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# Institutional Liability for Campus Rapes: The Emerging Law

RICHARD FOSSEY AND MICHAEL CLAY SMITH

In movies and popular literature, college campuses are often portrayed as carefree havens of easy morality, where students and professors indulge in casual and harmless sexual relationships. Research studies, however, paint a very different picture of sexual behavior at colleges and universities. At some institutions of higher education, college women run a one-in-five chance of experiencing a sexual assault or attempted sexual assault. First-year female students are at the greatest risk. Far too often, college fraternities are involved in sexual misbehavior, occasionally even including sexual assault. Indeed, two popular movie comedies, *Animal House* and *Revenge of the Nerds*, portray fraternity men engaging in antics with women which would probably be criminal offenses if they were actually to occur. Male varsity athletes often figure prominently in incidents of sexual misconduct, and research confirms that they are more likely to be involved in various forms of rape than the average college male.

Twenty years ago, few campus administrators spent much time dealing with sex crimes. Sexual misconduct became a police matter only on rare occasions, with most institutions preferring to handle such incidents internally to avoid embarrassing individuals or the institution itself. However, three developments have changed this scenario, making sex crimes a central concern for most colleges and universities. The first shift involves federal laws—notably, the Ramstad Amendment<sup>1</sup> and the Student Right-to-Know and Campus Security Act.<sup>2</sup> These statutes have forced higher education

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1. Pub. L. No. 102-325, § 486(c)(2) (codified in 20 U.S.C.A. § 1092(f)(7) (West Supp. 1994)).

2. Pub. L. No. 101-542, 104 Stat. 2381 (codified as amended in scattered sections of 20 U.S.C.A. (West 1990 & Supp. 1994)).

institutions to assume more responsibility for preventing sexual assaults. Second, courts have shown themselves more willing to hold institutions liable for sexual assaults that occur on college campuses. Third, higher education administrators, like society as a whole, are more aware that the victims of sex crimes often suffer severe trauma, with long-term physical and psychological consequences. Campus decisionmakers are becoming increasingly aware that the atmosphere of learning and free inquiry for which every college and university strives requires a safe and secure environment for faculty and students.

### **Rape: A Shockingly Frequent Outrage**

A 1982 study by Professor Mary P. Koss of Kent State University and Cheryl Oros of the General Accounting Office indicated that more than 23 percent of the 2016 university women they surveyed had been raped, according to strict legal standards.<sup>3</sup> Many involved assaults by social companions who pushed things beyond expectations. This phenomenon has come to be called "date rape," and many of the subjects in the Koss-Oros study did not recognize that such assaults actually constitute the crime of rape—sexual intercourse against the will of the victim, achieved through force or threat of it.

In 1985, the Federal Bureau of Investigation tabulated 215 forcible rapes on the nation's campuses.<sup>4</sup> That figure drastically understated the incidence of rape among college women, because less than 20 percent of the nation's colleges and universities participated in the tabulation, and only offenses reported to the police were included. In 1992, the nation's colleges and universities reported nearly 1,000 rapes,<sup>5</sup> and even this number is probably far below the total number of campus-related rapes that occurred that year.

One Department of Justice study estimated that actual rapes may number from three and one-half to nine times as many as are reported.<sup>6</sup> Moreover, the reporting rate may be even lower when the rapist is an acquaintance of the victim. Studies have estimated that only one in a hundred acquaintances

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3. Mary P. Koss & Cheryl J. Oros, *Sexual Experiences Survey: A Research Instrument Investigating Sexual Aggression and Victimization*, 50 J. CONSULTING & CLINICAL PSYCHOL. 484-90 (1982).

4. UNITED STATES DEPT OF JUSTICE, FEDERAL BUREAU OF INVESTIGATION, 1985 UNIFORM CRIME REPORTS tbl. 7.

5. Douglas Lederman, *Colleges Report 7,500 Violent Crimes on Their Campuses in First Annual Statements Required Under Federal Law*, CHRON. HIGHER EDUC., Jan. 20, 1993, at A32.

6. DEPT OF PUB. SAFETY, SELECTED ASPECTS OF THE CRIME OF FORCIBLE RAPE 1 (1974).

tance rapes gets reported to the police.<sup>7</sup> When all these factors are taken into account, it is clear that the number of campus-related rapes that are reported constitutes only a fraction of all the rapes that actually occur. Indeed, some studies have estimated that a college woman's chance of being sexually assaulted while she is a student is from 20 to 25 percent.<sup>8</sup> A recent study found that one in three college women had experienced nonconsensual or pressured sexual intercourse—by physical force, through the influence of drugs or alcohol, or by psychological pressure (although many of these incidents might not fall within the legal definition of rape).<sup>9</sup>

Rape victims fail to report for many reasons. Among them are the desire to avoid embarrassment, concern that they will receive unsympathetic treatment from police and courts, fear of reprisal by the rapist, and lack of confidence that the police can apprehend the perpetrator.<sup>10</sup> Alcohol is often a factor in campus-related rapes, and it seems likely that some victims fail to report because they blame themselves for having been under the influence of alcohol when the assault occurred.

The inability of the victim to recognize that she has been criminally assaulted and, alternatively, her failure to view criminal justice processes as an appropriate resolution of the matter are illustrated by a 1984 study of campus males who admitted forcing themselves upon women. Eugene Kanin studied seventy-one white male undergraduates who admitted having used applied or threatened force against a nonconsenting female for sexual activity. All the cases resulted in penetration. In each of the cases, the assailant was known to the victim; yet none of the incidents was reported to authorities. These incidents represented three times more rape episodes than were reported in the local community. Kanin made no claim that he had found all nonreported rapes.<sup>11</sup>

There is no such thing as a typical campus rape victim or a typical campus rapist, but certain kinds of students are prominent in both categories. First-year college women are at especially high risk for sexual assaults, probably because many of them are living alone for the first time and have not yet learned strategies for protecting themselves.<sup>12</sup> Fraternity

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7. CAROL BOHMER & ANDREA PARROT, *SEXUAL ASSAULT ON CAMPUS* 20-21 (1993).

8. *Id.* at 6.

9. Colleen Finley & Eric Corty, *Rape on Campus: The Prevalence of Sexual Assault While Enrolled in College*, 34 J. C. STUDENT DEV. 113, 116 (1993).

10. U.S. DEPT OF JUSTICE, LAW ENFORCEMENT ASSISTANCE ADMIN., *FORCIBLE RAPE* 15-16 (1978).

11. Eugene Kanin, *Date Rape: Unofficial Criminals & Victims*, 9 VICTIMOLOGY 95-108 (1984).

12. Finley & Corty, *supra* note 9, at 116.

members are more likely than non-fraternity members to engage in non-physical pressure and to use drugs or alcohol as a means of facilitating sex, but they are no more likely than other campus males to use physical force.<sup>13</sup> In addition to fraternity men, student athletes have a high propensity to commit campus-related rape, perhaps because of their privileged position on campus.<sup>14</sup> Although campus rapes take place in a variety of settings, they often occur at parties, especially fraternity parties, and alcohol is frequently a factor.<sup>15</sup>

Another campus phenomenon that has received attention recently is gang rape. A 1985 study of campus-related gang rapes found that a majority occurred at fraternity parties, and about 20 percent involved student athletes.<sup>16</sup> Carol Bohmer and Andrea Parrot, in their study on campus sexual assaults, cited a 1991 study of campus gang rapes that reported similar findings. Fifty-five percent of the reported gang rapes committed by college students between 1980 and 1990 were committed by fraternity members, and forty percent were committed by members of sports teams.<sup>17</sup> Gang rape victims often drop out of school, while the men who commit these outrages are generally unaware they have committed rape and view their action as "normal party behavior."<sup>18</sup>

Sexual aggression can have a devastating impact on the life of a college student victim. While feelings of shame, guilt, fear, disbelief, and lowered self-esteem are common, it also is not unusual for the victim to leave college<sup>19</sup> or rearrange her life so that she does not have to attend classes or extracurricular activities, use the library, or work at night.<sup>20</sup>

When the rapist is known to the victim, the victim sometimes finds that the campus community provides more support for the attacker than for her. Judith Herman, a psychiatry professor at Harvard Medical School, describes some of the feelings a rape victim may have in these circumstances:

[T]he rapist often enjoys higher status than his victim within their

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13. Scot B. Boeringer et al., *Social Contexts and Social Learning in Sexual Coercion and Aggression: Assessing the Contribution of Fraternity Membership*, 90 FAM. REL. 58, 61-63 (1991).

14. BOHMER & PARROT, *supra* note 7, at 21-23.

15. *Id.*

16. JULIE EHRHART & BERNICE SANDLER, *CAMPUS GANG RAPE: PARTY GAMES?* (Project on the Status and Education of Women, 1985).

17. BOHMER & PARROT, *supra* note 7, at 26.

18. CHRON. HIGHER EDUC., Oct. 16, 1985, at 35.

19. EHRHART & SANDLER, *supra* note 16.

20. *THE PROBLEM OF RAPE ON CAMPUS* (Project on the Status and Education of Women, 1980).

shared community. The people closest to the victim will not necessarily rally to her aid; in fact, her community may be more supportive to the offender than to her. To escape the rapist, the victim may have to withdraw from some part of her social world. She may find herself driven out of a school, a job, or a peer group.<sup>21</sup>

Herman also writes that the rape victim often blames herself for what occurred, particularly if she believes she acted naively or took an unnecessary risk. It is important, notes Herman, for victims to realize that no lack of action on their part justifies what occurred or absolves the rapist of the responsibility for his crime:

In reality, most people sometimes take unnecessary risks. Women often take risks naively, in ignorance of danger, or rebelliously, in defiance of danger. Most women do not in fact recognize the degree of male hostility toward them, preferring to view the relations of the sexes as more benign than they are in fact. Similarly, women like to believe that they have greater freedom and higher status than they do in reality. A woman is especially vulnerable to rape when acting as though she were free—that is, when she is not observing conventional restrictions on dress, physical mobility, and social initiative. . . .

Once in a situation of danger, most women have little experience in mobilizing an effective defense. Traditional socialization virtually ensures that women will be poorly equipped to protect themselves. Reviewing the rape scenario after the fact, many women report ignoring their own initial perceptions of danger, thereby losing the opportunity for escape. Fear of conflict or social embarrassment may prevent victims from taking action in time. Later, survivors who have disregarded their own “inner voice” may be furiously critical of their own “stupidity” or “naivete’.”<sup>22</sup>

Some of Herman’s observations seem particularly relevant to rapes involving female college students who are on their own for the first time. They may become rape victims partly because their inexperience causes them to fail to appreciate risks or to misread the danger in a social situation. Colleges and universities enroll large numbers of such women, and they should make a special effort to make them aware of the danger of both acquaintance and stranger rape, and, when such women reside on campus, to provide them with a safe and secure living environment.

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21. JUDITH HERMAN, *TRAUMA AND RECOVERY* 62 (1992).

22. *Id.* at 69.

## **The Ramstad Amendment and a University's Responsibility to Help Prevent Sex Crime on Campus**

Congress, recognizing the value of rape awareness programs and special services for sexual assault victims, passed the Ramstad Amendment in 1992.<sup>23</sup> This law requires higher education institutions to adopt policies to prevent sex offenses and procedures to deal with sex offenses once they have occurred.<sup>24</sup> The law specifies that the following areas will be addressed:

- education programs to promote awareness of rape, acquaintance rape, and other sex crimes;
- institutional sanctions for sex offenses, both forcible and nonforcible;
- procedures students should follow if they become sexual assault victims, including who should be contacted, the importance of retaining evidence, and to whom the offense should be reported.<sup>25</sup>

In addition, the Ramstad Amendment requires sex offense policies to state that the victim has the same right as the accused to have others present during disciplinary proceedings. Moreover, both the accuser and the accused will be informed of the outcome of any on-campus disciplinary proceeding. Institutions are also required to notify the victim that she has the option of reporting the sexual assault to law enforcement authorities and that she will receive assistance from the institution in the process. Finally, the law requires campus authorities to notify sexual assault victims about counseling services and options for changing academic schedules and living arrangements in the wake of a sexual assault.<sup>26</sup>

By complying with the Ramstad Amendment, colleges and universities can help to ameliorate rape problems through education and community services. Education about sexual aggression may deter its occurrence by allowing potential aggressors to learn what is normative and what is not in sexual relations, the harm that may result to victims, and the potential penalties for transgressions. Education likewise may avert rape by permitting potential victims to recognize dangerous situations and thus avoid them. Community services can assist a rape victim to move more successfully through the aftermath of the incident and minimize long-term damage.

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23. Pub. L. No. 102-325, § 486(c)(2) (codified in 20 U.S.C.A. § 1092(f)(7) (West Supp. 1994)).

24. 20 U.S.C.A. § 1092(f)(7)(A) (West Supp. 1994).

25. 20 U.S.C.A. § 1092(f)(7)(B).

26. *Id.*

## Crime Reporting Obligations: The Student Right-to-Know and Campus Security Act of 1990

In 1990, Congress passed legislation that expressed a policy that the public has the right to obtain information about campus crime, including crimes that involve students. In passing the Student Right-to-Know and Campus Security Act,<sup>27</sup> Congress imposed sweeping obligations on higher education institutions to gather information about crimes that occur on their campuses and to make this information available to students, employees, and the public.

Even before Congress acted, a few states had passed their own campus crime reporting laws, but Congress found that these state efforts lacked uniformity and were inadequate to meet the "campus crime challenge."<sup>28</sup> Described as a "consumer protection bill for students," the Act was intended to make campus crime information available to students so that they could take action to protect against becoming victims.<sup>29</sup> The law applies to all colleges and universities that receive federal funds.

### Overview of the Campus Security Act

The Student Right-to-Know and Campus Security Act has three parts. First, the Act addressed a provision of federal law that prevented colleges and universities from disclosing the results of campus disciplinary hearings. Although institutions are not required to do so, they may now release the hearing results of disciplinary proceedings involving violent crime to the victims of those crimes.<sup>30</sup> As already stated, the Ramstad Amendment requires the accuser to be notified of disciplinary hearing results when the crime alleged is sexual assault.<sup>31</sup>

Second, the Act requires post-secondary institutions to collect information about campus crime and to publish this data annually.<sup>32</sup> Specifically,

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27. Pub. L. No. 101-542, 104 Stat. 2381 (codified as amended in scattered sections of 20 U.S.C.A. (West 1990 & Supp. 1994)).

28. Michael C. Griffaton, Note, *Forewarned is Forearmed: The Crime Awareness and Campus Security Act of 1990 and the Future of Institutional Liability for Student Victimization*, 43 CASE W. RES. L. REV. 525, 560 (1993).

29. *Id.* at 561.

30. As amended, 20 U.S.C. § 1232g(b)(6) now states: "Nothing in this section shall be construed to prohibit an institution of post-secondary education from disclosing, to an alleged victim of any crime of violence . . . the results of any disciplinary proceeding conducted by such institution against the alleged perpetrator of such crime with respect to such crime."

31. 20 U.S.C.A. § 1092(f)(7)(B)(iv)(II) (West Supp. 1994).

32. *Id.* § 1092(f)(1)-(6).

institutions are required to disseminate an "annual security report" to students and staff which contains the following information:

- A statement of current campus policies for handling campus crimes or other emergencies, including procedures for receiving reports from students and employees;
- A statement of current policies for maintaining campus security, including security arrangements for campus housing and off-campus housing maintained by fraternities, sororities or other student organizations;
- A statement of current policies concerning campus law enforcement, including—
  - (i) the enforcement authority of campus security forces and their working relationship with state and local law enforcement agencies;
  - (ii) policies that encourage prompt and accurate reporting of campus crimes to law enforcement authorities;
- A description of the type and frequency of programs designed to inform students and employees of campus security procedures and to encourage students and employees to take responsibility for their own safety and the safety of others;
- A description of programs designed to inform students and employees about crime prevention;
- A statement of policy concerning the monitoring and recording of criminal activity in off-campus student organizations, such as fraternities and sororities;
- A description of policies and procedures regarding possession, use, and sale of alcoholic beverages and illegal drugs
- A description of available drug and alcohol abuse programs.

In addition, the annual security report must contain statistics on the occurrence of certain crimes during the current and two preceding school years. Specifically, higher education institutions must provide statistics on murder, forcible and non-forcible sex offenses, robbery, aggravated assault, burglary, and motor vehicle theft.<sup>33</sup> Institutions must also report statistics concerning arrests for liquor law violations, drug abuse violations, and weapons possession.<sup>34</sup>

Perhaps most important, the Student Right-to-Know and Campus Security act requires post-secondary institutions to make timely reports to the

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33. *Id.* § 1092(f)(1)(F).

34. *Id.* § 1092(f)(1)(H).

campus community on major crimes that are brought to the attention of the campus or local police and that are considered to be a threat to other students or employees. The law requires not only that these reports be timely but that they be provided "in a manner . . . that will aid in the prevention of similar occurrences."<sup>35</sup>

In April, 1994 the U.S. Department of Education issued final regulations implementing the Campus Security Act. These regulations also amplify duties allocated by the Ramstad Amendment and specify that an institution's policies for responding to campus sexual offenses must include a statement that the institution will change a victim's academic and living situations after an alleged sexual offense if the victim so requests and if a change is reasonably available. In addition, disciplinary procedures must give the accuser and the accused the same right to have others present during proceedings involving an alleged sexual offense. The regulations also provide that a victim of a sex offense must be told of the importance of preserving evidence for the proof of a criminal offense.<sup>36</sup> The Department made clear in the commentary accompanying the final regulations that it interpreted the Campus Security Act to require institutions that did not have programs to promote awareness of sexual offenses to establish such programs.<sup>37</sup>

### **Impact of Campus Security Act on Institutional Liability**

It is too early to tell whether the Campus Security Act will increase colleges' exposure to liability. Although the law does not express that as its purpose, it seems possible that the law's requirements will be cited by plaintiff crime victims as the standard of care, breach of which would form the basis of liability. For example, the law requires institutions to make timely reports of crimes that might constitute a danger to the campus community. Thus, a college that failed to publicize the presence of serial rapist might face liability to a victim who could have taken precautions had she been informed that a dangerous sex offender was operating in her area. In other words, the Campus Security Act may have established a federally mandated "duty to warn."<sup>38</sup>

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35. *Id.* § 1092(f)(3).

36. 34 CFR § 688(a)(12).

37. 59 Fed. Reg. 22,317 (Apr. 29, 1994).

38. See generally RESTATEMENT (SECOND) OF TORTS §§ 285, 286, 874A (1988) (pertaining to tort liability for statutory violation). See also W. PAGE KEETON ET AL., PROSSER & KEETON ON TORTS § 36, at 220 (5th ed. 1984) ("The standard of conduct required of a reasonable person may be prescribed by legislative enactment.").

In addition, as one commentator has pointed out, the very fact that institutions are now required to collect data and maintain records of campus crime could be a method of proving the foreseeability of a particular crime. If an institution has reported a high number of campus robberies or aggravated assaults, it might also be considered to have notice of a serious crime problem. If it then fails to take action to protect students and staff from foreseeable crime, liability could be imposed for the injuries resulting from those crimes.<sup>39</sup>

### Institutional Liability for Campus Rapes

In recent years there have been growing numbers of cases in which rape victims have sued institutions for money damages for negligently allowing the assault to take place. Basically, institutions of higher education owe students a duty to take precautions against foreseeable dangers and to provide a reasonably safe environment for their students and employees.<sup>40</sup> If an institution breaches a duty and if a rape or assault that occurs there could have been avoided through better security or warnings to potential victims, the institution may be subject to monetary liability.

In the 1984 case of *Peterson v. San Francisco Community College District*,<sup>41</sup> the California Supreme Court held that a student could sue the college for injuries received in an attempted rape in a college parking lot. In that case the student maintained that the college had been on notice of previous assaults in the parking lot and had failed to warn students. She also accused the college of increasing the danger of criminal assault by failing to trim the foliage around the parking lot.

A similar result had come a year earlier from the Supreme Judicial Court of Massachusetts in the case of *Mullins v. Pine Manor College*.<sup>42</sup> In that case, a female student was raped on campus by an unidentified assailant who was never apprehended. On the night of the rape two guards were on duty at the 400-student school. The victim was awakened in her dormitory room by an intruder who forced her out of the building, across the courtyard, and off campus for a time. The entire incident, including the rape, lasted over an hour.

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39. Griffaton *supra* note 28, at 578-82.

40. See generally Kelly W. Bhirdo, *Liability for Victimization of Students*, 16 J.C. & U.L. 119 (1989).

41. 685 P.2d 1193 (Cal. 1984).

42. 449 N.E.2d 331 (Mass. 1983).

The *Mullins* court held that parents, students, and the general community had an enforceable expectation, fostered in part by the college itself, that reasonable care would be exercised to protect resident students from foreseeable harm. Although there had been no incidents of violent crimes on campus in the years prior to the attack, the college was in a metropolitan area, and the director of student affairs had warned students during freshman orientation of the dangers inherent in being only a short distance from bus and train lines that led directly to Boston. The court therefore held that the risk of a criminal act was not merely foreseeable but actually had been foreseen by the school.<sup>43</sup> The opinion noted that the concentration of young people, especially young women, on a college campus, "creates favorable opportunities for criminal behavior."<sup>44</sup> The case does seem to present something of a "catch-22," because the college's warning to students was a factor in establishing its own liability. On the other hand, because the college did appreciate the danger, it should have provided better security.

Another dormitory rape case, *Miller v. State of New York*,<sup>45</sup> also illustrates a university's obligation to provide adequate security measures for students. A 19-year-old junior at the State University of New York at Stony Brook was confronted in the laundry room of her residence hall at six o'clock one morning by an intruder armed with a large butcher knife. He blindfolded her and marched her, at knifepoint, through an unlocked outer door of the dormitory basement, back through another unlocked door of the building, and then upstairs to a third-floor room where she was raped twice under threat of mutilation or death if she made noise. The man then led her back downstairs and outside to a parking lot. He fled and was never identified.

In court the victim was able to show that prior to her attack reports of strangers in dormitory hallways had been common, and reports of men appearing in women's bathrooms had been made to campus security. The student had twice complained to dormitory supervisors about nonresidents loitering in the building. The campus newspaper had published accounts of many crimes in the dormitories, including armed robbery, burglaries, trespass, and another rape. Even so, all ten dormitory doors were admittedly kept unlocked at all hours.

The court held that the college was in essence a landlord and thus owed the same duty any landlord owed a tenant: keeping its premises in a reasonably

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43. *Id.* at 337.

44. *Id.* at 335.

45. 467 N.E. 493 (N.Y. 1984).

safe condition—including “minimal security measures” against foreseeable dangers. The court ruled that the college’s failure to lock its doors constituted a breach of this duty.

A university’s representations of dormitory safety led to a suit alleging deceit and misrepresentation by the institution.<sup>46</sup> After a female student was sexually assaulted and murdered in her dormitory room at California State University, the victim’s mother claimed that she had relied on the university’s representations and the dormitory’s appearance of security when she decided to let her daughter live there. She complained that the school had been aware of increased violence on the campus but had chosen to ignore it. In holding that the suit could proceed, the court noted that the representation that the dormitories were safe was made by university officials “with presumed superior knowledge” of dangers.<sup>47</sup>

In *Almonte v. New York Medical College*,<sup>48</sup> liability for the alleged sexual assault of a child by a psychiatric resident was at issue. The resident, who had indicated a desire to practice child psychiatry, had reportedly admitted to an instructor he was a pedophile. In spite of the fact that the medical college had no knowledge of prior criminal behavior by the resident, the court ruled that the child had alleged sufficient facts to support a claim that the resident posed a foreseeable threat of harm to minor children and that the college had a duty to warn of this potential harm.

Of course, institutions of higher education are not automatically liable when a student is sexually assaulted or a campus rape occurs. For example, a federal district court ruled that Bethany College, a private institution in West Virginia, was not liable for the alleged rape of a seventeen-year-old student that occurred after an encounter at an off-campus bar.<sup>49</sup> The student, who was below West Virginia’s legal drinking age, met her assailants at the bar, where she was given alcoholic beverages. Later she was taken to another location and raped.

Colleges are neither required to supervise students after they leave the campus, the court ruled, nor required to advise students of state laws. The court rejected the plaintiff’s argument that because of her minority the college stood *in loco parentis* to her. “It is not reasonable to conclude today that seventeen year old college students necessarily require parental protection

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46. *Duarte v. State*, 151 Cal. Rptr. 727 (Cal. Ct. App. 1979).

47. *Id.* at 735.

48. 851 F. Supp. 34 (D. Conn. 1994).

49. *Hartman v. Bethany College*, 778 F. Supp. 286 (N.D. W. Va. 1991).

and supervision," the court said. "If they did, society might place many more limitations upon the ability of a minor to attend college than currently exist." <sup>50</sup>

Likewise, in another case involving under-age drinking, the California Court of Appeals ruled that the University of California at Berkeley was not legally responsible when a first-year student was sexually assaulted by four university football players in a co-ed dormitory. <sup>51</sup> The assaults took place after a dormitory drinking party.

The victim argued that a shattered light bulb on the landing in a stairwell was a contributing factor, along with the fact that men and women resided together on the same dormitory floor. However, in the court's view, there was no evidence that better lighting on the stairwell landing would have prevented the attacks, some of which occurred in dormitory rooms. Nor was there any evidence that segregating the sexes on different dormitory floors would have deterred the assaults, since, as the court pointed out, the assailants knew how to use the stairs. <sup>52</sup>

In another California case, a woman who was raped on the University of Southern California campus won a large negligence judgment against the university, only to have the award reversed on appeal. The rape occurred when the woman had come on campus to make a deposit at the university's credit union. With the aid of an expert witness who criticized nearly every aspect of USC's security precautions, she persuaded a jury that the university had been negligent in failing to avert the attack.

The California Court of Appeals, however, ruled that the victim had not shown how any failure on the university's part had been the cause of her injury. <sup>53</sup> Indeed, the court pointed out that the USC campus was far safer than the surrounding neighborhood and was better patrolled. On the night of the attack, eight USC officers were patrolling a quarter-mile area, while the Los Angeles Police Department had the same number of officers patrolling the surrounding ten and one half square miles.

It was not enough, the California court said, for the victim's expert witness to compare USC's security measures to an abstract standard and to point out how security could have been better. Rather, it was necessary to show how the better security measures would have prevented the rape. According to the court, the attack took place in an open area of campus that could have

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50. *Id.* at 294.

51. *Tanja H. v. Regents of Univ. of Cal.*, 278 Cal. Rptr. 918 (Cal. Ct. App. 1991).

52. *Id.* at 922.

53. *Nola M. v. University of S. Cal.*, 20 Cal. Rptr. 2d 97 (Cal. Ct. App. 1993).

been adequately protected, if at all, only by a "Berlin Wall." Under these circumstances, the court concluded, it was not reasonable to hold USC liable for the victim's injuries.<sup>54</sup>

In addition, although several courts have recognized a university's obligation to protect students from a foreseeable danger of campus rape, at least one court refused to find such an obligation when the alleged rape did not occur during a university-sponsored activity. In *Leonardi v. Bradley University*,<sup>55</sup> an Illinois appellate court acknowledged that the school might owe a higher duty of care to students who were taking part in university-sponsored activities because such students would have the status of business invitees during such times. However, the court ruled that a late-night visit to a fraternity house did not make the victim a business-invitee of the university.

Similarly, when a student was raped in a campus music building after closing hours, a New York court found the university was not liable.<sup>56</sup> The student had been practicing piano when the rape occurred, but she had been in the building at a time when students had no right to be there.

The woman had maintained that the university owed her the special duty of protection that a landlord owes a tenant, but the court rejected this argument. The music building was not a dormitory, the court pointed out, and the student knew she had no right to be in the building after it closed. The university was not acting in the proprietary capacity of landlord with regard to the student and thus had no special duty to protect her from assault.<sup>57</sup>

Do colleges and universities have a duty to screen persons coming on campus to discover dangerous persons? A New York court examined this question in *Eiseman v. State of New York*.<sup>58</sup> An admittee to an experimental program at the State University College at Buffalo designed to provide college opportunities for disadvantaged persons was a released convict from the state penitentiary. He was invited to an off-campus party by unsuspecting students who had befriended him. At the party, the parolee went on a bloody spree of murder and rape which left two other students dead and one seriously injured. It was later learned that the assailant had a long history of heroin abuse and violent attacks on others and had served two sentences. Even though

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54. *Id.* at 108.

55. 625 N.E.2d 431 (Ill. Ct. App. 1993).

56. *Laura O. v. State*, 610 N.Y.S.2d 533 (N.Y. App. Div. 1994).

57. *Id.*

58. 511 N.E.2d 1128 (N.Y. 1987). For a detailed discussion of this case, see Dena M. Kobasic et al., Case Comment, *Eiseman v. State of New York: The Duty of a College to Protect Its Students from Harm by Other Students Admitted Under Special Programs*, 14 J.C. & U.L. 591 (1988).

university officials had known when he applied for admission that the student had been incarcerated, they had made no effort to learn whether he might pose a risk to the college community.

The New York Court of Appeals reversed a verdict for the victims' families, declaring that because the parole board's experts had released the man into society, the college was not obligated to inquire into his history before accepting him into its student body.

However, *Nero v. Kansas State University*<sup>59</sup> ruled that Kansas State University might have a responsibility to protect students from another student who had been charged, but not convicted, of rape. In that case, a male student who resided in a co-ed dormitory was charged with raping a female student who lived in the same dormitory. Pending disposition of the criminal charges, KSU officials transferred the accused student to an all-male dormitory on the other side of campus.

Shortly thereafter, the academic school year ended, and the accused student was allowed to move to Goodnow Hall, another co-ed dormitory, the only KSU dormitory available to students attending intersession and summer school. Thirty-five days after he reportedly raped the first woman, the student was accused of sexually assaulting a second student in the basement of Goodnow Hall. He later pleaded guilty to raping the first student. In return, authorities dropped the sexual assault charge involving the second student.

The Goodnow Hall victim sued KSU for negligence. She argued that the university had breached its duty of care to her by failing to protect her from a foreseeable assault. Her claims were dismissed by the lower court, but the Kansas Supreme Court reversed and remanded the case for trial, a majority of the court ruling that a factual issue existed concerning whether KSU used reasonable care in placing an accused rapist in a coed dormitory. In addition, the court ruled that there were factual issues concerning whether the second woman should have been warned of the danger that the accused rapist presented and whether adequate security measures had been taken to protect her.

What can we glean from this line of cases concerning college and university liability for a campus rape? First, institutions of higher education have a responsibility to protect the campus community from foreseeable dangers, which means they should take special precautions in areas known to be dangerous. In addition, some cases have ruled that education institutions have a duty to warn students of any known danger of sexual assault.<sup>60</sup> Generally, colleges

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59. 861 P.2d 768 (Kan. 1993).

60. See, e.g., *Peterson v. San Francisco Comm. College Dist.*, 685 P.2d 1193 (Cal. 1984).

are held to the same standard of care imposed on landlords who know of dangerous conditions on their premises.<sup>61</sup> Some courts have ruled that an institution's duty to protect students and staff from rape arises if the college or university knows about prior sexual assaults, but the *Mullins* court imposed liability on Pine Manor College based in part on the fact that the institution knew that a campus crime might occur simply because the school was located in an urban area.<sup>62</sup>

Recent federal legislation underscores the responsibility of colleges and universities to maintain safe campus environments. Institutions may now have a specific duty to warn based on the Campus Security Act, which requires colleges to give timely notice of criminal activity that may endanger staff or students.<sup>63</sup> Institutions also have a statutory obligation under the Ramstad Amendment to provide crime awareness education to students.<sup>64</sup> This would seem to apply most directly to first-year female students, who are at highest risk of rape.

### Liability for Rapes Committed by Campus Employees

A college or university may face an increased risk of liability if the individual who commits the rape is an employee of the institution. Courts are split with regard to whether employers are liable for an employee's sexual assault. Some take the view that an employee who commits a serious criminal offense such as rape is not acting within the scope of his employment, and thus employers bear no responsibility for this kind of misbehavior unless it occurred through negligent hiring or negligent supervision.<sup>65</sup> However, other courts have taken a contrary view and found employers liable for their employees' sexual misconduct.<sup>66</sup>

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61. See, e.g., *Miller v. State*, 467 N.E.2d 493 (N.Y. 1984); *Duarte v. State*, 151 Cal. Rptr. 727 (Cal. Ct. App. 1979).

62. 449 N.E.2d 331, 337 (Mass. 1983).

63. 20 U.S.C.A. § 1092(f)(3) (West Supp. 1994).

64. 20 U.S.C.A. § 1092(f)(7)(B).

65. See, e.g., *Docktor v. Rudolf Wolff Futures*, 684 F. Supp. 532, 536 (N.D. Ill.), *aff'd*, 913 F.2d 456 (7th Cir. 1988) (employer could not be liable for employee's sexual assault on another employee under respondeat superior theory); *John R. v. Oakland Unified Sch. Dist.*, 769 P.2d 948 (Cal. 1989), (risk of sexual misconduct not "within range of risks allocable to . . . an employer"); *Hoover v. University of Chicago Hosp.*, 366 N.E.2d 926, 929 (Ill. App. 1977) (hospital not liable under theory of respondeat superior for doctor's alleged act of raping patient). See generally RESTATEMENT (SECOND) OF AGENCY 231 (1958), Comment a (fact that servant intends crime, especially one of some magnitude, is considered when determining whether servant acted within scope of employment).

66. The seminal case in this area is *Mary M. v. City of Los Angeles*, 814 P.2d 1341 (Cal. 1991). See also, e.g., *Simmons v. United States*, 805 F.2d 1363 (9th Cir. 1986) (social worker);

In analogous cases against school districts, courts are virtually unanimous in finding that schools are not vicariously liable for sexual assaults by school employees.<sup>67</sup> Indeed, this principle was reaffirmed in two 1994 cases. In *Mary KK v. Jack LL*,<sup>68</sup> a New York appellate court ruled that a school district was not liable for a teacher's sexual misconduct toward a high school girl. Although the molestation occurred on school property and during school hours, the court concluded that the teacher's conduct was outside the scope of his teaching duties, wholly for a personal purpose, and not in pursuance of the school district's business. Likewise, in *Bratton v. Calkins*,<sup>69</sup> a panel of the Washington Court of Appeals ruled that a school district could not be held liable on a respondeat superior theory based on an accusation of long-term sexual abuse of a high school student by a teacher.

But in a recent case, a Louisiana appellate court approved a judgment against Grambling State University in a decision that may have broad implications for other institutions of higher education. Indeed, if the court's reasoning is adopted in other jurisdictions, colleges and universities may find themselves legally responsible for sexual assaults committed by their employees, regardless of whether they were negligent in their hiring or supervision of the offending individuals.

The case, *Dismuke v. Quaynor*,<sup>70</sup> involved the alleged rape of a fifteen-year-old girl who was attending a summer sports program at Grambling, a historically black institution in northern Louisiana. The girl sued Grambling and the alleged assailant, Alexander Quaynor. Quaynor, a Grambling summer employee, pled guilty to carnal knowledge of a juvenile, and default judgment was entered against him in the victim's civil suit. Grambling was also sued; and after trial, the court held the university vicariously liable for the girl's injuries and entered judgment against the institution for \$110,000.

The facts of the case described a typical college's summer youth program, similar to programs offered by higher education institutions all over the country. Grambling sponsored a National Youth Sports Program

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Samuels v. Southern Baptist Hosp., 594 So. 2d 571 (La. Ct. App. 1992) (nursing assistant); Applewhite v. City of Baton Rouge, 380 So. 2d 119 (La. Ct. App. 1979) (police officer); Marston v. Minneapolis Clinic of Psychiatry & Neurology, 329 N.W.2d 306 (Minn. 1982) (doctor).

67. See, e.g., John R. v. Oakland Unified Sch. Dist., 769 P.2d 948 (Cal. 1989); Bozarth v. Harper Creek Bd. of Educ., 288 N.W.2d 424 (Mich. Ct. App. 1979).

68. 611 N.Y.S.2d 347 (N.Y. App. Div. 1994).

69. 870 P.2d 981 (Wash. Ct. App. 1994).

70. 637 So. 2d 555 (La. Ct. App. 1994).

(NYSP), an educational day camp for boys and girls ten through sixteen years of age. Grambling employees and student aides staffed the program, which operated from 9:00 a.m. to 3:00 p.m. each day. Quaynor, a twenty-five-year-old Grambling student and a former member of the football team, was hired as a summer aide for the trainer who coached NYSP boys' flag football.

On the day of the sexual encounter, Grambling staff dismissed NYSP campers early due to bad weather. Staff members, including Quaynor, were released shortly thereafter. After the dismissal, the plaintiff and another NYSP camper walked to the Grambling student union. According to the plaintiff, Quaynor grabbed her as she was entering a student union restroom, dragged her to the room where her NYSP aerobics class was normally held, and raped her. Quaynor admitted that sexual intercourse took place but testified in a deposition that he was "seduced."<sup>71</sup>

Based on the facts of the case, the Louisiana Court of Appeals upheld the trial court's decision to hold Grambling vicariously liable for its employee's alleged transgression. The court concluded that Quaynor committed a wrongful act on Grambling's campus during normal class hours and almost immediately after the NYSP classes had been dismissed early due to bad weather. It also found that the tort was committed while Quaynor was engaged in an employment-related activity, even though he was probably "technically" off duty for the day.<sup>72</sup> Furthermore, the court determined that the interval between when Quaynor left work and when the tort occurred was insufficient to break the connection between the alleged wrong and his employment activities.

In addition, the court found a strong causal connection between Quaynor's job for Grambling and the sexual encounter. Quaynor's position as a counselor and his supervisory responsibilities over NYSP campers brought him in close proximity to the young plaintiff and gave him opportunities to observe her. According to the court, "Quaynor ultimately seized the opportunity to commit the tort when he found her alone at a time and place where her class was normally held."<sup>73</sup>

Finally, the court found the incident to be foreseeable, in the sense that Grambling could have anticipated that an assault could occur in connection with its NYSP program, even if reasonable precautions had been taken.

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71. *Id.* at 558.

72. *Id.* at 561.

73. *Id.*

Contact between college students and NYSP campers was likely under any circumstances, and inevitable when Grambling hired college students to serve as aides with supervisory authority. Grambling perceived that intermingling was potentially dangerous. . . . [A Grambling coach] explicitly acknowledged that the Student Union was a dangerous place for campers because of the risk that they might be battered, injured or sexually abused by students or third persons there. . . . The record also shows that even though Quaynor was not hired to teach the girls, he nevertheless had supervisory authority over them and was in a position to associate with them easily. The trial court viewed this incident as part of "the more or less inevitable toll" of Grambling's business of running a sports program for children, in which teenage girls were placed under the general supervisory authority of a 25-year old male college student.<sup>74</sup>

The holding in *Dismuke*, that an educational institution can be held vicariously liable for an employee's sexual misconduct, should be a cause for concern for higher education decisionmakers. If it marks the beginning of a trend, schools and universities could face civil liability every time such an unfortunate event occurs, without regard to whether the institution acted negligently.

In addition to potential liability under state tort law, colleges and universities may also be exposed to money damages under Title IX of the Education Amendments of 1972 if a campus employee sexually assaults another staff member or a student.<sup>75</sup> In *Franklin v. Gwinnett County Public Schools*,<sup>76</sup> the Supreme Court permitted a high school student to sue a Georgia school district for damages under Title IX, based on her accusation that a teacher had sexually harassed her by engaging in conduct that culminated in three acts of "coercive intercourse."<sup>77</sup> Although the Court did not use the word "rape" to describe the student's allegations, it seems possible that rape of a student or campus worker by a college or university employee could be actionable under Title IX, particularly if the employee was aided in his assault by his employment status.<sup>78</sup>

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74. *Id.* at 562.

75. 20 U.S.C.A. §§ 1681-1687 (West 1990).

76. 112 S. Ct. 1028 (1992).

77. *Id.* at 1031.

78. For a discussion of the impact of *Franklin* on Title IX enforcement, see Ellen J. Vargyas, Commentary, *Franklin v. Gwinnett County Public Schools and Its Impact on Title IX Enforcement*, 19 J.C. & U.L. 373 (1993). For a pre-*Franklin* discussion on the application of Title IX to rape cases, see Terry N. Steinberg, *Rape on College Campuses: Reform Through Title IX*, 18 J.C. & U.L. 39 (1991).

## Sex Crimes Against Children: Special Campus Concerns

Apart from its significance in the area of vicarious liability, *Dismuke* also provides an important reminder that colleges and universities are hosts not only to college-age students but to children and adolescents as well. For example, several states have passed so-called "post-secondary option laws," allowing high school students to take college courses, either for high school or college credit.<sup>79</sup> Many colleges offer summer sports clinics and academic enrichment courses which attract children as young as elementary-school age. And of course, most institutions enroll at least a few freshman students who are under the age of eighteen, which means they have the legal status of children in many states.

The presence of children on campus may impose special legal obligations on colleges and universities, obligations with which they may not be familiar. For example, all fifty states require educators to report incidents of child abuse that they learn about in the course of their professional duties, and many of these laws are broad enough to cover higher education employees as well as public school teachers and administrators.<sup>80</sup> In most states, it is a criminal offense for mandated reporters to fail to report child abuse that they know of; and some states also permit civil suits against persons who violate the child abuse reporting statutes. Thus it is essential for campus personnel who work with children to be thoroughly familiar with the child abuse reporting laws.

Finally, higher education authorities must take special care when they hire people who operate on-campus sports and academic programs for children. Unfortunately, some adults seek child-care employment in order to have opportunities to abuse children. Many states now require school districts and child-care agencies to conduct criminal background checks on prospective employees who will have contact with children;<sup>81</sup> and university counsel would be wise to review the legislation in their jurisdiction to determine whether these laws apply to their institutions' child-oriented programs.

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79. Richard Fossey, *School Choice Legislation, a Survey of the States* (occasional paper published by the Consortium for Pol'y Res. in Educ., Rutgers Univ. 1992).

80. See NATIONAL SCH. BD. ASS'N, COUNCIL OF SCH. ATTORNEYS, CHILD ABUSE: LEGAL ISSUE FOR SCHOOLS 175 (1994) for a list of state child abuse reporting laws.

81. Howard Davidson, *Protection of Children Through Criminal History Record Screening, Well-Meaning Promises and Legal Pitfalls*, 89 DICK. L. REV. 577, 603 (1985).

## Protecting the Campus

One study has provided an excellent checklist of potential problems for those evaluating the safety of campuses. Prepared by Dr. Leonard Territo of the University of South Florida, it identifies the following considerations: (1) surveillance of problem locations, which include sites of previous assaults, indecent exposure, robberies, purse snatchings, and the like, which will warrant special attention from security guards, escort services, extra lighting, emergency telephones, and so forth; (2) lighting standards to assure that nationally recommended illumination amounts are provided, and that burned-out lights or reduced usage of existing lighting to conserve energy does not create a danger; (3) groundskeeping responsibilities, to avoid shrubbery and hedges of sufficient height and location to provide a hiding place for an assailant; (4) scheduling of classes to avoid night classes in isolated locations; (5) emergency telephones to assure that telephones are accessible after offices are closed at walking routes, parking lots, and recreation areas; (6) dormitory security, ensuring that protection exists even though coed dormitories are commonplace and curfews are generally a thing of the past; (7) arrangement of after-hours and weekend work so that employees are not left in isolated areas; (8) prevention programs, to provide women with rape prevention techniques; and (9) crime-prevention training for security personnel, so that expertise can be brought to bear in campus planning and programs.<sup>82</sup>

## Institutional Responsibility Following an Incident of Sexual Assault

In addition to developing preventive measures, a university has a responsibility to assist the victim after a rape occurs. Specifically, many student rape victims will seek medical assistance at the campus health clinic. The health care professionals who staff these clinics should be familiar with the psychological consequences of rape trauma and trained to safeguard the evidence necessary to obtain a criminal conviction. A victim may wish to change her housing situation because of the rape, and campus housing authorities should be prepared to make this accommodation quickly and with a minimum of fuss. Finally, some designated campus representative should inform the victim of internal grievance procedures as well as crimi-

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82. Leonard Territo, *Campus Rape: Determining Liability*, TRIAL, Sept. 1983, at 100, 103.

nal and civil options, and this counseling should be supplemented with literature that outlines the victim's options for seeking redress and the campus services that are available to assist her.

Universities should also make sure that campus law enforcement officials have the expertise necessary to investigate and successfully prosecute these cases when they occur. Institutions that are too small to support a sophisticated crime investigation unit should make sure that local law enforcement authorities can step in quickly to conduct a rape investigation if the need arises.

### **Conclusion: Campuses Have a Duty to Protect Students from Foreseeable Criminal Acts, Including Campus Rapes**

Sexual assault is a distressingly frequent occurrence on many college campuses, and courts have shown themselves increasingly willing to hold institutions of higher education responsible for rapes that occur on their campuses. In some instances, federal law now mandates a duty to help prevent these campus crimes.

Courts have widely held that colleges and institutions have a duty to protect students from known dangers, including the danger of sexual assault. This duty may be breached by failing to provide adequate security or by failing to warn of recent criminal activity. Even if colleges are inclined to sweep incidents of sexual misconduct under the rug, they are no longer free to do so. Moreover, piecemeal measures and half-hearted approaches will no longer suffice to deal with sexual harassment and sexual violence. Institutions must develop a comprehensive response, involving not only campus law enforcement authorities, but also groundskeeping and maintenance departments, student services, medical staff, counselors, and housing personnel. At a minimum, the following issues should be addressed:

- A rape awareness program, utilizing trained staff and literature, should be developed. The program should target the campus community's most vulnerable members—first year female students—and the groups that are often prominent in sexual misconduct incidents—fraternities and student athletes. Victims should know where they can go for assistance and redress, and potential aggressors should know the consequences of using physical force, drugs, or alcohol to obtain sex. A rape awareness program should emphasize the part that alcohol plays in campus sexual aggression.
- A campus sexual harassment policy that complies with the Ramstad Amendment should be developed and disseminated. This policy should

reflect the institution's expectations with regard to faculty-student liaisons and the penalties for violating policy guidelines.

- A campus security plan should reflect the institution's efforts to prevent sexual assault. The plan should address lighting, shrubbery, police patrols, escort services, call boxes in isolated locations, and residence hall security.
- A routine procedure should be put in place to notify the campus community about serious criminal activity that is likely to be a threat to students and employees. This is required by the Student Right-to-Know and Campus Security Act.
- Campus disciplinary procedures should be reviewed to make sure they are adequate to address complaints of serious sexual misconduct. All persons who participate in campus adjudicatory proceedings should be trained and thoroughly cognizant of their roles. The institution should develop a clear policy about which kinds of sexual offenses will be handled internally and which will be turned over to the criminal authorities.
- Institutions should review their programs for elementary and secondary school students to make sure these students are adequately protected from sexual assaults. Campus employees who work with minor children should be trained in the requirements of the child abuse reporting laws in their jurisdiction and any statutory duty they may have concerning criminal background checks for prospective child-care employees. Regardless of the statutory requirements, colleges and universities should make sure that their hiring procedures for staff who work with minor children are adequate to prevent convicted child molesters from obtaining employment.

Finally, higher education authorities should understand that an effective program to prevent campus sex crimes is not something that can be put in place and then forgotten. Sex crime awareness programs should be offered on an annual basis in order to educate first-time students, recently arrived international students, and new employees. Campus security must be constantly monitored for such problems as inadequate lighting, overgrown shrubbery, or careless dormitory security. Institutional policies against sexual harassment should be reemphasized to faculty, employees and students on a regular basis so that everyone understands that these policies reflect institutional values and are not just empty words. In short, the task of protecting the campus community from sexual assaults and harassment must become an integral part of the institution's day-to-day mission of providing a safe and secure learning and working environment.

## **General Campus Security Checklist**

### **PERIMETER**

- Is traffic flow through campus minimized?
- Are fences adequate to discourage entry?
- Is lighting adequate at entrances and on streets?

### **STUDENTS**

- Are crime statistics furnished students regularly?
- Is there an emergency notification procedure?
- Is there an escort system?
- Are students disciplined for propping doors open or stuffing locks on doors?
- Are drug and alcohol rules adequately enforced?
- Does the institution screen for dangerous applicants?
- Does it expel dangerous miscreants?
- Are procedures in place for students to complain about security?
- Is the campus community warned of any criminal activity that might present a danger to students and employees?
- Are campus medical staff members trained to deal with rape trauma and to preserve evidence of rape?
- Are rape victims informed of their right to file charges with campus or local police and are they given assistance in this process?
- Does the university offer to change housing or academic arrangements for sex crime victims in appropriate circumstances?
- Do campus staff members comply with child abuse reporting laws when a sex crime victim is a minor student?

### **GROUND AND BUILDINGS**

- Is shrubbery minimized?
- Is lighting adequate at buildings and walkways?
- Are lights monitored for burnouts and failures?
- Is master key control tight?
- Are locks re-cored as needed?
- Are emergency phones available in remote areas?
- Do closed circuit televisions monitor remote places?

### **POLICING**

- Is the number of patrol officers sufficient?
- Are officers given adequate original and continuing training?
- Are incident reports monitored by administration?

- Are incident reports made available to campus press to enable appropriate publicity about ongoing crime activity?
- Are officers required to verify their patrol patterns to make sure that dangerous areas are regularly monitored?

## HOUSING

- Are visitors regulated?
- Do policies punish door propping and lock stuffing?
- Are new employees screened?
- Are police patrols adequate?
- Does the institution enforce drug/alcohol rules?
- Are deadbolt locks and peepholes provided?
- Are keys changed periodically?
- Are emergency phones accessible?
- Is elevator access controlled?
- Is there enough on-campus housing for all who want it?
- Are students given choice of more secure dormitory?
- Are there crime education programs for students, particularly first-year undergraduate women and newly-arrived international students?
- Are dormitory access points locked or otherwise secured?

## PARKING

- Is parking safely accessible?
- Are parking areas viewed by other people?
- Are lots patrolled?
- Are emergency phones in place?
- Are night classes scheduled to avoid isolated classrooms?

