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A dark side to residential education: sexual violence

Michael Hemesath

College of Saint Benedict/Saint John's University, mhemesath@csbsju.edu

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[◻ Previous](#) [Next ◻](#)

A Dark Side to Residential Education: Sexual Violence

College is ideally a time for exploration and growth—intellectually, emotionally and spiritually. This is particularly true for traditionally aged students who leave their teens and move toward adulthood during their college years. For parents and educators there is little more satisfying than to observe the maturation, growth and blossoming of a young person. Conversely, for those of us who care deeply about the young women and men who come to our colleges seeking that magical transformative experience, there is little more painful than to see young and immature students make bad decisions that hurt themselves and sometimes others in ways that damage their college careers and even harm their life prospects.

Among the most challenging and painful behaviors on college campus surround sexual violence. Issues of sexual violence have been in the press recently and even the White House has weighed in on the basis of Title IX of the Education Amendments of 1972. Title IX is most well-known for outlawing discrimination in athletics, but it **prohibits discrimination on the basis of sex** in all educational programs receiving federal support. The Department of Education has **offered guidance** on more than one occasion to colleges and universities about how to **comply with Title IX guidelines** regarding sexual violence.

Sexual violence, particularly date or acquaintance rape, is not a new issue on college campuses. Wherever young people and alcohol mix, the potential for unwanted sexual activity exists, but in recent years the issue has been given increasing prominence as colleges recognize that the issue has not been given the attention that it deserves and victims' rights advocates have pressed for more aggressive enforcement of campus policies and laws. An alum from the early 1980s at Saint John's, expressing a common sentiment at all institutions from that era, recently said, "I don't recall this being an issue on campus when I was in college." Today it would be the rare graduate of any college or university that could express a similar sentiment.

Each case of sexual violence is painful for the victim, typically has much collateral damage and presents significant challenges for college administrators and student advocates trying to balance protection and support for victims, due process for alleged assailants, and some measure of justice for all. The adjudication of cases is made all the more complicated because the parties in a case often know each other and live in a small community where many others know and have relationships with those involved. A long recent **New York Times article** highlighted the many challenges cases of sexual violence present. The news story described focuses on a single institution and single case, but could have occurred at almost any of the 2200+ four-year undergraduate institutions in the United States (and probably many other institutions around the world).

Among the issues these cases raise:

1. **The Standard of Justice.** Schools are in a difficult situation as they adjudicate cases in which the student handbook

and community standards are being violated yet at the same time there may be a criminal violation, even a felony. As the *New York Times* story notes, schools are trying to balance support for victims and due process for alleged perpetrators. On-campus procedures and hearings, even with good intentions and administered well, can leave all parties feeling victimized and have inevitably brought lawyers into these **on-campus cases**. Some have argued that the proper solution is to treat each case as a legal case and let the courts adjudicate. Others have noted that this model would likely change the standard of evidence from “preponderance of the evidence,” as is used in most on campus procedures, to “beyond a reasonable doubt,” as is used in criminal cases. How would this change balance justice, compassion and education? Would it lead to fewer cases being brought? Would it lead to more or less sexual violence?

2. **Alcohol Use.** Almost every case of sexual violence involves the use of alcohol by either the victim or the alleged perpetrator and, most often, both. Alcohol is a fact of life on most college campuses, and even those purportedly dry campuses typically just push alcohol use underground or off campus. It is incumbent for college administrators, especially those in student life, to monitor alcohol use by students to try to protect young people from their own worst impulses, but it is also unrealistic to think we could return to the time of *in loco parentis* where colleges played to role of surrogate parents. One suggestion is to **lower the drinking age** back to 18 to allow more direct oversight of alcohol use on campus and possibly decrease the instances of **binge drinking**. Again this suggestion raises questions. Would alcohol consumption decrease if it were legally available? How would the link between alcohol consumption and sexual violence be affected?
3. **Education.** One response of almost every school to these challenges has been to increase the educational activity around alcohol and sexual violence. Orientation for first year students almost always includes a presentation about alcohol, sexual violence, community standards and expectations of students. While no panacea, it is a move in the right direction from the era when these issues were rarely if ever discussed. Of course many young people will still choose to drink and may consume beyond the point where they can make well-considered choices. In such circumstances these educational programs are not likely to be remembered, but when all students are required to consider these issues, bystanders and friends in small, tight-knit communities may well intervene to prevent sexual violence. (See for example some of the materials used at the **College of Saint Benedict and Saint John's University**) . It is here that **the nature of college communities** can be used to protect young people who may not be in a position to protect themselves.
4. **College Culture.** A recent ***New York Times* editorial** and ***Atlantic* cover story** noted that college culture can contribute to sexual violence. Fraternities and big time college athletics are among the influences criticized for the “misogynistic excesses” sometimes seen on campuses. Ross Douthat in the *Times* even suggested that “colleges could embrace a more limited version of the old ‘parietal’ system, in which they separated the sexes and supervised social life,” a 21st century version of *in loco parentis*.

Conversations about sexual violence are active among college administrators, conversations that were not part of their jobs a generation ago. There is no silver bullet that will end sexual violence on campus. The current focus on education and encouraging bystanders and friends to help protect the vulnerable by thoughtfully enforcing well-known community standards is probably the most hopeful course and is part of the **national conversation**.

Over time, and with continual reinforcement, college communities can change their cultures and make the residential experience the positive, transformational educational experience we would hope for all of our students.

By **Michael Hemesath** | August 18th, 2014 | Categories: **Higher Education, Uncategorized** | **0 Comments**

About the Author: **Michael Hemesath**



Michael Hemesath is the 13th president of Saint John's University. A 1981 SJU graduate, Hemesath is the first layperson appointed to a full presidential term at SJU. You can find him on Twitter [at] [PrezHemesath](#).