervention training that teaches undergraduates about what qualifies as sexual violence and provides information on how to intervene in potentially problematic situations (Duke University Student Affairs 2015). The One Love program, run by an outside

organization, seeks to educate students to prevent relationship violence, and was recently administered to athletic teams on campus (One Love Foundation 2015).

A multitude of studies exist that doubt the impact of sexual violence programs on students' long-term understanding of sexual violence and rates of assaults (Katz and Moore 2013; Koelsch et al. 2012; Breitenbecher and Scarce 1999; Edwards 2009). Programs that center on increasing awareness of sexual violence, rather than trainings that seek to change students' attitudes and behavior, do not produce long-term impacts or significant attitude change (Edwards 2009). Many programs on campuses take place during orientation week when freshmen are inundated with a wealth of other important information, or are often voluntary (Edwards 2009; Amar et al. 2014). As a result, students may forget what they learn during these sessions or fail to attend them in the first place. These flaws in logistical programming could significantly limit the efficacy of sexual violence education and prevention programs.

Despite findings questioning the long-term effects of education and prevention programs, some studies suggest that programs can enhance long-term attitude, knowledge, and behavioral change (Breitenbecher and Scarce 1999; Katz and Moore 2013; Edwards 2009). Specifically, a meta-analysis of college bystander education programs found that these programs impact bystander behavior and the likelihood that third parties will intervene in potentially risky situations (Katz and Moore 2013). These programs can also increase participants' knowledge of sexual violence, decrease rape myth acceptance, and decrease rape supportive attitudes, which are beliefs justifying male sexual aggression. Similarly, meta-analyses by Anderson and Whiston (2005) found that education programs overall had the greatest positive effects on rape attitudes and rape knowledge, or participants' factual understanding of rape. Furthermore, multiple studies of programs that sought to change college men's attitudes towards sexual assault found that these

trainings successfully lowered rates of rape myth acceptance and improved participants' understanding of related definitions (Edwards 2009; Foubert and Marriott 1997).

However, even studies recognizing that sexual violence programming can yield positive results note that these effects can wane over time and may not be particularly long lasting. The longevity of gains from educational efforts depend on the characteristics of a program's structure, including whether it is designed for single or mixed gender participant groups, taught by peers or staff, and the length and number of follow up sessions (Katz and Moore 2013). Some studies noted losses in positive effects among students at 8 and 14-week program follow ups, though the education programs still had significant impacts on the students (Edwards 2009; Foubert and Marriott 1997).

Despite known decreases in rape supportive attitudes as a result of training programs, there is little evidence that these programs decrease the rates of sexual assault perpetration on campuses. Some studies found that men reported a decreased likelihood of rape proclivity and sexually coercive behavior after training sessions, suggesting sexual violence programming may drive down the rates of perpetration on campus (Foubert and Marriott 1997). Men with greater knowledge of rape and resulting rape trauma are also less likely to become perpetrators because they are more aware of their actions (Edwards 2009; Foubert and Marriott 1997). In contrast, other studies assert that high-risk men may actually increase perpetration after undergoing an educational program on sexual assault (Katz and Moore 2013). Most researchers, however, have not established any connection between decreases in rape supportive attitudes and perpetration levels or the incidence of sexual assaults on campuses (Koelsch et al. 21012; Edwards 2009; Anderson and Whiston 2005; Breitenbecher and Scarce 1999). The lack of concrete evidence on changes in perpetration rates may be due to the short length of many programs, thus reducing the

opportunity to change participants' behavior. Education programs might also not address the points necessary to reduce perpetration of sexual violence (Breitenbecher and Scarce 1999).

Although little research has directly investigated undergraduate students' awareness of campus policies and definitions, the structure of sexual assault education programs suggest students may not be aware of their schools' definitions (Katz and Moore 2013). Specifically, if campus programs make a distinct effort to educate students on sexual assault definitions, college administrations likely feel students are lacking knowledge in this area.

Literature describing student confusion on sexual harassment, as defined separately from sexual violence, can provide insight into student understanding of sexual violence. Birdeau et al. (2005) found that although sexual harassment is prevalent on college campuses, definitions of harassment tend to vary and leave much to individual interpretation, using vague language rather than citing specific behaviors. Of college students who had been victims of sexual harassment, 34% did not report the crime because they were unsure of their school's policy, and 47% did not report the crime because they were unaware of whom to tell (Birdeau et al. 2005). Based on the interrelated nature of sexual harassment and sexual assault policies, it is possible students are similarly unaware of and confused by campus sexual violence definitions.

Gaps in the literature and research objectives

Despite the wealth of research on sexual assault on college campuses, few studies directly investigated student knowledge and understanding of the application of sexual violence definitions on campuses; rather, related research largely focused on evaluating the effects of sexual assault education programs on students' rape related attitudes and knowledge (Katz and Moore 2013; Edwards 2009). Yet students' reluctance to recognize that certain situations were

sexual violence suggests that they do not understand these definitions in real life situations. This gap in the literature provided an opportunity for this study to explicitly measure the degree to which undergraduates can gauge consent in various situations.

In addition, although educational programs on sexual violence are increasingly thought to improve awareness and understanding of policy definitions, campus programs are often not reaching the entire student body. The current structure of many educational programs suggests that there may be students who remain unaware of their school's policies and definitions. If students are indeed unaware of the definition of sexual violence according to the law and campus policies, it is unclear whether they can project these parameters into real life situations that occur on campuses, which can involve a culture of sexual exploration, alcohol consumption, and acquaintance rape. Therefore, it is critical to explicitly examine whether undergraduate students are aware of sexual violence definitions and policies on their campuses, and whether they understand them in the context of reality.

Hypothesis and Observable Implications

Proposed hypotheses for this question are as follows:

1. Many undergraduate students at Duke are not familiar with the University's official definitions of sexual violence and consent
2. Many undergraduate students at Duke do not understand how the University's definitions of sexual violence and consent apply in real life situations
3. Students that are younger, male, international, involved in Greek life, do not identify as LGBTQ, or are varsity athletes are most likely to misinterpret what constitutes sexual violence

If the first hypothesis is true, students who complete a survey will self-reportedly respond that they are either not at all familiar with Duke University's policy defining sexual violence and consent, suggesting they may not have been aware there is a policy, or report that they are only slightly or somewhat familiar with the policy. If the second hypothesis is true, students who complete the survey will frequently misidentify whether scenarios describing a sexual interaction are or are not examples of sexual violence. If the third hypothesis is true, statistical analyses will show that there is a significant relationship between student characteristics and misidentifying the scenarios.

Methods

Setting

Duke University was chosen as the study site for this research because of convenient access to the school's student body and administrators. As a student, I am invested in the issue of sexual violence on Duke's campus, and am in contact with undergraduate students, the population of interest in this study. Located in Durham, NC, Duke is an elite, private university with an undergraduate population of approximately 6,500 students (Duke University 2015). The student body is 50% male and 50% female. Approximately 40% of undergraduate women and 30% of men participate in campus Greek life, which consists of 42 recognized chapters (Duke University 2015). Twelve percent of undergraduate students are varsity athletes with one of the 26 NCAA Division I varsity teams on campus (Forbes 2015).

Duke provided an appropriate research setting for exploring the relationship between certain factors such as Greek life involvement and students' understanding of what constitutes sexual violence. The University's even gender split, substantial presence of Greek life,

successful athletics, and “work hard, play hard” culture provided an ideal pool of data. Duke was also a particularly appropriate case to examine because of the notion that drinking and “hook-up” cultures exist among undergraduate students, and casual sexual encounters and the consumption of alcohol are often accompanied by confusion on consent or increased perpetration of sexual violence. Each of these factors has previously been linked to an increased risk for experiencing or committing sexual assault in some way (Cantor et al. 2015; Copenhaver and Grauerholz 1991; Murnen and Kohlman 2007; Koelsch et al. 2012; Krebs et al. 2009). This study provided an opportunity to further investigate whether these identifiers may also be linked to misunderstanding what constitutes sexual violence or consent.

Participants

The primary participants in the study were undergraduate students at Duke University, aged 18 and older. However, Duke University administrators were also interviewed to gather information and input that was used to guide the study and research design. Through the distribution of online surveys, this study aimed to gather information from a target sample of 300 undergraduate students.

Living on a mid-sized campus, undergraduate students at Duke are members of the same overarching campus culture and are bound to the same Student Sexual Misconduct Policy (Duke Police 2014). By focusing on undergraduate students at Duke University, rather than on students at various universities and colleges, this study held environmental factors constant. In doing so, I could analyze the overall levels of knowledge of sexual violence definitions on campus, and whether there was a correlation between the misinterpretation of sexual violence policies and demographic or group memberships. Although the study aimed to survey a broad sample of

students so resulting conclusions would reflect the larger undergraduate population as much as possible, the students surveyed were not representative of the undergraduate population as a whole.

Survey design

The primary method of data collection took place through electronic surveys administered to the undergraduate student body over the course of eleven days early in the Fall 2015 semester. I designed and administered the survey (Appendix B) through Qualtrics, and used the data collected from the survey responses for the analyses presented in this study. By design, the survey instrument was shaped by my interviews with administrators, the results of piloting the survey with a small group of students, and the input of staff at the Duke University Social Science Research Institute (SSRI). I collected data using online surveys because this method allowed me to gather anonymous responses from the largest number of students possible. In addition, many students would likely feel uncomfortable discussing sexual violence in an interview setting, which could prohibit undergraduates from sharing their knowledge on the topic and feedback on their understanding of sexual violence and consent policies on campus. The survey took students approximately five minutes to complete.

The survey was intended to evaluate students' understanding of sexual violence and consent in life-like scenarios, and consisted of multiple-choice questions and one write-in response. Specific student characteristic and group affiliation data were collected from participants to gauge whether the study reached various groups of undergraduate students. All data collected were not specific enough so as to be identifiable with individual respondents.

The questions in the first section of the survey asked students for demographic and group membership information, including class year, Greek or selective living group (SLG) affiliation, gender, and whether the student is an international student, varsity athlete, or identifies as LGBTQ. Participants were also asked to identify which sexual violence education programs or trainings they have attended.

The second section of the survey began with a trigger warning and then described a number of scenarios detailing the circumstances of a sexual encounter. For each situation described, survey participants were asked to choose between four answer choices – selecting “Agree,” “Somewhat Agree,” “Somewhat Disagree,” or “Disagree” – for whether they believed the situation was an instance of sexual misconduct. For clarity, I have named each scenario question.² Of the eight scenario questions following this format, only the “Consent” scenario question described a situation in which consent was given so sexual violence did not occur. Consent was not freely given in the other scenarios described so sexual violence did occur. As an example, below is the “Relationship” scenario, which describes an instance of sexual violence and was presented to students in the survey:

Two students have been dating for a few months. While kissing in bed together one morning, Student A playfully tells Student B they want to have sex. Student B responds that they are still tired and not in the mood. Student A becomes touchy and continues to ask Student B to have sex. Student B initially resists but then becomes silent. Student A thinks they have given in and agreed, and begins to have sex with them.

Agree or disagree: The situation described above is an example of sexual misconduct.

The survey concluded by asking students to rate how familiar they were with Duke University’s policy on sexual violence and consent – ranging from “Not at all familiar” to “Very

² Question 8 - Devines; Question 9 - Consent; Question 10 - Relationship; Question 11 – Party; Question 12 – Studying – Question 13 Blackout; Question 14 – Spring Break; Question 15 – Shooters.

familiar” – to collect data on students’ self-reported levels of knowledge. On the final page of the survey, participants were given information on whom to contact if they experienced sexual violence, and were presented with portions of Duke’s Student Sexual Misconduct Policy. Respondents could then choose to answer a final write-in response question below, which asked whether, after reading parts of the policy, they would change their responses to the previous scenario questions, and if so, how.

Although all respondents received a survey with the questions described above, some students completed a survey with a question asking whether they would like to receive a \$5 Amazon.com gift card as compensation for completing the survey.³ If respondents selected “Yes” for this question, upon completion of the survey they were redirected to another Qualtrics survey (Appendix C) that included a single write-in question prompting students to enter their Duke NetID so they could be emailed the gift card.

Administrator Interviews

I interviewed campus administrators and Women’s Center staff to inform the direction and structure of the student surveys and to gather information from an administrative standpoint. As the initial phase of my data collection, I conducted four interviews during the Spring 2015 semester with Dr. Larry Moneta, the Vice President of Student Affairs; Howard Kallem, the Director of Title IX Compliance for the Office of Institutional Equity and the Office of Student Conduct; and Sheila Broderick and Amy Cleckler, the Gender Violence Intervention Service

³ Due to funding limitations, not all students were offered compensation. The Sanford School of Public Policy provided \$1,200 in funding to go towards the gift cards for students. The compensation was intended to incentivize survey participation among students who were told they could get a gift card when they received the link for the survey that included the question offering compensation.

Coordinators at the Women's Center. I asked these administrators a number of specific questions (Appendix D), including what scenarios and questions they believed should be included in a survey sent to students, but interviewees were also invited to share their own thoughts on the topic and research proposed.

The feedback from the administrators led to a number of important changes to the survey. I added questions and refined existing ones to improve clarity and ensure the scenarios in my survey were as realistic and comprehensive as possible. Specifically, Amy Cleckler of the Women's Center suggested that the survey include an additional demographic question asking whether the respondent is an international student. Cleckler feels that on Duke's campus, international students are a group that may not be reached by educational efforts. Or, due to various cultural differences, they may not be aware of the definition of sexual violence or that actions constituting sexual violence are unacceptable on campus. Howard Kallem, Duke's Director of Title IX Compliance, and Sheila Broderick, of the Women's Center, suggested specific scenario questions that represent the types of assaults they often hear about happening on campus. Kallem recommended a scenario in which a student, who was intoxicated to the point of blacking out at night, wakes up with another person in his or her bed in the morning and is informed that the two had sex the night before.⁴ Similarly, Broderick suggested I include a scenario in which a woman who falls asleep in her bed alone wakes when another individual enters her bed and attempts to have intercourse with her. She highlighted that this situation is

⁴ Kallem's suggestion formed the basis for the "Blackout" scenario on the survey, which prompts students to consider whether a person could have given consent at night if he or she does not remember what happened in the morning. This scenario ultimately yielded an interesting distribution of responses.

somewhat common and often complicated by the fact that the woman knows the student who entered her bed.⁵

The administrators also offered feedback on how to better clarify or tweak the questions on the survey. They all emphasized the importance of mixing up the gender pronouns within the scenario questions, or suggested using “Student A” and “Student B” in place of gendered pronouns to represent a diversity of possible experiences. This adjustment was particularly important because solely using traditional “male” and “female” characters could perpetuate myths that only females experience sexual violence, sexual violence is consistently perpetrated by a man against a woman, and men are always initiators of sexual activity. Furthermore, Cleckler, Broderick, and Kallem all advised that the survey not list Duke’s definitions of sexual violence and consent before asking students the scenario questions. Rather, all three agreed that it would be more valuable to find out students’ current level of knowledge on and ability to apply these definitions. To use this survey as an educational opportunity, the end of the survey did include Duke’s definitions of sexual violence and consent, and additional information on who to contact for assistance after an assault.

Additional Input

After speaking with campus administrators and drafting the survey for undergraduate students, I piloted the survey with a group of five female undergraduate students in the last week of the Spring 2015 semester to elicit further feedback on its structure, length, and clarity. Based on the students’ comments, I chose to use the term “sexual misconduct” rather than “sexual violence” throughout the survey because many students may be unfamiliar with Duke’s

⁵ Broderick’s suggestion formed the basis for the “Spring Break” scenario on the survey.

definition of “sexual violence” and view it as referring only to instances of rape. In contrast, the students believed “sexual misconduct” is a less alienating term, yet according to Duke’s Student Sexual Misconduct Policy still encompasses acts of sexual violence. The women also suggested adding the final question on the survey that asks students if and how their answers would change after reading the excerpts from the Duke Student Sexual Misconduct Policy provided.⁶

Feedback from piloting the survey and input from staff at both the Duke University Social Science Research Institute (SSRI) and Sanford School of Public Policy informed the structure and design of the survey in Qualtrics. Specifically, the scenario questions were presented two at a time and students could not go back and alter their previous answers because I wanted to gauge students’ initial reactions to the situations presented. Students were blocked from completing the survey more than once from the same IP address, likely preventing students from retaking it. Consultants at SSRI also helped guide the development of a version of the survey that offered compensation.

Survey Distribution

The surveys were distributed to Duke students via email listservs that reach a large portion of students, such as the Duke Student Government listerv, as well as student groups’ social media pages. I worked with leaders of student organizations and campus administrators to send the survey link out through multiple listservs, newsletters, and social media pages. Throughout the data collection process, I monitored the responses collected on Qualtrics to better inform which student groups to contact to reach a diverse array of students. Groups that

⁶ The pilot group also recommended clarifications for the scenario questions as well as editing one of the scenarios to depict a long-term relationship (the “Relationship” scenario). The situation involving a male student dancing with a female student (the “Shooters” scenario) is also based off of a recommendation from one of the students.

circulated the survey include the Duke Student Government, the Women's Center, Selective House Council, Public Policy Majors Union, Blue Devils United, the International House, Greek organizations and varsity athletics teams.

Overall, 387 undergraduate students completed the survey, yielding 320 usable responses. I excluded 67 partial survey responses in which students answered too few questions to contribute viable data. A number of partial responses were from students who started the survey under the pretense that they would receive compensation, but had to be turned away due to funding limitations. Other students may have stopped the survey midway after reading the trigger warning before the scenario question. I did use partial responses in which students answered at least half of the scenario questions and all of the other questions.

Data Analysis

Administrator Interviews

In addition to informing the structure of the student survey, the interviews conducted with campus administrators and staff were used to gain a better understanding of the administrative perspective on students' knowledge and understanding of sexual violence on campus. I specifically focused on gauging whether administrators believe students are aware of and know the Student Sexual Misconduct Policy's definitions of sexual violence and consent, and whether the school is doing enough to communicate the content of the policy to the student body. To analyze this information, I compared responses from the interviewees to the pre-planned interview questions to identify specific themes, points of agreement, and recurring ideas among the administrators on students' understanding of sexual violence policies in context. This information helped inform the discussion and recommendations of this study.

The administrators concurringly believed that while most students are likely aware of Duke's policy on sexual violence and consent, and know that the school has this policy, only a small number of students are aware of or familiar with the content of the policy. Amy Cleckler and Howard Kallem both thought that most students are not familiar with Duke's definitions because they are simply not taking the time to read or think about them. Rather, only a small group of students on campus are likely familiar with these policies, either because they are going through or considering going through the reporting process, are friends with an individual who is, or are particularly invested in learning these policies. Otherwise, as Kallem suspected, students do not know these policies exist.

Yet based on feedback from students, Cleckler believed students do know that there is a sexual misconduct policy in effect on campus because many remember hearing about it through Orientation Week programs such as True Blue. Similarly, Larry Moneta thought that most students know there is a policy, though they do not register the details of it unless they need to. Moneta believed students are aware of the policy because they have been exposed to extensive national press on the topic of campus sexual assault, and there have been a number of recurring discussions on Duke's campus about sexual violence. While undergraduate students may be able to formulate a reasonable answer if asked what Duke's definitions are, Kallem and Moneta stated that students lack the language to talk about consent, are unaware of changes to the definitions, and would likely be shocked to learn the formal understanding of sexual violence.

Similarly, the administrators interviewed believed that most students do not understand what constitutes sexual violence in real-life situations, although students today seem to have higher levels of understanding than they did in the past. Because students are likely unfamiliar with Duke's definition of sexual violence, Moneta thought that they are generally unable to

understand and identify sexual violence in reality. Cleckler noted that when student participants arrive for PACT training, they are often confused on what actions qualify as sexual violence. Moneta, Cleckler, and Kallem all believed that this lack of understanding stems from a lifetime of experiences leading students to internalize poor attitudes towards intimacy and sexual interaction, as sexual violence is routinely normalized through the media, rape myths, and peers. As a result, students arrive at college unable to identify inappropriate sexual interactions, and unfamiliar with appropriate sexual interactions.

Although Sheila Broderick recognized that many students are misinformed about consent, she cited an improvement in students' awareness of Duke's policies and ability to identify sexual violence over the last decade. Broderick felt that students today are more likely to recognize that they can get in trouble at Duke if they have sex with someone without his or her permission, and that consent is questionable when an individual is intoxicated. Further, Broderick finds that the students who come to her office to discuss an assault more often recognize that what they experienced was a crime, as compared with the students she met with in earlier years. Although rates of reporting sexual violence remain low, Broderick pointed to her own experiences with students on campus as evidence of a growing understanding of and intolerance for sexual violence, in part fueled by increased national media attention on the issue.

When the administrators cited the areas in which students most often become confused on sexual violence, a number of common themes emerged. The administrators consistently mentioned consent and respect as the areas that are most important for students to understand, and alcohol consumption and relationship involvement as situations in which students are most often confused as to whether sexual violence can occur. In particular, Cleckler and Broderick of the Women's Center expanded on the importance of understanding consent; Cleckler

emphasized that consent is not an option, rather there must be a conversation about it, and that consent is about respect, rather than staying out of trouble. Both Cleckler and Broderick stressed the need for students to better understand how to seek consent during a sexual interaction, noting that although individuals understand and constantly respect others' bodily integrity every day, these ideas do not translate to sexual interactions. Within sexual contexts, the idea that it is not okay to touch someone without his or her permission seems to be lost.

The administrators also cited the need for students to better understand the conditions under which consent can be given. The presence of alcohol, in particular, confuses many students. If one or both parties engaged in sexual activity are intoxicated, students are unsure of whether consent can be given, and are more likely to misinterpret actions as implying consent. According to Duke's policy, a student has to be drunk to the point of incapacitation (i.e., visibly drunk or unaware of his or her actions) to be unable to give consent. Confusion surrounding alcohol and consent is linked to more general confusion on who is responsible for seeking consent, especially because gendered sexual norms lead many to wrongly assume it is always the responsibility of the male party to ask for consent. Cleckler also asserted that students often fail to understand that they still need to give and receive consent even when they are in relationships or have engaged in sexual relations with a person in the past. In addition, many students do not think of consent as an affirmative action, assuming a person gives consent unless he or she says "no." However, Kallem and Broderick noted that people often freeze when they are scared or under attack, rendering them incapable of actively resisting sexual advances. The instinct to "freeze," rather than fight, is especially apparent when one's attacker is an acquaintance.

Overall, the administrators agreed it is particularly important for students to improve their respect for one another. Kallem emphasized the link between responsibility and respect,

highlighting that students need to feel respect for each other to take responsibility during sexual interactions. Otherwise, when mutual respect is absent, students too often do not take responsibility to ask for and give consent in sexual encounters.

Additionally, the administrators interviewed offered little information supporting the idea that student athletes and Greek members at Duke are more likely to misunderstand what constitutes sexual violence in real-life situations. Although they recognized the wealth of literature concluding that men who belong to a varsity athletics team or Greek organization are more likely to perpetrate an act of sexual violence, the administrators felt a disproportionate amount of sexual violence education and prevention programming has been poured into these communities in response. Therefore, the Greek and athletic communities may in fact be best armed to identify sexual violence. However, both Moneta and Broderick noted that because varsity athletes are a contained group on campus, with their own sexual violence programming, and victims of high profile individuals are less likely to report an assault, it is difficult to assess whether athletes disproportionately commit sexually violent crimes on campus. Therefore, they did not have additional insights based on the prevalence of specific instances into whether varsity athletes are more likely to misidentify sexual violence.

Student Surveys

I analyzed the data collected from the surveys to find the distribution of student responses for each survey question and gather descriptive statistics. I also examined students' responses to the open response question asking students whether they would change their answers to the scenario questions after reading an excerpt of the Duke Student Sexual Misconduct Policy.

For the scenario questions, students responded incorrectly if they selected “Disagree” or “Somewhat Disagree” for all of the scenarios except the one scenario depicting consent. These questions asked whether students agreed that the scenarios that described instances of sexual violence, in which consent was not given as defined by Duke’s policies, were indeed examples of sexual violence. Students also responded incorrectly if they answered “Agree” or “Somewhat Agree” that the “Consent” scenario was an example of sexual violence, as it was not. Because the correct answers for the scenario questions vary between “Agree” and “Disagree” depending on the question, I will refer to the four answer choices for all of the scenario questions as completely correct, somewhat correct, somewhat incorrect, and completely incorrect.

To evaluate how often respondents answered the scenario questions correctly, I created an Index of Misunderstanding (IM) to measure how often students misidentified instances of sexual violence. The IM acts as a summary function because it captures responses across the scenario questions to form a more complete picture of each individual respondent’s understanding of sexual violence and consent. I calculated the IM by adding up the values of responses for the eight scenario questions; I assigned the answer choices for each of the scenario questions a value from 1 to 4, where 1 indicates a completely correct response and 4 indicates a completely incorrect response. Therefore, the IM forms a 24-point scale that ranges from 8 to 32, where a low value indicates a student selected more correct responses to the scenario questions. A high value on the IM indicates a student has a higher misunderstanding of sexual violence.

The “Devines” and “Blackout” scenarios were also analyzed separately from the IM to distinguish any notable findings because students’ responses to these scenarios were much more varied and fewer respondents answered these scenario questions correctly. Similar to the IM, the answer choices for the “Devines” and “Blackout” scenarios were assigned a value from 1 to 4,

where 1 indicates a completely correct identification of whether sexual violence occurred in the scenario and four indicates a completely incorrect response.

I then used statistical analyses to test the relationships between the various student characteristics and students' misunderstanding of sexual violence, as measured through the IM and the "Devines" and "Blackout" scenarios. Throughout the analyses, the independent variables were the student characteristics and the dependent variable was misunderstanding of sexual violence and consent. The models included the characteristics of class year, Greek or selective living group (SLG) affiliation, status as a varsity athlete or international student, gender, and identification as LGBTQ. I used a multiple regression model and multiple logit regression models to test whether the relationships between the student characteristics and the differences in mean values of students' responses for the IM and the "Devines" and "Blackout" scenarios were significant when taking into account various student characteristics.

Results

Hypothesis 1: Knowledge of Duke's policy

In response to the question asking students about their levels of familiarity with Duke's Student Sexual Misconduct Policy, 40% of survey respondents reported being moderately or very familiar with the policy, whereas 32% reported being only slightly or not at all familiar with the policy. As seen in Figure 1, the distribution of responses across the levels of knowledge is relatively normal, with approximately 10% of respondents reporting at either extreme— not at all familiar or very familiar – and 77% percent of respondents reporting a level in between. The highest number of respondents (97) indicated that they were moderately familiar with the policy.

When asked to identify which sexual violence education programs they have previously attended, 56% of respondents reported participating in the Haven online training (Figure 2). As seen in Table 1, 74% of respondents, specifically freshmen, sophomores, and juniors, should have completed the training after its introduction to the Class of 2017. Since all incoming freshmen students beginning with the Class of 2017 were required to complete Haven, the lower percent of people who reported participating in the training suggests students may have forgotten about the training or that it did not have a lasting impact on them. Similarly, 71% of respondents reported attending True Blue, which takes place during Orientation Week and is mandatory for all freshmen students to attend. Only 13-14% of respondents reported attending PACT training, Party Monitor Training, or other programs and discussions led by Women's Center staff members. These lower percentages can be explained by the voluntary nature of these programs. Only 3% of survey respondents indicated that they had attended One Love trainings, which were held last semester with mostly varsity athletes, and may indicate an underreporting of attendance or participation because varsity athletes comprised 10% of the sample.⁷

A number of students' responses to the final survey question confirmed that some students may not have been particularly familiar with the Student Sexual Misconduct Policy before reading the excerpt provided in the survey. The question was noted as optional, and 116, or 36% of respondents chose to answer it; 71 (22%) stated they would not have changed their answers, 11 (3%) were unsure, 30 (9%) said yes they would have, and the remainder wrote in unrelated comments. Of the 30 students that responded that they would have changed their responses to the previous scenario questions, a majority stated that they either would have agreed

⁷ Because the sample of students in this study is not representative of the undergraduate student population or its subgroups, these observed differences may be attributable to the selection of students in this sample and cannot be generalized to conclude the education program participation across all students.

that more of the scenarios depicted sexual misconduct, or would have agreed more strongly, selecting “Agree” rather than “Somewhat Agree.” In particular, some responses suggested students did not previously know the policy or learned new aspects of the policy in reading the excerpt, as students stated that reading the policy “broaden[ed] my definition of sexual misconduct,” they found the policy “clarifies a lot of things regarding one’s ability to obtain consent from a partner,” and after reading the policy “would have agreed that more of the scenarios presented were examples of sexual misconduct.” Some students were more specific, citing greater understanding around students’ abilities to give and receive consent when intoxicated after reading the policy, and improved understanding that the individual who initiates a sexual activity is responsible for getting consent. Other responses suggested that while students may have been somewhat familiar with Duke’s policy, they had forgotten certain parts or were unaware of how clear-cut the guidelines are, prompting them to now agree more strongly that certain scenarios were examples of sexual misconduct. One student wrote, “Although I feel I was quite well informed by all of the orientation programs and knew the general guidelines of the policy, I didn’t realize it was so explicitly outlined [...] there aren’t really grey areas.”

Hypothesis 2: Understanding the application of the policy

The distribution of the Index of Misunderstanding (IM) (Figure 3) peaks at values 11 and 12, which had the highest frequencies based on students’ responses. Fifty percent of respondents achieved an IM value of 12 or lower, where 8 was the best value one could achieve and indicates a student selected completely correct responses to all of the scenario questions. The mean IM value was 11.8 and the standard deviation was 3.8 units. The distribution of responses to all of the scenario questions on the survey can be found in Table 2.

For the “Devines” scenario, 52% of students correctly agreed that it was an example of sexual misconduct, and 48% of students incorrectly disagreed. Whereas at least 70% of survey respondents correctly answered each of the other scenario questions presented, “Devines” yielded a normal distribution with a near even divide between correct and incorrect responses (Figure 4).

The “Blackout” scenario also yielded a notable distribution of responses (Figure 5). Responses to the question, which described a situation of sexual violence, steadily decreased from the completely correct response, “Agree,” to the completely incorrect response, “Disagree,” rather than abruptly drop in frequency between agreement and disagreement as most of the other distributions did. Although a majority of survey participants responded correctly (70%) to “Blackout”, the percentage of correct responses for this question was noticeably lower than that for most other questions. In particular, this scenario, along with the “Devines” scenario, received less than 40% completely correct responses, whereas the other scenario questions received at least 65% completely correct responses.

Students’ free response answers to the final survey question as to whether they would change their previous responses also indicated whether students understand Duke’s definitions of sexual violence and consent in real life situations. Some students’ responses reflected that they were still unsure of whether certain scenarios would count as sexual misconduct after reading an excerpt from Duke’s policy, and a few even reversed their stances on a scenario they correctly identified as sexual violence initially. For example, one student said he or she might have changed the answer to the “Shooters” scenario, commenting that the behavior in the scenario was “pretty gross, but might not technically be sexual misconduct.” In addition, a few respondents remained particularly confused as to whether students can give consent when one or both

students have consumed alcohol. With respect to the “Consent” scenario, in which consent was given in accordance with the standards in Duke’s policy, one student said, “I am still a little uncertain [...] if a student can drive, I think they’re coherent enough to give consent, but I’m not 100% sure.” Another student stated, “I’m still not sure about how much alcohol diminishes someone’s consent. I.e. [*sic*] if both partners are equally drunk and one asks for consent and the other gives it, is it still a problem because they’ve both had alcohol?” Some responses further indicated difficulties understanding the Student Sexual Misconduct Policy in context, as respondents stated that they would not change their answers because they identified all of the scenarios as sexual misconduct, which they presumed was correct. These responses reveal that some students had difficulty discerning that the “Consent” scenario did not actually demonstrate sexual violence, possibly because of the mention of alcohol in the scenario.

Another subset of the incorrect answers to the scenario questions can further be explained by students’ responses to the final survey question. Some students used this question to express their disapproval of Duke’s policies either as too lenient or too strict, saying, as one student succinctly stated, “I stand by my choices as I feel the Duke standard is too rigid and not nuanced enough to deal with real life situations.” Students with these types of responses seemed to respond to the scenario questions based on what they felt should count as sexual misconduct, rather than what does under the policy. While some students felt Duke’s policy only “clears up some, but not all, gray area,” and that Duke needs to switch to a stronger “yes means yes” policy that requires verbal affirmative consent, others described the definitions of sexual violence and consent as too rigid because “there is an element of ambiguity that needs to be taken into account and can only be diagnosed on a situational basis.” Others objected more specifically to the policy’s stance on alcohol and consent. One student said, “I think [it puts] far too much onus on

drunk people to accurately gauge the drunkenness and interest of other drunk people [and does] not acknowledge that consent can easily be confusing and confused without any malice or harm intended. I categorically disagree with any definition of sexual misconduct that forces drunk ‘perpetrators’ to be mind readers [...] rather than encouraging everyone to be able to communicate their desires or lack thereof clearly.” This student asserted he or she stood by their responses.

Hypothesis 3: The relationship between student characteristics and misunderstanding sexual violence

To inform the third hypothesis of this study, I ran statistical analyses between the independent student characteristic variables and the Index of Misunderstanding (IM), “Devines” and “Blackout” scenarios. I used OLS regressions for the IM variable and multiple logit regression models for the individual scenarios. The models tested the relationships between the six student characteristic variables and misunderstanding what constitutes sexual violence, as measured by a higher score on the IM and a somewhat or completely incorrect response for the “Devines” and “Blackout” scenarios. For the results of the IM models, see Table 4, for the “Devines” models, see Table 5, and for the “Blackout” models, see Table 6.

I first considered the sample in its entirety. In the model for the IM variable (Model 1), being a man was associated with an increase in misunderstanding of sexual violence by 1 unit on a scale of 8 to 32 (p-value < .05). Being a non-freshman, Greek/SLG member, non-international student, or non-LGBTQ student was also associated with an increase in misunderstanding. Only being a non-varsity athlete was associated with a decrease in misunderstanding by 1.2 units (p-value < .05). In the models for the “Devines” and “Blackout” scenarios, both the gender and

LGBTQ variables had significant associations with misunderstanding of sexual violence. For the “Devines” scenario (Model 4), being a man was associated with a 1.7 times increase in the odds of misunderstanding sexual violence ($p\text{-value} < .05$), and non-LGBTQ students were associated with 2.8 times higher odds of misunderstanding ($p\text{-value} < .05$). Similarly, for the “Blackout” scenario (Model 7), being a man was associated with 2.3 times higher odds of misunderstanding sexual violence ($p\text{-value} < 0.01$) and non-LGBTQ students were associated with 3.9 times higher odds of misunderstanding ($p\text{-value} < .05$). In the models for both scenarios, Greek/SLG students were also associated with higher odds of misunderstanding sexual violence, whereas non-freshmen, non-varsity athletes, and non-international students were associated with lower odds of misunderstanding. Specifically, non-freshmen students in the “Blackout” model were associated with a 0.4 times decrease in odds of misunderstanding ($p\text{-value} < .05$).

Because the models for the entire sample consistently showed that gender had a highly significant effect on students’ responses to the scenario questions and understanding of sexual violence, the regression models for the IM variable, “Devines” and “Blackout” were subsequently broken up by gender to run individual regression models for women and men. The logit models for “Devines” for men and women did not include the LGBTQ variable because insufficient observations caused collinearity among the variables when divided by gender.

The IM variable regression model for women (Model 2) showed that being a non-varsity athlete was associated with a 2.1 unit decrease in misunderstanding for women on a scale of 8 to 32 ($p\text{-value} < .05$). The “Blackout” scenario model (Model 8) also showed that being a non-varsity athlete is associated with 0.1 lower odds of misunderstanding for women ($p\text{-value} < .01$), and that being a non-freshman woman was associated with 0.4 times lower odds of misunderstanding ($p\text{-value} < .1$). In the models for women for the IM, the “Blackout” scenario

and the “Devines” scenario (Model 5), being a non-international student was associated with lower odds of misunderstanding sexual violence, whereas being a Greek/SLG woman was associated with higher odds. The IM and “Blackout” models for women also show non-LGBTQ students were associated with higher odds of misunderstanding.

In the IM model for men (Model 3), the variable for international students had a significant effect on misunderstanding of sexual violence, which was not seen in regression model for the entire sample (Model 1). Specifically, being a non-international man was associated with a 2.6 unit increase in misunderstanding on a scale of 8 to 32 (p-value < .05). In the model for men for the “Devines” scenario (Model 6), being a non-international man again was associated with higher odds of misunderstanding sexual violence (p-value < .1), as was being a Greek/SLG member (p-value < .1). Although the models for the IM variable and the “Devines” scenario for men showed associations between non-varsity athletes and lower odds or effects on misunderstanding, the model for “Blackout” (Model 9) showed an association between non-varsity athletes and greater odds of misunderstanding. In addition, in the IM and “Blackout” models for men, non-LGBTQ students were associated with higher odds of misunderstanding.

Overall, for the IM variable, the multiple regression models (Table 4) showed that being a man or varsity athlete was significantly associated with increased misunderstanding of sexual violence. Specifically, being a woman varsity athlete or a non-international man was associated with increased misunderstanding. For the “Devines” scenario, the regression models (Table 5) showed that non-LGBTQ students and men were significantly associated with higher odds of misunderstanding sexual violence. Greek/SLG men and non-international men, in particular, were also associated with greater odds of misunderstanding. For the “Blackout” scenario models (Table 6), being a man, older than a freshman, or a non-LGBTQ student was significantly

associated with higher odds of misunderstanding. In particular, women that were older than freshmen year or non-varsity athletes were associated with lower odds of misunderstanding.

Discussion

Hypothesis 1: Knowledge of Duke's policy

The primary purpose of this study was to examine whether undergraduate students at Duke University are familiar with Duke's policies of sexual violence and consent as outlined in the Student Sexual Misconduct Policy. The study also sought to examine whether undergraduate students understand the application of these policies in real life situations, and whether certain groups of students are more likely to misunderstand what constitutes sexual violence.

The evidence for students' knowledge of Duke's Student Sexual Misconduct Policy was mixed. While 60-75% of the students in this study reported participating in the mandatory Haven and True Blue programs, few students reported participating in sexual violence education trainings beyond mandatory programming. Of the 13-14% of respondents that did report attending one of the more intense, voluntary trainings, it is possible that many of the same respondents may have indicated attendance at multiple of these trainings – perhaps due to a vested interest in the issue of sexual violence – which would suggest these programs may be even less far reaching within the student body. Simultaneously, only 32% of survey respondents reported little to no familiarity with the policy. Given that students accurately assessed and self-reported their knowledge, a large portion of the respondents then had at least some baseline understanding of the policy. It is possible that the third of the respondents who were largely unfamiliar with Duke's Student Sexual Misconduct Policy consisted of the same students as the

third to one quarter of respondents that did not participate or do not remember participating in Duke's mandatory sexual violence programming for incoming students.

Hypothesis 2: Understanding the application of the policy

The findings of the survey are promising in suggesting that students have a greater overall understanding of consent and what constitutes sexual violence than initially anticipated, though respondents still appeared to significantly lack understanding of the effect of alcohol on the ability to give and receive consent. Through students' responses to the scenario questions, themes emerged regarding which aspects of consent students best understood. Specifically, survey respondents were very successful in correctly answering the scenario questions "Relationship," "Party," and "Shooters," which all played on the section of Duke's policy stating that "consent may not be inferred from silence, passivity, or lack of active resistance alone" (Office of Student Conduct 2015). Sheila Broderick of the Women's Center spoke about people's inherent neurological instinct to freeze when assaulted, particularly when the assault is by an acquaintance, and students' responses suggested they understand that consent may not be given because of the absence of resistance. Similarly, survey respondents largely seemed to understand that an individual couldn't consent when "asleep, unconscious, intimidated, coerced [or] threatened," even when the threat of coercion was not physical or outwardly aggressive (Office of Student Conduct 2015). In the "Studying" scenario, for example, 87% of students were able to identify that one of the students had been coerced into giving consent, and thus sexual violence had occurred. Ninety-four percent of students correctly answered the "Spring Break" scenario question, suggesting they were also able to identify that an individual that is asleep cannot give consent.

Very high percentages of correct responses to the “Party,” “Spring Break,” and “Shooters” scenarios indicated students may understand that it is the responsibility of the person initiating a sexual activity to obtain consent, though these situations did also display more concrete aggressions in which sexual activity was initiated very suddenly. However, it is encouraging that 93% of respondents answered a completely correct response for “Party,” the highest of all the scenarios, which indicated they understand that touching alone can constitute sexual misconduct. While approximately 95% of survey respondents successfully identified the scenarios “Relationship” and “Spring Break,” in which students had previous sexual relations, as examples of sexual violence, only 52% identified “Devines” as an instance of sexual violence. These results suggest students understand that “a current or previous dating or sexual relationship is not sufficient to constitute consent” but may struggle more in identifying that “consent to one form of sexual activity does not imply consent to other forms of sexual activity” (Office of Student Conduct 2015).

However, students’ survey responses showed that they do not understand the effect of alcohol on consent, and remain confused on the part of Duke’s policy addressing this point. In particular, respondents did not seem to understand that, in accordance with Duke’s Student Sexual Misconduct Policy, individuals may not give consent when incapacitated, but being incapacitated does not diminish the responsibility of the person initiating a sexual activity to obtain consent. The “Devines” scenario described a situation in which both students were incapacitated when engaging in sexual activity, as indicated by the mention that they were each stumbling or slurring their words. I have heard many students discuss that they do not understand what constitutes sexual violence in this type of situation, often referring to it as a “gray area” despite the existence of guidelines outlining the role of alcohol in consent. Varied responses to

the “Devines” scenario confirmed anecdotal evidence of this type of misunderstanding, as students were divided on whether the situation showed sexual violence. Yet the scenario described an interaction that was problematic on two fronts: first, the male student, who initiated intercourse, did not ask for consent, inferring approval from previous forms of sexual activity. Despite being incapacitated, he was still responsible for obtaining consent. Second, the female student was not actually able to give consent because she was incapacitated.

Similarly, the scenario question “Blackout” had the lowest percentage of completely correct responses, following the “Devines” scenario, at 39%. A significant number of respondents did not appear to strongly recognize that the male student’s inability to remember the previous night’s events due to alcohol consumption indicated he was incapacitated the night before. Thus he was not able to give consent. However, students may also have not selected the completely correct response if they were influenced by gendered sexual scripts and myths that men cannot be victims of sexual violence.

Survey results further suggested that respondents could not distinguish between incapacitation and intoxication, and the different ways in which they affect one’s ability to give consent. Student responses to the final survey question on whether they would change their answers to the previous scenario questions revealed some students had difficulty recognizing that the “Consent” scenario only demonstrated intoxication, rather than incapacitation from alcohol, and was a situation in which consent was freely given despite the presence of alcohol. The scenario, which mentioned the students involved each had a couple of drinks but were able to drive, was meant to demonstrate that students can consume some alcohol and still be able to give consent. This situation was designed to address potential confusion around consent if any alcohol has been consumed. After reading the excerpt from Duke’s policy, some respondents also stated

that they would change their responses to any situation showing intoxication to “Agree,” suggesting that the difference between intoxication and incapacitation was unclear to them even after reading Duke’s policy. Overall, survey participants lacked the ability to discern when alcohol does and does not invalidate consent.

Hypothesis 3: The relationship between student characteristics and misunderstanding sexual violence

Conclusions as to whether certain groups of students are more likely to misinterpret what constitutes sexual violence are mixed. Statistical analyses showed that gender was highly significant in relation to students’ responses to the scenario questions. Men consistently misunderstood what constitutes sexual violence as compared with the women respondents, which is consistent with the overall literature on this topic (Edwards 2009). Previous research on sexual scripts suggests the men in this study may have a greater misunderstanding of sexual violence due to gendered conceptions of what is considered normal and expected in sexual interactions (Ryan 2011). Whereas statistical analyses supported the hypothesis that women are better at understanding sexual violence and consent, variation in the responses from women could generally not be explained by the other student characteristic variables in the models, with the exception of participation in varsity athletics diminishing women’s understanding. As a result, there are likely other variables at play influencing the variation in understanding among women.

While not significant in all of the statistical analyses performed, participation in varsity athletics did have some association with decreased student understanding of sexual violence. This outcome is consistent with research asserting that athletics teams can normalize sexual aggression (Murnen and Kohlman 2007; Benedict and Klein 1998). Though findings of this

nature tend to reference male varsity athletes, this study found that female varsity athletes might have similar experiences that contribute to less understanding of sexual violence among this group. Also consistent with the expectations of this study, being LGBTQ increased students' odds of understanding sexual violence and consent, particularly for men. This finding is consistent with previous research indicating that both female populations and LGBTQ populations experience the highest rates of victimization, thus making sexual violence a prominent issue for the LGBTQ population (Cantor et al. 2015).

Statistical analyses of the variable class year yielded more inconsistent results. Whereas the regression models for the Index of Misunderstanding (IM) (Table 4) suggested that freshmen have greater understanding of sexual violence, the models for the "Devines" and the "Blackout" scenarios (Table 5, Table 6) showed older students demonstrated better understanding and more often answered these scenario questions correctly. The "Blackout" models, in particular, showed that older students, especially women, have significantly higher levels of understanding. The differences in the effect of class year across the models suggest all students may have a similar baseline understanding of sexual violence, but older students better understand the nuances of consent and under what circumstances consent can and cannot be given, particularly when alcohol is involved. This finding is consistent with previous research that younger women are at greater risk of experiencing sexual violence, which may be related to greater misunderstanding (Krebs et al. 2009; White House Task Force to Protect Students From Sexual Assault 2014; Cantor et al. 2015).

In contrast to the original hypothesis, this study found that, while status as an international student had statistically significant effects on students' misunderstanding of sexual violence, it often did so in a way opposite of that which was hypothesized. Analyses showed

mixed effects on misunderstanding for international students as a whole, but revealed that being an international man was significantly associated with increased understanding of sexual violence. While Amy Cleckler of the Women's Center initially hypothesized that international students on campus may not be reached by educational efforts or may lack understanding of sexual violence due to cultural barriers, that hypothesis is not supported by the findings of this study, as international men in particular have better odds of understanding sexual violence.

Statistical support for the hypothesis that Greek/SLG membership decreases students' understanding of sexual violence was relatively weak. While the coefficients across all of the models suggested that Greek/SLG members have less understanding of sexual violence, only one model showed that the association between Greek/SLG membership and less understanding, for men specifically, was somewhat significant. The relationship between Greek/SLG membership and understanding of sexual violence did not hold in the other models. These results suggest that membership to a Greek or SLG organization was not as significant in influencing survey respondents as previous research has asserted. Sentiments by Sheila Broderick, of the Women's Center, similarly expressed that while literature has long identified the Greek community as likely to experience, commit, and misunderstand sexual violence, this has anecdotally not been the case on Duke's campus, perhaps due to a focus on educating this campus community (Cass 2007; Copenhaver and Grauerholz 1991). However, the consistent association, however weak, between Greek/SLG membership and greater misunderstanding of sexual violence suggests that specific education efforts should still be implemented in this community.

Overall, the results of statistical analyses for the student characteristic variables in this study support the initial hypothesis that students that are men, varsity athletes, freshmen or do not identify as LGBTQ are most likely to misunderstand what constitutes sexual violence. In

contrast, findings of this study disprove or do not strongly support the initial hypothesis that students who are international or are members of Greek or SLG organizations are more likely to misunderstand what constitutes sexual violence.

Recommendations

The results of this study suggest there is opportunity for the administration to clarify the role of alcohol in consent, expand the reach of educational programming, and conduct greater outreach to certain groups of students. Despite recent updates to the Student Sexual Misconduct Policy, the Office of Student Conduct and other administrators should add language to the section on consent – and specifically elaborate on the subsection “The Impact of Alcohol or Other Drugs” – to distinguish between the terms “intoxicated” and “incapacitated.” There is currently no explicit distinction drawn between these terms in the text or definitions offered for either, which may be contributing to students’ ongoing confusion on whether the consumption of alcohol invalidates consent (Office of Student Conduct 2015). Language added to this section should address the blurred distinction between intoxication and incapacitation, acknowledging that it can be hard to judge whether an individual is incapacitated especially if a student may be drunk herself, and encouraging students to err on the side of caution if they are unsure how drunk their partner is. The policy can also offer some examples of behaviors that might be associated with incapacitation, such as stumbling or slurring of words, while still being clear that incapacitation cannot be judged solely by the presence or lack of a certain behavior. Students should not remain confused on the role of alcohol in consent after reading Duke’s policy.

Clarifications of this kind should not only be added to Duke’s policy, but also heavily emphasized in sexual violence education programs and trainings, as current mentions of

“intoxication” versus “incapacitation” are not sufficiently addressing the distinction. If possible, Haven should be updated to further clarify the role of alcohol in consent, and the staff that present during True Blue should continue to stress this point. Findings from this study suggest that these two mandatory programs offer the best opportunities to emphasize messages about alcohol and consent, as they achieve the greatest rates of participation as compared with other programming. However, the administration can consider additional ways to increase participation in these programs to 100% for all freshmen students. Administrators should also implement follow up sessions for these programs, perhaps through Resident Assistants or other existing programs and structures, to increase the impact the programs have on the students who do participate, as it is possible some survey respondents in this study did not recall these programs or their content. Additional outreach should specifically be directed to men, varsity athletes, and the non-LGBTQ community.

Limitations and Direction of Future Research

There are limitations to this study that should be acknowledged. First, the sample of undergraduate students surveyed was not selected at random or large enough to represent the total undergraduate student population at Duke University. Thus, the findings of this study cannot be generalized to the population at large. Based on my methods of data collection and status as an undergraduate researcher, a large-scale survey of the undergraduate population was outside of the scope of my research. In addition, the survey results may have been skewed, as the students who completed the survey might have been self-selecting. Specifically, those who knew the topic of the survey before clicking on the link to the survey – because a student group sent out a description of the survey to accompany the link – or who chose to continue with the survey

after reading the description of the study on the opening screen may have already had an interest in the issue of sexual violence on campus. If this is the case, these students likely had a greater preexisting knowledge or understanding of Duke's Student Sexual Misconduct Policy, thus overstating the student levels of knowledge and understanding observed in the results.

The method of data collection and data analyses conducted for this study also present a number of limitations. By collecting data through surveys, the study relied on students' abilities to accurately self-report their understanding of sexual violence through the questions provided, and to gauge their own levels of knowledge of Duke's policy. Because study participants completed surveys anonymously online, some respondents may have rushed through the survey to receive compensation, which would not always be observable in the survey responses. In addition, the multiple regression models in this study were all relatively weak due to low R-squared values. This outcome suggests other independent variables could have been included in the models. However, as an undergraduate researcher, it is unlikely I would have been able to ask many deeper personal questions related to the topic of sexual violence, such as frequency of sexual activity, frequency and level of alcohol or drug consumption, or experience with sexual violence. Furthermore, it is possible that some students may be overrepresented in the results of the survey if, for example, respondents who were unfamiliar with Duke's policy are the same students who did not attend mandatory sexual violence educational trainings.

Future research should aim to conduct a similar study among a larger, randomized sample population, as there is a large gap in research evaluating students' understanding of sexual violence and ability to apply campus policies in the context of real life situations. Doing so would allow these studies to gather more reliable, generalizable results, as well as perform statistical analyses to test for interaction terms. Future studies can also include more

demographic and behavioral variables as independent variables to evaluate what factors most strongly affect students' understanding of sexual violence.

Specifically, in conducting a campus climate survey, the Duke University administration should consider adding scenario questions to the survey, similar to those used in this study. Based on respondents' reflections in the final question of the survey used in this study, the scenario questions appear to have made a number of students reflect more critically on the application of Duke's policy in realistic situations. If scenario questions were to be incorporated in a campus climate survey, the administration could provide the correct responses and more detailed explanations to students following submission of the survey. Future research could then compare the findings from this study with data collected from PACT training sessions and the campus climate survey. Additionally, future studies can use a similar research model to test the effectiveness of Duke's educational programs on improving knowledge and understanding of sexual violence from before and after program participation. The administration can also conduct research to try and better identify the small but concerning percentage of students that demonstrated very little knowledge and understanding of sexual violence in this study.

Conclusion

This study found that while students' knowledge of the Duke University Student Sexual Misconduct Policy was mixed, study participants understood sexual violence and some aspects of consent more so than originally hypothesized. However, survey respondents lacked a strong understanding of the role of alcohol in consent. Statistical analyses showed that respondents who were men, non-LGBTQ, freshmen or varsity athletes had greater misunderstanding of sexual violence and consent.

These findings are important for providing insight into students' understanding and knowledge of a pertinent issue on college campuses to both Duke University administrators and other institutions of higher education throughout the nation. As colleges are increasingly working to respond to sexual violence, through policy or procedural changes and educational programming, it is crucial that administrators' gauge whether students understand the policies in place and are benefitting from programming. Student knowledge and understanding is key to the success of efforts to reduce the rates of sexual violence on campuses, and should remain a focal point of administrations' efforts moving forward.

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Appendices

Appendix A

10 U.S. Code § 920 - Art. 120. Rape and sexual assault generally

(a) Rape.— Any person subject to this chapter who commits a sexual act upon another person by—

- (1)** using unlawful force against that other person;
 - (2)** using force causing or likely to cause death or grievous bodily harm to any person;
 - (3)** threatening or placing that other person in fear that any person will be subjected to death, grievous bodily harm, or kidnapping;
 - (4)** first rendering that other person unconscious; or
 - (5)** administering to that other person by force or threat of force, or without the knowledge or consent of that person, a drug, intoxicant, or other similar substance and thereby substantially impairing the ability of that other person to appraise or control conduct;
- is guilty of rape and shall be punished as a court-martial may direct.

(b) Sexual Assault.— Any person subject to this chapter who—

- (1)** commits a sexual act upon another person by—
 - (A)** threatening or placing that other person in fear;
 - (B)** causing bodily harm to that other person;
 - (C)** making a fraudulent representation that the sexual act serves a professional purpose; or
 - (D)** inducing a belief by any artifice, pretense, or concealment that the person is another person;
 - (2)** commits a sexual act upon another person when the person knows or reasonably should know that the other person is asleep, unconscious, or otherwise unaware that the sexual act is occurring; or
 - (3)** commits a sexual act upon another person when the other person is incapable of consenting to the sexual act due to—
 - (A)** impairment by any drug, intoxicant, or other similar substance, and that condition is known or reasonably should be known by the person; or
 - (B)** a mental disease or defect, or physical disability, and that condition is known or reasonably should be known by the person;
- is guilty of sexual assault and shall be punished as a court-martial may direct.

(c) Aggravated Sexual Contact.— Any person subject to this chapter who commits or causes sexual contact upon or by another person, if to do so would violate subsection (a) (rape) had the sexual contact been a sexual act, is guilty of aggravated sexual contact and shall be punished as a court-martial may direct.

(d) Abusive Sexual Contact.— Any person subject to this chapter who commits or causes sexual contact upon or by another person, if to do so would violate subsection (b) (sexual assault) had the sexual contact been a sexual act, is guilty of abusive sexual contact and shall be punished as a court-martial may direct.

(e) Proof of Threat.— In a prosecution under this section, in proving that a person made a threat, it need not be proven that the person actually intended to carry out the threat or had the ability to carry out the threat.

(f) Defenses.— An accused may raise any applicable defenses available under this chapter or the Rules for Court-Martial. Marriage is not a defense for any conduct in issue in any prosecution under this section.

(g) Definitions.— In this section:

(1) Sexual act.— The term “sexual act” means—

- (A)** contact between the penis and the vulva or anus or mouth, and for purposes of this subparagraph

contact involving the penis occurs upon penetration, however slight; or

(B) the penetration, however slight, of the vulva or anus or mouth, of another by any part of the body or by any object, with an intent to abuse, humiliate, harass, or degrade any person or to arouse or gratify the sexual desire of any person.

(2) Sexual contact.— The term “sexual contact” means—

(A) touching, or causing another person to touch, either directly or through the clothing, the genitalia, anus, groin, breast, inner thigh, or buttocks of any person, with an intent to abuse, humiliate, or degrade any person; or

(B) any touching, or causing another person to touch, either directly or through the clothing, any body part of any person, if done with an intent to arouse or gratify the sexual desire of any person. Touching may be accomplished by any part of the body.

(3) Bodily harm.— The term “bodily harm” means any offensive touching of another, however slight, including any nonconsensual sexual act or nonconsensual sexual contact.

(4) Grievous bodily harm.— The term “grievous bodily harm” means serious bodily injury. It includes fractured or dislocated bones, deep cuts, torn members of the body, serious damage to internal organs, and other severe bodily injuries. It does not include minor injuries such as a black eye or a bloody nose.

(5) Force.— The term “force” means—

(A) the use of a weapon;

(B) the use of such physical strength or violence as is sufficient to overcome, restrain, or injure a person; or

(C) inflicting physical harm sufficient to coerce or compel submission by the victim.

(6) Unlawful force.— The term “unlawful force” means an act of force done without legal justification or excuse.

(7) Threatening or placing that other person in fear.— The term “threatening or placing that other person in fear” means a communication or action that is of sufficient consequence to cause a reasonable fear that non-compliance will result in the victim or another person being subjected to the wrongful action contemplated by the communication or action.

(8) Consent.—

(A) The term “consent” means a freely given agreement to the conduct at issue by a competent person. An expression of lack of consent through words or conduct means there is no consent. Lack of verbal or physical resistance or submission resulting from the use of force, threat of force, or placing another person in fear does not constitute consent. A current or previous dating or social or sexual relationship by itself or the manner of dress of the person involved with the accused in the conduct at issue shall not constitute consent.

(B) A sleeping, unconscious, or incompetent person cannot consent. A person cannot consent to force causing or likely to cause death or grievous bodily harm or to being rendered unconscious. A person cannot consent while under threat or in fear or under the circumstances described in subparagraph **(C)** or **(D)** of subsection **(b)(1)**.

(C) Lack of consent may be inferred based on the circumstances of the offense. All the surrounding circumstances are to be considered in determining whether a person gave consent, or whether a person did not resist or ceased to resist only because of another person’s actions (Cornell University 2015).

Excerpt from the Duke University Student Sexual Misconduct Policy

Sexual Violence. Sexual violence is a particularly severe form of harassment defined as any physical act of a sexual nature based on sex and perpetrated against an individual without consent or when an individual is unable to freely give consent. Acts of a sexual nature include, but are not limited to, touching or attempted touching of an unwilling person's breasts, buttocks, inner thighs, groin, or genitalia, either directly or indirectly; and/or sexual penetration (however slight) of another person's oral, anal, or genital opening with any body part or object.

Consent. Consent is an affirmative decision to engage in mutually acceptable sexual activity given by clear actions or words. Consent is an informed decision made freely and actively by all parties. Relying solely upon nonverbal communication can lead to miscommunication. It is important not to make assumptions; if confusion or ambiguity on the issue of consent arises anytime during a sexual interaction, it is essential that each participant stops and clarifies, verbally, willingness to continue. Students should understand that consent may not be inferred from silence, passivity, or lack of active resistance alone. Furthermore, a current or previous dating or sexual relationship is not sufficient to constitute consent, and consent to one form of sexual activity does not imply consent to other forms of sexual activity.

Conduct will be considered "without consent" if no clear consent, verbal or nonverbal, is given. The perspective of a reasonable person will be the basis for determining whether a respondent knew, or reasonably should have known, whether consent was given. However, being intoxicated or incapacitated does not diminish one's responsibility to obtain consent and will not be an excuse for sexual misconduct.

In some situations, an individual may not be able to freely consent. Examples include, but are not limited to, when an individual is incapacitated due to alcohol or other drugs, scared, physically forced, passed out, asleep, unconscious, intimidated, coerced, mentally or physically impaired, beaten, threatened, isolated, or confined. The perspective of a reasonable person will be the basis for determining whether a respondent knew, or reasonably should have known, whether a complainant was capable of providing consent. (Office of Student Conduct 2015).

Appendix B

[START OF SURVEY]

Introduction to the Survey and Consent Form

The following survey is being administered as research for an undergraduate Honors Thesis Project in Public Policy Studies. The research is on school policies governing campus sexual misconduct. The survey asks for your thoughts on scenarios depicting potential sexual misconduct situations, as well as on sexual misconduct definitions and policies. The survey is multiple-choice and takes approximately **five minutes** to complete. The survey does not ask for your name or any other information that would identify you. Thus, your **survey responses will remain anonymous** and cannot be tied back to you. The survey will *not* ask about your own personal behaviors or sexual history. Your participation in this survey is completely up to you. You are free to skip questions and may stop answering the survey at any time.

If you have any questions about this research, you may contact the researcher, Erica Becker, at erica.becker@duke.edu or her advisor, Dr. Clara Muschkin, at muschkin@duke.edu. If you have questions about your rights as a research study participant, you may contact the human subjects committee at ors-info@duke.edu or 919-684-3030.

To begin the survey, click the button below.

Student Survey

Student Characteristic Information:

1. What year are you?
 - Freshmen
 - Sophomore
 - Junior
 - Senior
 - Fifth Year

2. Are you a member of a selective living group or Greek organization on campus? If yes, please select all organizations of which you are a member.
 - Inter Fraternity Council (IFC) organization
 - Panhellenic (Panhel) organization
 - National Pan-Hellenic Council (NPHC) organization
 - Multicultural Greek Council (MGC) organization
 - Non-Greek Selective Living Group (SLG)
 - No, I am not a member of a selective living group on campus

3. Are you a member of a varsity athletics team?
 - Yes
 - No

4. Are you an international student?
 - Yes
 - No

5. What gender do you most closely identify with?
 - Woman
 - Man

6. Do you identify as LGBTQ?
 - Yes
 - No

7. Which of the following educational programs have you attended or participated in? Check all that apply.
 - Haven (An online training students complete before coming to Duke, first used by the Class of 2017)
 - True Blue (A presentation that takes place during orientation)
 - PACT training
 - Party monitor training
 - One Love
 - Training or discussion with a Women’s Center staff member (i.e. in a class, during an organization’s chapter meeting, etc.)
 - Other: (please specify)
 - None of the above

*Scenario Questions:*⁸

Trigger warning: the following questions contain explicit descriptions of sexual scenarios.

8. A male and a female student leave Devines together and return to the female student’s dorm room. Both students are intoxicated; the female student is stumbling and the male student is slurring his words. The two engage in sexual activity that quickly escalates and begin to have intercourse. Although the two students discussed and agreed to the previous sexual activity, they did not discuss having intercourse. The female student does not vocally or actively object when the male student initiated it.

⁸ For clarity when analyzing my survey data, I named each scenario question. Question 8 - Devines; Question 9 - Consent; Question 10 - Relationship; Question 11 – Party; Question 12 – Studying – Question 13 Blackout; Question 14 – Spring Break; Question 15 – Shooters.

Agree or disagree: The situation described above is an example of sexual misconduct.

- Agree
- Somewhat Agree
- Somewhat Disagree
- Disagree

9. After a date function, two male students return to an off-campus apartment together. The two students did not know each other before being set up for that night's events. Both students had consumed a couple of drinks, and one of the students drove the two back to the apartment. While making out, one of the students asks the other if he would like to engage in oral sex. The other student nods and smiles.

Agree or disagree: The situation described above is an example of sexual misconduct.

- Agree
- Somewhat Agree
- Somewhat Disagree
- Disagree

10. Two students have been dating for a few months. While kissing in bed together one morning, Student A playfully tells Student B they want to have sex. Student B responds that they are still tired and not in the mood. Student A becomes touchy and continues to ask Student B to have sex. Student B initially resists but then becomes silent. Student A thinks they have given in and agreed, and begins to have sex with them.

Agree or disagree: The situation described above is an example of sexual misconduct.

- Agree
- Somewhat Agree
- Somewhat Disagree
- Disagree

11. Upon entering a party on campus, a female student is greeted by a male friend, who is visibly intoxicated. Out of the blue, he grabs her breasts and squeezes them, while telling her how attractive she is. Before the female student can tell him she feels uncomfortable and she wants him to stop, he turns away to talk to another friend.

Agree or disagree: The situation described above is an example of sexual misconduct.

- Agree
- Somewhat Agree
- Somewhat Disagree
- Disagree

12. Two students are studying together and begin to engage in sexual activity. Student A tells Student B they want to have sexual intercourse. Student B says that they do not want to right now, but may be interested if they got to know each other better. Student A responds by telling Student B that they must be a "prude virgin" who doesn't know how to have any fun. Student B

then agrees to have sex with Student A.

Agree or disagree: The situation described above is an example of sexual misconduct.

- Agree
- Somewhat Agree
- Somewhat Disagree
- Disagree

13. A male student wakes up with one of his female friends in his bed. He does not recall coming home or getting in bed after going out and drinking the night before. He sees his friend is only in her underwear and there is a condom wrapper on the floor. He asks the female student if they had sex. She responds, “Yes. You don’t remember?”

Agree or disagree: The situation described above is an example of sexual misconduct.

- Agree
- Somewhat Agree
- Somewhat Disagree
- Disagree

14. A group of students are staying in a hotel together during spring break. One night, the group goes out to a bar in their hotel. Student A and Student B spend the night dancing together and making out at the bar. Although they did not know each other before the trip, they have many mutual friends. The two rejoin the group when everyone returns to the group’s shared suite and all fall asleep in the nearest beds. During the night, Student B wakes up to Student A trying to have sex with them.

Agree or disagree: The situation described above is an example of sexual misconduct.

- Agree
- Somewhat Agree
- Somewhat Disagree
- Disagree

15. Student A is dancing with their friends at Shooters. While dancing, Student B pulls Student A towards them and the two begin dancing together. Student B becomes very touchy while they dance, and Student A begins to feel uncomfortable. Suddenly, Student B starts kissing Student A, causing Student A to pull away. Student B asks what is wrong, telling Student A how attractive they are and to relax and have fun. Again, Student B begins kissing Student A.

Agree or disagree: The situation described above is an example of sexual misconduct.

- Agree
- Somewhat Agree
- Somewhat Disagree
- Disagree

Knowledge Questions:

16. Duke University defines its official definitions of sexual misconduct and consent in the Student Sexual Misconduct Policy. All members of the Duke community are bound to the standards within this policy.

How familiar do you feel you are with these definitions?

- Not at all familiar
- Slightly familiar
- Somewhat familiar
- Moderately familiar
- Very familiar

17. Would you like to provide your NetID and be emailed a \$5 Amazon.com gift card for completing this survey?

If yes, you will be redirected to a different page once you submit the survey and will be asked to provide your NetID. Your NetID will be stored completely separate from your survey response.

- Yes
- No

Final Survey Screen and Question:

Click the button at the bottom of the page to submit your response.

If you have experienced sexual misconduct or sexual violence and would like to talk to someone about it, please contact the Women's Center at 919-886-6814 or email WCHelp@duke.edu. The Women's Center is CONFIDENTIAL and open to ALL GENDERS.

Duke's definition of sexual violence is as follows.

Sexual violence is defined as any physical act of a sexual nature based on sex and perpetrated against an individual without consent or when an individual is unable to freely give consent. Acts of a sexual nature include, but are not limited to, touching or attempted touching of an unwilling person's breasts, buttocks, inner thighs, groin, or genitalia, either directly or indirectly; and/or sexual penetration (however slight) of another person's oral, anal, or genital opening with any body part or object.

Duke's policy on consent is as follows.

Whoever initiates the sexual activity is responsible for getting consent. Being intoxicated or incapacitated from drugs or alcohol is never an excuse for not getting consent.

Consent is an affirmative decision to engage in mutually acceptable sexual activity given by clear actions or words. Consent is an informed decision made freely and actively by all parties. Relying solely upon nonverbal communication can lead to miscommunication... Students should understand that consent may not be inferred from silence, passivity, or lack of active resistance alone. Furthermore, a current or previous dating or sexual relationship is not sufficient to constitute consent, and consent to one form of sexual activity does not imply consent to other forms of sexual activity.

In some situations, an individual may not be able to freely consent. Examples include, but are not limited to, when an individual is incapacitated due to alcohol or other drugs, scared, physically forced, passed out, asleep, unconscious, intimidated, coerced, mentally or physically impaired, beaten, threatened, isolated, or confined... However, being intoxicated or incapacitated does not diminish one's responsibility to obtain consent and will not be an excuse for sexual misconduct.

*For the full Student Sexual Misconduct Policy and information on available **support services**, please see:*

<https://studentaffairs.duke.edu/conduct/z-policies/student-sexual-misconduct-policy-dukes-commitment-title-ix#footnote1>

18. Optional:

Based on the policies above, would your responses to the previous scenario questions change? If so, how?

[END OF SURVEY]

Appendix C

[START OF SURVEY]

To receive a \$5 Amazon gift card via email, please enter your Duke NetID below. You should receive the gift card within approximately 48 hours.

Net ID: _____

[END OF SURVEY]

Appendix D

Interview Questions for Administrators

- Do you think undergraduate students are aware of Duke's policies and definitions on sexual violence and consent? Even if they do not know the specific titles of these policies, do you believe they are familiar with the content?
- In what ways are these policies and definitions communicated to undergraduate students?
- What educational programming is compulsory or offered to students?
- Which educational and prevention programs on campus do you believe work best?
- Do you think students understand what constitutes sexual violence in context? Including situations involving alcohol.
- In what situations do you believe students may become confused on whether an act of sexual violence has taken place or who is to blame? How are definitions commonly misunderstood?
- What groups of students do you believe are least likely to be reached by administrative efforts?
- What groups of students do you believe are most likely to misinterpret what constitutes sexual violence?
- Do you have any thoughts on the survey or feedback on what should be included?
- What is most important for them to understand?
- What scenarios do you think are most important to ask? How many do you recommend including?
- Do you think I should give students Duke's definition of sexual violence to see if they can interpret it? Or should I withhold it? Which option do you think would yield the most valuable information?
- Would you like my research as a future resource?

Tables and Figures

Figure 1. Distribution of responses to Question 16, asking students' familiarity with the Student Sexual Misconduct Policy

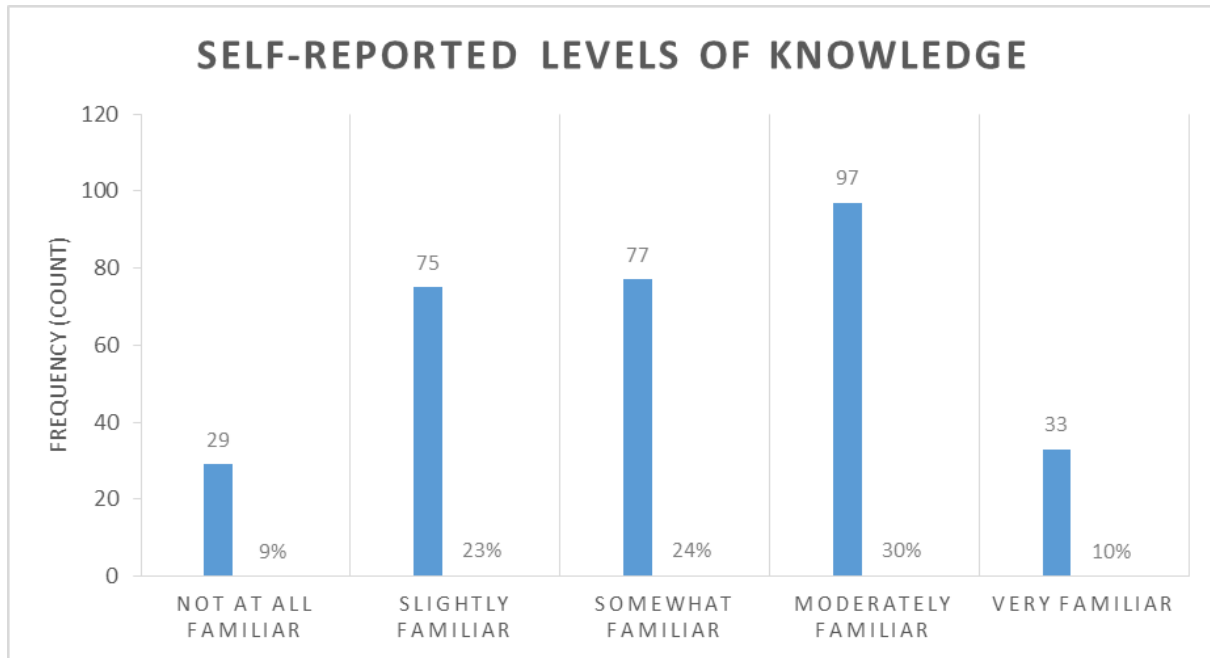
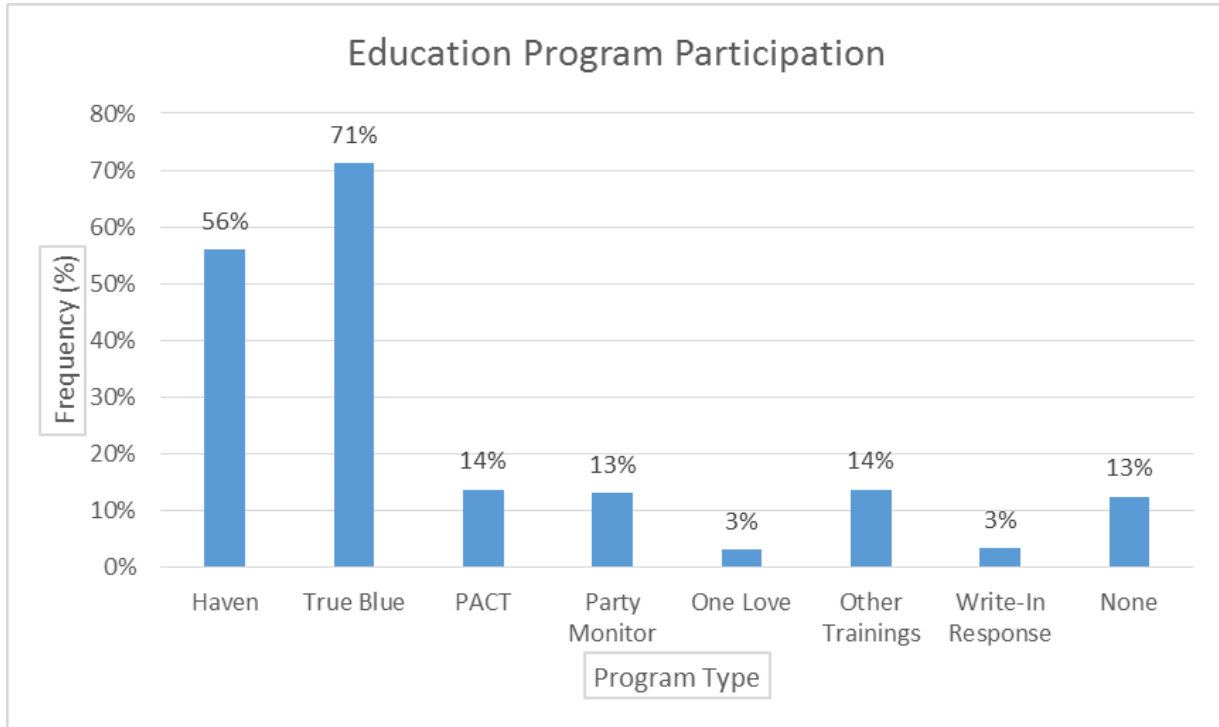


Figure 2. Percent of total respondents that attended sexual violence education programs



Note: Respondents could select more than one educational program in their answers

Write-In responses included: Resident Assistant training, First-Year Advisory Council (FAC) program training, Ally training run by the Center for Sexual and Gender Diversity, AlcoholEdu, Common Ground, and a sorority's national training program on sexual violence

Table 1. Demographic distribution of survey respondents

Demographic Variable	Percent
Year	
Freshmen	28%
Sophomore	26%
Junior	19%
Senior	25%
Fifth year	1%
<i>Total Non-Freshmen</i>	<i>72%</i>
Varsity	
Varsity Athlete	11%
Non-Varsity Athlete	89%
International	
International Student	13%
Non-International Student	88%
Gender	
Woman	60%
Man	40%
No Answer	1%
LGBTQ	
LGBTQ	9%
Non-LGBTQ	91%
No Answer	0%
Greek/SLG	
IFC	12%
Panhel	20%
NPHC	4%
MGC	1%
SLG	14%
<i>Total Greek/SLG Memberships</i>	<i>51%</i>
Non Greek/SLG	50%
<i>Sample size</i>	<i>320</i>

Figure 3. Distribution of the Index of Misunderstanding (IM) by percent

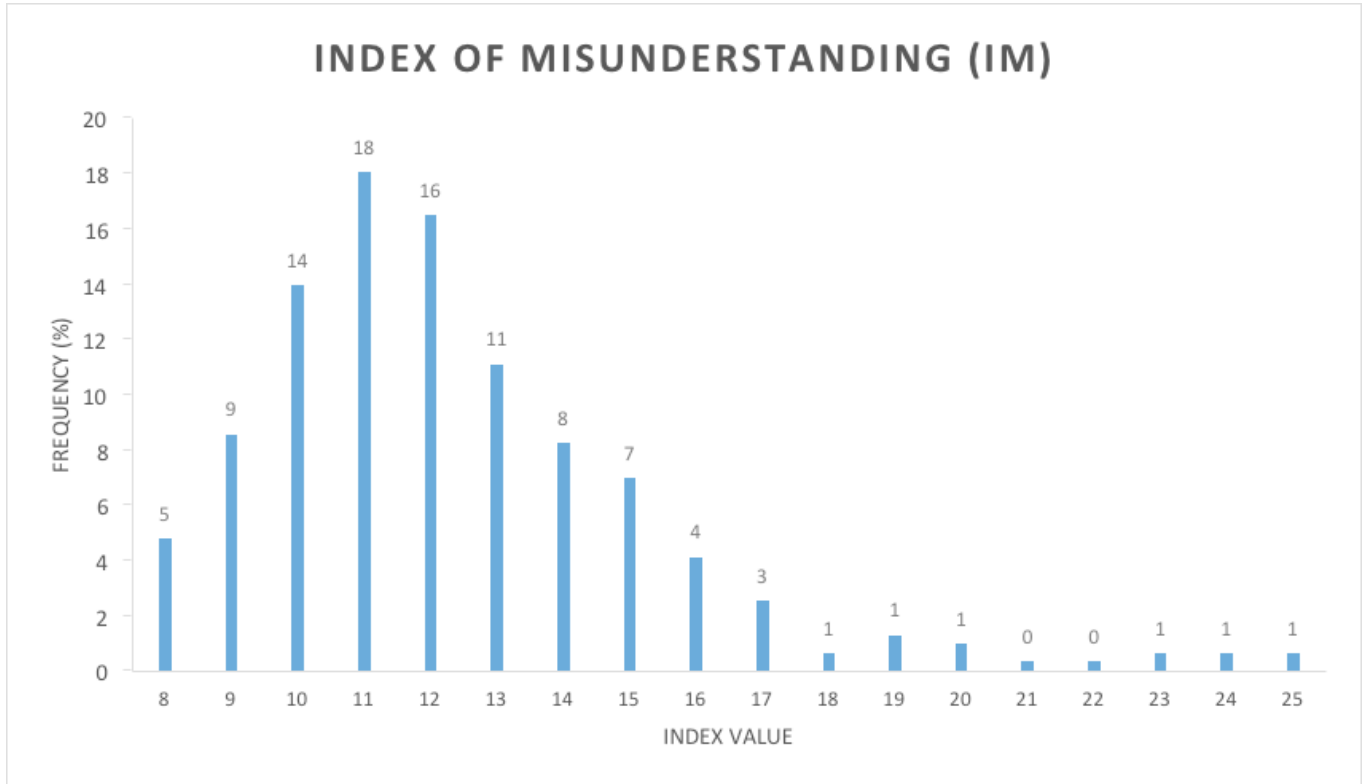


Table 2. Distribution of responses to the scenario questions

Scenario	CORRECT	INCORRECT	Completely Correct	Somewhat Correct	Somewhat Incorrect	Completely Incorrect
Devines (Q8)	52%	48%	22%	30%	29%	19%
Consent (Q9)	85%	14%	66%	20%	9%	5%
Relationship (Q10)	96%	4%	78%	18%	2%	2%
Party (Q11)	99%	1%	93%	6%	1%	0%
Studying (Q12)	87%	12%	65%	21%	6%	6%
Blackout (Q13)	70%	29%	39%	31%	21%	8%
Spring Break (Q14)	94%	6%	85%	9%	3%	3%
Shooters (Q15)	93%	7%	77%	16%	5%	2%

Figure 4. Distribution of responses to Question 8, the “Devines” scenario

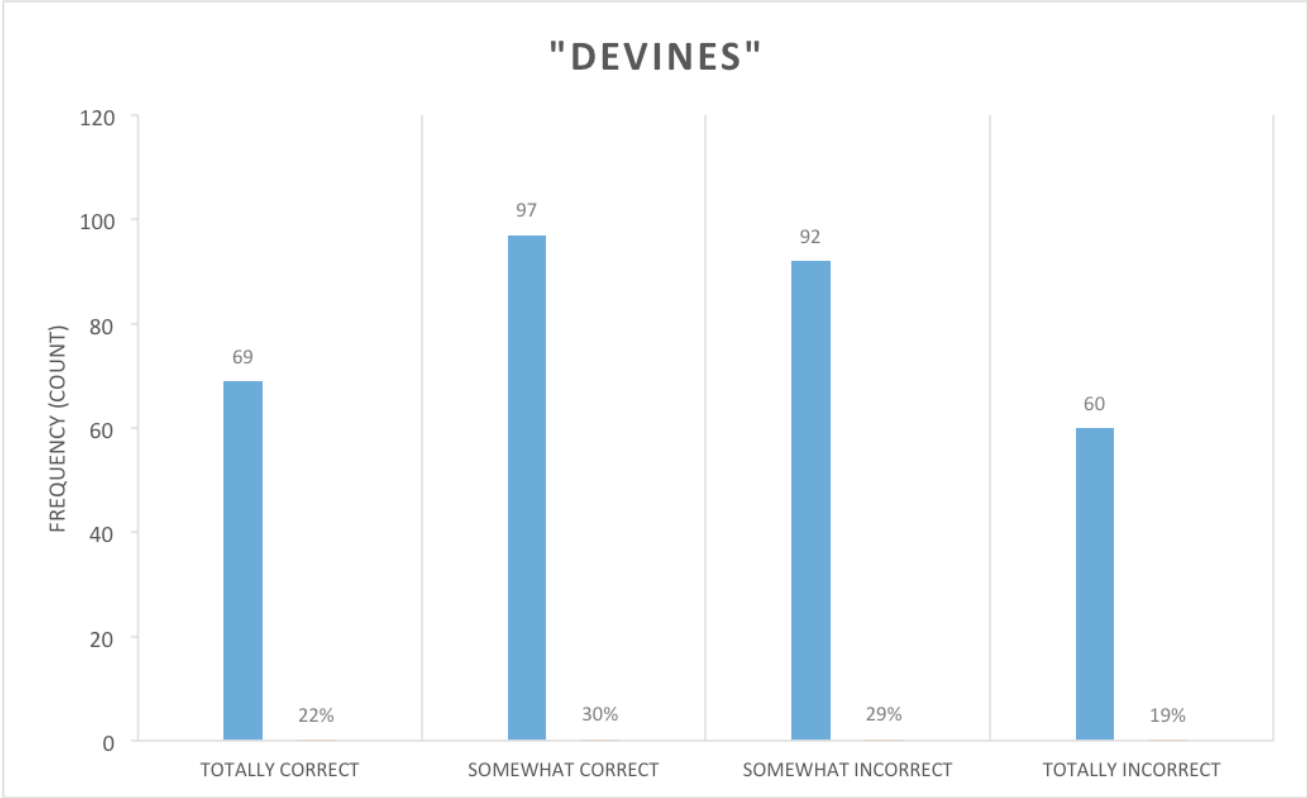


Figure 5. Distribution of responses to Question 13, the “Blackout” scenario

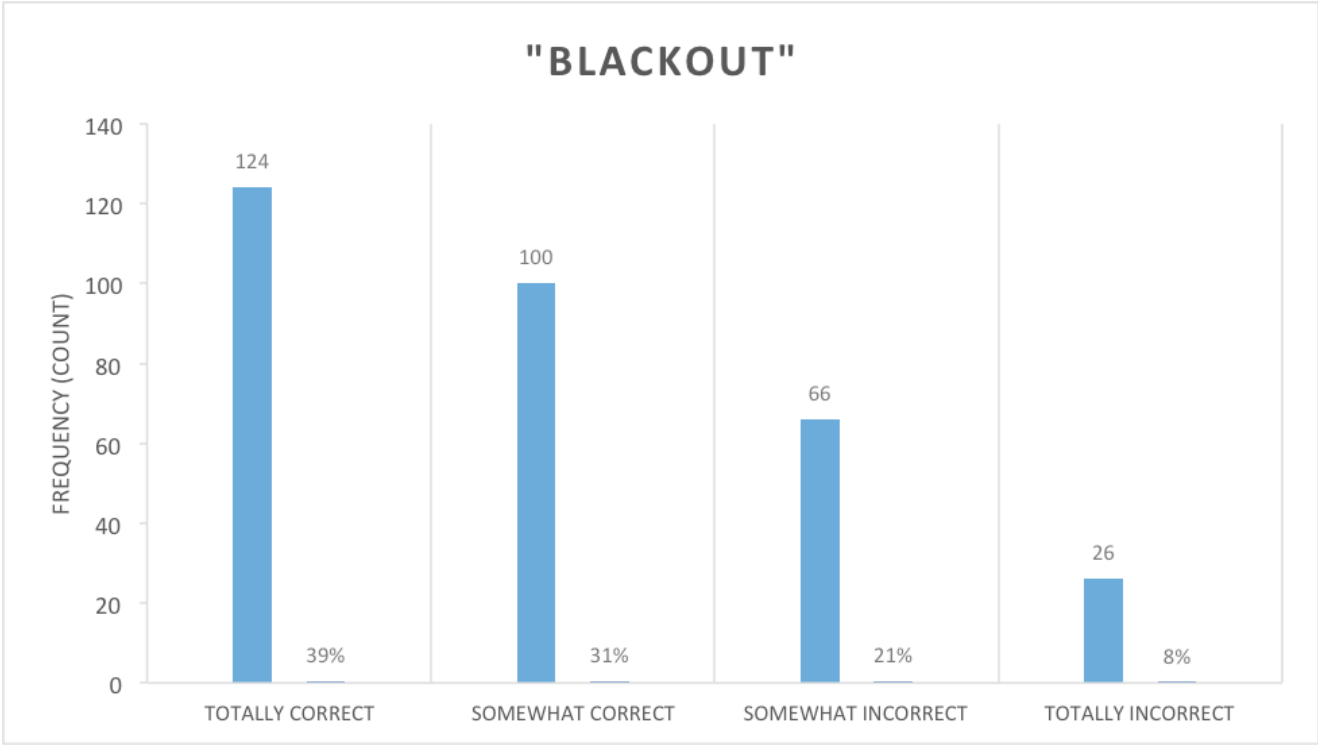


Table 4. OLS regression outputs for the Index of Misunderstanding (IM)

	Model 1: Total		Model 2: Woman		Model 3: Man	
	<u>b</u>	<u>SE b</u>	<u>b</u>	<u>SE b</u>	<u>b</u>	<u>SE b</u>
Non-Freshman	0.234	(0.564)	0.263	(0.687)	0.054	(0.969)
Greek/SLG	0.527	(0.524)	0.343	(0.608)	0.901	(0.947)
Non-Varsity	-1.443**	(0.679)	-2.091**	(0.962)	-0.923	(1.028)
Non-International	0.953	(0.585)	-0.158	(0.700)	2.567**	(1.021)
Man	1.030**	(0.417)	-	-	-	
Non-LGBTQ	0.936	(0.721)	0.693	(0.749)	1.659	(1.690)
<i>Sample size</i>	<i>327</i>		<i>196</i>		<i>131</i>	
<i>Adj. R-squared</i>	<i>0.043</i>		<i>0.008</i>		<i>0.051</i>	

* $p < .10$ ** $p < .05$ *** $p < .01$

Table 5. Logistic regression outputs for the "Devines" scenario

	Model 4: Total			Model 5: Woman			Model 6: Man		
	<u>b</u>	<u>SE b</u>	<u>Log Odds</u>	<u>b</u>	<u>SE b</u>	<u>Log Odds</u>	<u>b</u>	<u>SE b</u>	<u>Log Odds</u>
Non-Freshman	- 0.365	(0.331)	0.694	-0.144	(0.433)	0.866	-0.576	(0.516)	0.562
Greek/SLG	0.487	(0.307)	1.627	0.283	(0.388)	1.328	0.844	(0.502)	2.325*
Non-Varsity	- 0.588	(0.396)	0.555	-0.593	(0.596)	0.553	-0.625	(0.556)	0.535
Non-International	- 0.076	(0.357)	0.927	-0.605	(0.447)	0.546	1.046	(0.590)	2.847*
Man	0.534	(0.240)	1.705**	-	-	-	-	-	-
Non-LGBTQ	1.044	(0.464)	2.840**	-	-	-	-	-	-
<i>Sample size</i>	<i>316</i>			<i>190</i>			<i>126</i>		
<i>R-squared</i>	<i>0.037</i>			<i>0.011</i>			<i>0.041</i>		

*p < .10 **p < .05 ***p < .01

Table 6. Logistic regression outputs for the "Blackout" scenario

	Model 7: Total			Model 8: Woman			Model 9: Man		
	<u>b</u>	<u>SE b</u>	<u>Log Odds</u>	<u>b</u>	<u>SE b</u>	<u>Log Odds</u>	<u>b</u>	<u>SE b</u>	<u>Log Odds</u>
Non-Freshman	- 0.936	(0.369)	0.392**	-1.025	(0.542)	0.359*	-0.636	(0.522)	0.529
Greek/SLG	0.290	(0.356)	1.336	0.222	(0.515)	1.249	0.257	(0.505)	1.293
Non-Varsity	- 0.473	(0.410)	0.623	-1.960	(0.642)	0.141***	0.609	(0.570)	1.838
Non-International	- 0.408	(0.357)	0.665	-0.662	(0.529)	0.516	0.023	(0.587)	1.023
Man	0.822	(0.264)	2.274***	-	-	-	-	-	-
Non-LGBTQ	1.363	(0.655)	3.910**	1.392	(0.858)	4.022	1.391	(1.130)	4.020
<i>Sample size</i>	<i>314</i>			<i>188</i>			<i>126</i>		
<i>R-squared</i>	<i>0.070</i>			<i>0.096</i>			<i>0.035</i>		

*p < .10 **p < .05 ***p < .01