

Battered Lives: Addressing the Collateral Effects of Domestic Violence on College Campuses

Natalie M. Lamphier

TABLE OF CONTENTS

I.	Introduction	1
II.	Relationship Violence on College Campuses	4
	A. How College Students Experience Relationship Violence	4
	1. Abusive Behaviors	4
	a. Stalking	8
	b. Cyberstalking	11
	2. Educational Impact on Students	13
	B. Lack of Policies and Procedures on Relationship Violence: University Case Studies	13
III.	Why Colleges Should Care	17
	A. Educational Environment	18
	B. Legal Responsibilities	20
	1. Federal	21
	a. Violence Against Women Act	22
	b. Title IX	23
	c. The Clery Act/FERPA	25
	2. State	27
	a. Definitions	27
	b. Protections	29
	i. Orders for Protection	30
	ii. Mandatory Arrest	31
	iii. No-Drop Prosecution Policies	31
	3. Barriers to the Legal System	32
IV.	Best Practices	34
	A. Policies	35
	1. Definitions and Inclusions	35
	2. Accessibility of Polices	36
	B. Evaluation Committees	37
	C. Preventive Education	39
	D. Campus-Wide Training	41
	1. Faculty and Staff	41
	2. Volunteer Training	42
	E. Support Services	42
	1. Crisis Lines	43
	2. Advocates	43
	3. Collaboration with Outside Resources	43
V.	Conclusion	44

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I. Introduction

For many, the term “domestic violence” evokes an image of a middle-aged woman being physically abused by her husband. While such abuse continues as a substantial societal problem in the United States, many do not realize that domestic violence between dating couples is even more pervasive than marital violence.¹ Recently, laws and policies have begun to recognize the prevalence of violence between non-married dating couples, yet many institutions have not kept up with these changes.²

To evaluate the current recognition of violence between dating couples, it is important to place dating violence in context with the responses to more traditional forms of partner violence. Society did not actively respond to domestic violence until the 1970s when the United States Congress and individual states began to address it through laws and public policy.³ These responses came in the form of safe housing, support services, and access to legal intervention for battered victims. Domestic violence legislation, historically, has occurred with waves of recognition and is continuing to progress.⁴ To date, state laws have evolved to offer civil protection orders,⁵ most mandate arrest of

¹ Camille N. Ward & Paula K. Lundburg-Love, *Sexual Abuse of Women*, in “Intimate” Violence Against Women: When Spouses, Partners or Lovers Attack, 67 (Paula K. Lundberg-Love & Shelly L. Marmion eds., Praeger 2006) (noting that data indicates that violence between dating couples is equally if not more common than marital violence).

² See *infra* Part II(B) for examples and discussion of colleges that are falling behind.

³ Linda Gordon, *Heroes of Their Own Lives: The Politics of History of Family Violence: Boston, 1880-1960* 251 (New York: Viking, 1988).

⁴ See *infra* Part III B for a discussion of the history of domestic violence legislation.

⁵ Leigh Goodmark, *Law is the Answer? Do We Know That For Sure?: Questioning the Efficacy of Legal Interventions for Battered Women*, 23 St. Louis U. L. Rev. 8, 10-11 (2004) (explaining that orders for protection provide injunctive relief, which includes prohibiting the abusive party from having contact with the victim, and prohibiting harassing, threatening, abusing, etc); see also *infra* Part III(B)(2)(ii)(a).

batterers,⁶ and many prosecutors' offices require criminal charges to proceed⁷ even when the victim chooses not to testify.⁸

Initially, most state and federal laws defined domestic violence as occurring between current or former spouses, limiting the scope of the statutes' protections to married parties.⁹ Not until more recently have most of these laws been amended to recognize explicitly the violence that occurs between dating couples. With this recognition, many domestic violence organizations have, in turn developed policies and programs targeted at a younger population, even encouraging initiatives in K-12 education.¹⁰ Notwithstanding these developments, many institutions of higher learning do not explicitly address violence between dating partners among student populations. Yet social science research in this demographic supports that it is a significant issue that cannot be ignored.¹¹ Because this paper focuses on university initiatives and the college

⁶ Goodmark, *supra* note 5, at 15-16 (explaining that mandatory arrest laws require police to make an arrest if there is probable cause that a domestic violence crime has been committed); *see infra* Part III(B)(2)(ii)(c) for discussion of mandatory arrest procedures.

⁷ Cheryl Hanna, *No Right to Choose: Mandated Victim Participation in Domestic Violence Prosecutions*, 109 Harv. L. Rev. 1849, 1893 (1996). The term most commonly used for these criminal prosecutions is a no-drop policy. These policies prevent the prosecution from dropping a case if the victim wishes not to testify or withdraws the charges. Areas that have mandated no-drop policies can employ a "hard" or "soft" no-drop policy. A hard no-drop cases go forward regardless of the victim's wishes and victims are expected to participate heavily in pre-trial preparations. Their testimony is deemed essential and they may be subjected to subpoena and arrest for refusing to testify. The soft no-drop policies are designed to comfort victims and encourage them to participate in the proceedings, but do not require participation. *Id*; *See infra* Part III(B)(2)(ii)(c) for further discussion of no-drop policies.

⁸ *See infra* Part III(2)(B) for a discussion and review of remedies available for domestic violence victims.

⁹ 42 U.S.C. § 13925 (2006); 42 U.S.C. § 10421 (2006) defining "family violence."

¹⁰ *See* Legal Momentum, *Teen Dating Abuse Education and School Policies*, State Law Guide, February 2010 available at <http://www.legalmomentum.org/assets/pdfs/teen-dating-abuse-education.pdf>; Break the Cycle: Empowering Youth to End Domestic Violence www.breakthecycle.org (Break the Cycle is the leading national nonprofit organization committed to addressing teen dating violence); Liz Claiborne Inc, *Love is Not Abuse, What You Need to Know About Dating Violence: A Teen's Handbook* (2000) available at http://www.loveisnotabuse.com/c/document_library/get_file?p_1_id=45693&folderId=72612&name=DLFE-303.pdf.

¹¹ Ward & Lundberg-Love, *supra* note 1, at 66 (noting that domestic violence is a serious problem among the youth population); Joetta Carr, *Campus Violence on White Paper*, 55 J. of Am. Coll. Health 304, 309 (2007) (stating that college is a major arena for dating violence and the college setting provides significant opportunities for primary and secondary prevention).

population, it uses the term “relationship violence,” which is consistent with the current literature addressing domestic violence between college-age intimates.¹²

An estimated 75% of all college students experienced intimate violence while in college.¹³ Since college is a major arena for relationship violence, institutions of higher education have great potential for preventing and addressing it, and should seek to do so.¹⁴ While there are legal remedies available for dating couples, colleges and universities need to develop policies, programs, and services for their students that will promote awareness and protection and provide access to these legal remedies.

This paper discusses relationship violence in our society, what has been done to address it, and what still needs to be done. Part II of this paper details relationship violence on college campuses, the types of behaviors associated with relationship violence, and how it impacts students, specifically. Part II also discusses colleges’ typical response to relationship violence and its shortcomings, using Hamline University as an example. Part III explains societal and legal reasons why colleges should address relationship violence, and Part IV outlines excellent examples of effective practices from a few colleges around the country that serve as recommendations for colleges seeking to improve their approach to relationship violence.

¹² See *infra* Part II(A) for an explanation of relationship violence.

¹³ Jennifer L. Martin, *Gendered Violence on Campus: Unpacking Bullying, Harassment, and Stalking*, in *Understanding Campus Violence*, 10 (Michele A. Paludi ed., Praeger 2008) (citing T.K. Logan, C. Leukefeld, & B. Walker, *Stalking as a Variant of Intimate Violence: Implications from a Young Adult Sample*, in *Stalking: Perspectives on Victims and Perpetrators* (I.H. Frieze & R.D. Maiuro eds., Springer 2002)).

¹⁴ Carr, *supra* note 11, at 309.

II. Relationship Violence on College Campuses

College-age students experience violence, generally, in far greater numbers than any other age group.¹⁵ According to a recent study, 479,000 acts of violence, including physical and sexual assault, are committed against college students annually.¹⁶ Of the many types of campus violence, relationship violence occurs most frequently.¹⁷ To the extent that universities have begun to address campus violence, their initiatives focus primarily on sexual misconduct, and may not address the unique characteristics of relationship violence and how it impacts students' education and receipt of services.

A. How College Students Experience Relationship Violence

College-aged dating couples experience the same patterns of abuse as married couples, but at even higher rates.¹⁸ Like violence in marital relationships, the abuse is often a series of physically violent and other manipulative or coercive behaviors used to exert power and control over the other.¹⁹ Both men and women can be perpetrators of abuse, but data suggests that this type of violence disproportionately affects women.²⁰

¹⁵ Mary P. Koss, *Hidden Rape: Sexual Aggression and Victimization in a National Sample of Students in Higher Education*, in *Violence in Dating Relationships* 145-168 (Maureen A. Pirog-Good & Jan E. Stets eds., Praeger 1989); Christine E. Murray, Kelly L. Wester, & Derrick A. Paladino, *Dating Violence and Self Injury Among Undergraduate College Students: Attitudes and Experiences*, 11 *J. of Coll. Counseling* 42, 42 (2008) (noting that violence between college-age dating couples is common and that a reported rates of physical violence between partners ranged from 20-45%).

¹⁶ Carr, *supra* note 11, at 305 (noting that college students age 18-24 were victims of and estimated 479,000 crimes annually, including physical assault, robbery, sexual assault, etc.); *See also* K. Baum & P. Klaus, *Violent Victimization of College Students, 1995-2002* (Department of Justice, Bureau of Justice Statistics 2005).

¹⁷ *Id.*

¹⁸ Ward & Lundberg-Love, *supra* note 1, at 67.

¹⁹ Carr, *supra* note 11, at 309 (providing definition from the American College Health Association); *See also* Murray, Wester, & Paladino, *supra* note 15 at 42 (noting that dating violence involves abusive behaviors that occur within the context of a dating relationship, including physical, sexual, emotional or psychological abuse); The power and control wheel from the nationally recognized Duluth Project demonstrates how abusive conduct can be a pattern, and that of physical violence is often accompanied by other forms of abuse. available at <http://www.theduluthmodel.org/pdf/PhyVio.pdf>.

²⁰ Martin, *supra* note 13, at 10 (noting that the National Institutes of Justice and National Institutes of Health indicate that intimate violence is the leading health risk for women).

Unlike other types of violence, it is the repetitive and cyclical nature of relationship abuse that makes it more damaging than single, isolated incidents.²¹

1. Abusive Behaviors

College students experience a variety of abusive behaviors that may be divided into three major types: physical, sexual, and emotional or psychological.²² Statistics from the National Violence Against Women Survey express the frequency of these abusive interactions. The NVAWS found that one in every four college-age women has been physically abused by a dating partner, and one in fourteen men reported an instance of similar violence.²³ Rates of physical violence range from twenty to forty-five percent of all college students.²⁴ Forms of physical abuse can include slapping, hitting, burning, kicking, punching, choking, shoving, beating, throwing things, restraining, or any other acts that are intended to injure or cause physical pain.²⁵ As one young woman described her experience of physical violence:

I was standing outside with two other guys waiting for my boyfriend to pick me up. When I got into the car he didn't say a word. We got back to my dorm and I didn't see it coming. He caught me around the neck and threw me against the brick wall and said he didn't want me talking to other

²¹ See Lenore E. Walker, *The Battered Woman* 55-70 (Harper & Row 1979) (The cycle of violence is a social theory developed by Lenore Walker in the 1970s. This theory suggests that intimate violence occurs in four separate stages. Stage 1 is the tension building stage where there is a breakdown of communication and one of the parties begins to feel anxious and threatened. Stage 2 is where an incident of abuse occurs, which can be physical, sexual, psychological or emotional. Stage 3 is the reconciliation stage where the abuser apologizes and the parties reconcile. Finally, in Stage 4 the incident is forgotten and a "honeymoon" stage commences.) *Id.* Walker's original cycle has been adapted to be a three stage cycle. Experiencing this cycle of violence will often times hinder a party from leaving the abusive relationship. If the abused party does not leave the abusive relationship, and the cycle continues, both parties will come to accept the violent behaviors as normal. *Id.* See also Murray, Wester, & Paladino, *supra* note 15, at 43. See Appendix G.

²² Brittney Nichols, *Violence Against Women: The Extent of the Problem*, in "Intimate" Violence Against Women: When Spouses, Partners or Lovers Attack, 5 (Paula K. Lundberg-Love & Shelly L. Marmion eds., Praeger 2006).

²³ Carr, *supra* note 11, at 317.

²⁴ Murray, Wester, & Paladino, *supra* note 15, at 42.

²⁵ Dawn Bradley Berry, *The Domestic Violence Sourcebook* (Lowell House, 1998); Nichols, *supra* note 22, at 6.

guys. He yelled and screamed and threw me on the floor....I never cried.²⁶

Instances of sexual abuse can include forcing a partner to engage in intercourse or other sexual acts, often times causing the partner to feel violated or demeaned.²⁷ Sexual abuse can also manifest itself in forcing unprotected sex or influencing reproductive decisions contrary to the partner's desires.²⁸ Much like physical abuse, sexual abuse occurs at a similar frequency.²⁹ An estimated sixty percent of reported rapes on college campuses occur in dating relationships.³⁰ In 2001, 41,470 women in the U.S. reported sexual assault or rape by an intimate partner.³¹ Incidents of sexual abuse go largely underreported because, within the context of a college dating relationship, many women do not consider the abuse to be rape.³² This uncertainty in dating relationships is evidenced by the following vignette from a young woman:

There was a movie on so we decided to watch that. We were just watching TV and kissing, [it] wasn't anything really. He started pushing for a few things [and] I was giving into it a little bit. Until he was pressuring me for things I wasn't ready for....I said "No"...he kept pushing until I gave in, but he was my boyfriend. Isn't that what's supposed to happen?³³

²⁶ Sally A. Lloyd & Beth C. Emery, *The Dark Side of Courtship: Physical and Sexual Aggression*, 45 (Sage, 2000).

²⁷ Nichols, *supra* note 22, at 5.

²⁸ *Id.*

²⁹ *Id.* at 6; National Center on Domestic and Sexual Violence, "Sexual Assault Statistics," available at <http://www.ncdsv.org/images/SexualAssaultStatistics.pdf> [National Center on Domestic and Sexual Violence] (noting that 1 in 4 women experienced an instance of sexual abuse by an intimate partner, this statistic includes married couples although young unmarried women made up the bulk of the survey *Id.*). Shannan Catlano, *Intimate Partner Violence in the United States*, United States Department of Justice, Bureau of Justice Statistics, 9 (Dec. 19, 2007) (indicating that females ages 20-24 are at the greatest risk of nonfatal intimate partner violence).

³⁰ Ida Johnson & Robert Sigler, *Forced Sexual Intercourse on Campus*, 12(1) *J. of Contemp. Crim. Justice* 98 (1996).

³¹ Nichols, *supra* note 22, at 6; Patricia Tjaden & Nancy Thoennes, *Extent, Nature, and Consequences of Intimate Partner Violence* 39 (U.S. Dept. of Justice, July 2000).

³² Nichols, *supra* note 22, at 6; National Center on Domestic and Sexual Violence, *supra* note 29, at 2.

³³ Lloyd & Emery, *supra* note 26, at 101.

Emotional and psychological abuse in dating relationships is the least recognized as a significant social problem,³⁴ but it often has more long-term effects³⁵ on victims and occurs in conjunction with other forms of abuse.³⁵ A clinical study by the American Medical Association found that eighty-eight percent of women who suffered physical abuse had also experienced psychological abuse.³⁶ Studies suggest that psychological abuse is the most common form, affecting an estimated eighty to ninety percent of students at least once while in college.³⁷ As one woman described her experience:

He had a knife that he carried all the time that he could get out and be playing with right by my face or stick it underneath my chin and say, “Well, I might as well just get this over with.” He’d do it with such an attitude that you would think he was kidding about it. It made me almost wish he would hit me instead.³⁸

Examples of psychological abuse include inflicting damage on a partner’s self esteem,³⁹ including yelling, referring to a partner in profane terms, like “bitch” or “whore,” shaming or embarrassing a partner in the presence of others, being hyper-critical, ridiculing, invalidating feelings, or projecting personal responsibility for

³⁴ Nichols, *supra* note 22, at 6.

³⁵ *Id.*

³⁶ Ann Coker, et al, *Physical Health and Consequences of Physical and Psychological Intimate Partner Violence*, 9 Archives of Family Medicine 451, 452 (2000). Also noting that of those who experienced physical violence 58% experienced sexual violence as well, and 88% experiencing psychological violence. This study surveyed intimate dating partners, which included a wider age-range, however, the mean age of those surveyed was 22.1 years. *Id.*

³⁷ Tara L. Cornelius, Ryan C. Shorey & Allison Kunde, *Legal Consequences of Dating Violence: A Critical Review and Directions for Improved Behavioral Contingencies*, 14 Aggression & Violent Behavior 194, 195 (2009). Noting that 87% of college-age men and 82% of college-age women had been the victim of psychological aggression. Additionally, 85% of both men and women report having perpetrated psychological aggression against a dating partner. Some studies show that as many as 95% of college dating partners perpetrated psychological abuse. *Id.*; see M.S. Harned, *Abused Women of Abused Men? An Examination of the Context and Outcomes of Dating Violence*, 16 Violence and Victims 269-285 (2001); see also W. James, C. West, K. Deters & E. Armijo, *Youth Dating Violence*, 35 Adolescence 455-465 (2000).

³⁸ Lloyd & Emery, *supra* note 26, at 58.

³⁹ Roland Maiuro, *Preface: Sticks and Stones May Break My Bones, but Names Will also Hurt Me: Psychological Abuse in Domestically Violent Relationships*, in *Psychological Abuse in Violent Domestic Relations*, xi (K. Danieal O’Leary & Roland D. Maiuro eds., Springer: 2001).

something beyond the partner's control.⁴⁰ In addition, abusive partners may use implicit or explicit threats and restrict their partner's personal freedom by isolating them from friends and social activities, invading personal records, taking or disabling a car, or interfering with a partner's use of the telephone.⁴¹ Abusive behaviors can also involve the use of passive-aggressive means of withholding emotional support and nurturance by using the silent treatment, emotionally abandoning the other, and withdrawal.⁴² One woman described her experience with psychological abuse as worse than physical abuse:

The yelling I could take...the beating I could take...the pain and blood...I could take...but when he would tell me that he didn't love me and that I was worthless, I felt myself dying inside.⁴³

a. Stalking

Within the subset of emotional and psychological abuse is another common form of relationship violence, stalking, the prevalence of which has continued to increase on college campuses.⁴⁴ Twenty to thirty-five percent of students report having been stalked and over half of those incidents are perpetrated by a current or former dating partner.⁴⁵ The research on stalking reveals that it is directly related to violent relationships, with an increase in stalking behaviors following the termination of the relationship.⁴⁶ Stalking and cyberstalking are subsumed under the general definition of relationship violence, and are a significant and considerably frequent form of college dating violence.⁴⁷

⁴⁰ *Id.*

⁴¹ Bobbie K. Burks, *Emotional Abuse of Women*, in "Intimate" Violence Against Women: When Spouses, Partners or Lovers Attack, 16-17 (Paula K. Lundberg-Love & Shelly L. Marmion eds., Praeger 2006).

⁴² Maiuro, *supra* note 39.

⁴³ Burks, *supra* note 41, at 15.

⁴⁴ Nichols, *supra* note 22, at 7.

⁴⁵ Angela F. Amar, *College Women's Experience of Stalking: Mental Health Symptoms and Changes in Routines*, 20 Archives of Psychiatric Nursing, 108, 108 (2006).

⁴⁶ S.L Williams & I.H. Frieze, *Courtship Behaviors, Relationship Violence, and Breakup Persistence in College Men and Women*, 29 Psych. of Women Quarterly 248, 252 (2005).

⁴⁷ Ward & Lundberg-Love, *supra* note 1, at 66.

Stalking is the intentional, unwanted, and repeated conduct directed toward a specific individual that induces fear or concern in that individual for his or her safety safety.⁴⁸ As with all other forms of relationship violence, the stalker seeks to exert control over the victim.⁴⁹ As one student who experienced stalking described it:

He would drive past my home and race up his truck motor real loud. He had a real big, loud truck motor and he would just rev it up real loud and I would peep out and see it was him. He would just like drive by and race it, [his] motor up real loud. *Why do you think he was doing that?* I guess he was just wanting to show me he was watching me, you know, like he was near.⁵⁰

Pre-relationship stalking, known as “pre-stalking,” or stalking behavior that arises prior to the development of a relationship, also occurs at high rates on college campuses.⁵¹ An estimated forty percent of college students indicate they had experienced pre-stalking.⁵² Twenty-three percent of stalkers were perceived by victims as seeking an intimate relationship, and the stalking was initially believed to be an indication of love and affection.⁵³ Pre-stalking behavior usually occurs for an extended period of time, often until the victim relents to the relationship. Over thirteen percent of college women indicated that they were stalked by a prospective suitor for a period of over sixty days.⁵⁴ Pre-stalking is also often an indicator of further violence during the relationship.⁵⁵

⁴⁸ TK Logan, Jennifer Cole, Lisa Shannon, & Robert Walker, *Partner Stalking: How Women Respond, Cope and Survive*, 3 (Springer, 2006).

⁴⁹ Martin, *supra* note 13 at 18; Paul Bocij, *Cyberstalking: Harassment in the Internet Age and How to Protect your Family*, 37 (Praeger 2004).

⁵⁰ Logan, *supra* note 48, at 29.

⁵¹ H.C. Sinclair & I.H. Frieze, *Initial Courtship Behavior and Stalking: How Should We Draw the Line?*, in *Stalking: Perspectives on Victims and Perpetrators*, 189 (K.E. Davis & I.H. Frieze eds., Springer 2002).

⁵² Beth Bjerregaard, *An Empirical Study of Stalking Victimization*, 15(4) *Violence and Victims*, 389, 391 (2000).

⁵³ Sinclair & Frieze, *supra* note 51, at 187.

⁵⁴ Bjerregaard, *supra* note 52, at 391.

⁵⁵ Williams & Frieze, *supra* note 46, at 253.

Statistics on stalking demonstrate that it is not only a common form of relationship violence, but that it is more prevalent among the college-aged population. These stalking studies indicate that between twenty-five and thirty percent of college women, and eleven to seventeen percent of college men have been stalked by at least one person during their four years of college.⁵⁶ Female students experience stalking in greater numbers than the general population because a college campus is an “ideal hunting ground,” as it is easily accessible and typically comprised of large amounts of young women.⁵⁷ For college women, the likelihood of being stalked is three times higher than that of being raped.⁵⁸ Research on stalking also reveals that physical violence occurs in anywhere from twenty-five to thirty-five percent of all stalking incidents,⁵⁹ especially when the stalker has or had an intimate relationship with the target.⁶⁰

Stalking has a significant impact on its victims. Students who experience stalking report a number of health and lifestyle changes.⁶¹ Eighty-two percent of stalking victims reported an adjustment in their schedules after stalking commences,⁶² including losing time from work, missing class, avoiding social activities, or changing phone numbers, jobs, or residences to avoid a perpetrator.⁶³ Stalking also psychologically impacts its victims. Some researchers describe stalking as “emotional

⁵⁶ Bjerregaard, *supra* note 52, at 404; W.J. Fremouw, D. Westrup & J. Pennypacker, *Stalking on Campus: The Prevalence and Strategies for Coping with Stalking*, 42(4) J. of Forensic Sci. 666-669 (1996).

⁵⁷ *Id.*

⁵⁸ Bethany L. Waits & Paula Lundberg-Love, *The Impact of Campus Violence on College Students*, in *Understanding Campus Violence*, 60 (Michele A. Paludi ed., Praeger 2008); Amar, *supra* note 45, at 106.

⁵⁹ Martin, *supra* note 13, at 3; Joseph C. Merschman, *The Dark Side of the Web: Cyberstalking and the Need for Contemporary Legislation*, 24 Harv. Women’s L.J. 255 (2001).

⁶⁰ Martin, *supra* note 13, at 15; Merschman, *supra* note 59, at 257; S.J. Morewitz, *Stalking and Violence: New Patterns of Trauma and Obsession*, (New York: Kluwer Academic 2003).

⁶¹ Amar, *supra* note 45, at 109.

⁶² Waits & Lundberg-Love, *supra* note 58, at 60.

⁶³ Angela Amar & E.M. Alexy, “*Dissed*” by Dating Violence, 41 Perspectives on Psychiatric Care 162, 165 (2006).

rape” or “psychological terrorism” because of its serious impact on the mental health of a victim.⁶⁴ Stalking can induce psychological effects such as anxiety and depression.⁶⁵ It can also affect a victim physically in the form of digestive disorders, chronic headaches or migraines, and self-injury.⁶⁶ At its extreme, one in four stalking victims considers suicide.⁶⁷

Stalking not only affects the targeted victims, but can also adversely affect those who have a social or working relationship with the victim. Third parties often experience increased levels of fear and anxiety as well when stalkers appear at victims’ workplaces, social gatherings, or friends’ homes.⁶⁸ As a result, the victims become even more socially isolated. Many victims claim that their social relationships were negatively impacted as a result of the stalking.⁶⁹ If the social relationship is not completely terminated as a result of the stalking, friendships become strained because friends of victims become exposed to the same mental effects as the victims.⁷⁰

b. Cyberstalking

The spread of technology also provides stalkers with another means to harass and pursue victims and avoid detection--cyberstalking. The active use of the web and other internet communication portals, such as Facebook, Myspace, Twitter, and online dating sites, leaves the college population particularly vulnerable to this emerging form of stalking. According to CyberAngels, a highly regarded internet safety organization,

⁶⁴ K.E. Davis, A.L. Coker, & M. Sanderson, *Physical and Mental Health Effects of Being Stalked for Men and Women*, 17 *Violence and Victims* 429, 433 (2002).

⁶⁵ Amar, *supra* note 45, at 110.

⁶⁶ Davis, Coker, & Sanderson, *supra* note 64, at 433.

⁶⁷ Martin, *supra* note 13, at 15.

⁶⁸ Logan, et al, *supra* note 48, at 28.

⁶⁹ *Id.* at 176.

⁷⁰ *Id.*

an estimated 63,000 stalkers use the Internet to pursue approximately 474,000 victims.⁷¹

Cyberstalking--defined as the intentional and repeated use of information and communications technology (ICT) to harass, threaten, and incite fear⁷²--can be as dangerous as physical stalking and can affect its victims similarly, leading to mental distress and increased levels of anxiety.⁷³ As with traditional stalking, the majority of cyberstalking victims are female, and the majority of stalkers are current or former intimates.⁷⁴ Stalkers may use these electronic means as yet another method of harassment and abuse.⁷⁵ Cyberstalking is easier to commit because the internet is so widely accessible. The perpetrator need not even be in the same geographic region as the victim and may stalk the victims from multiple locations.⁷⁶ Additionally, any threats made electronically can escalate more quickly with increased severity, which may have not have occurred in traditional, physical stalking.⁷⁷ Electronic communications eliminate any potential barriers, enabling stalkers to conduct their behaviors with business-like efficiency.⁷⁸ Likewise, victims of cyberstalking can experience even higher levels of anxiety than victims of traditional stalking because in

⁷¹ Bocij, *supra* note 49, at 41 (citing P. Aftab, *CyberAngels Handling Stalking Cases* [online] (2001) Noting that CyberAngels uses simple ratios to determine estimates. These ratios are applied directly to the Internet based on an estimated global user base of 79 million people. The results suggest there are 63,000 stalkers and 474,000 victims in the world today that have been overlooked by other writers and researchers. *Id.*

⁷² *Id.* at 3.

⁷³ J. Finn, *A Survey of Online Harassment at a University Campus*, 19(4) *J. of Interpersonal Violence* 472 (2004).

⁷⁴ Martin, *supra* note 13, at 18.

⁷⁵ Leroy McFarlane & Paul Bocij, *Cyberstalking: Defining the Invasion of Cyberspace*, in *Forensic Update*, 19 (Division of Forensic Psychology of the British Psychological Society 2003) available at http://www.bps.org.uk/downloadfile.cfm?file_uid=1B90208F-7E96-C67F-DC242D09B73F8AF0&ext=pdf.

⁷⁶ Bocij, *supra* note 49, at 4.

⁷⁷ *Id.*

⁷⁸ Bocij & McFarlane, *supra* note 75 at 32.

most cyberstalking cases the victim does not know the location of the stalker.⁷⁹ This lack of knowledge can cause increased levels of anxiety and paranoia.⁸⁰ Additionally, the usual tactics students employ to evade the stalker become unavailable to victims of cyberstalking.⁸¹

2. Educational Impact on Students

Relationship violence significantly impacts students' education. As a result of abusive interactions, victimized students may drop out of school, earn low grades, miss classes, or transfer to other institutions.⁸² Abusive behaviors may include preventing a partner from engaging in social activities with friends, making a partner miss class, or keeping a partner up all night before a major paper or exam.⁸³ These kinds of abusive behaviors are just some of those specific to the college environment that can substantially impact students' academic performance and ability to pursue their degree and future career.

B. Lack of Policies and Procedures on Relationship Violence: University Case Studies

Notwithstanding the prevalence of domestic violence on college campuses, many colleges—particularly small, private institutions—fail to address the issue specifically or adequately in their educational programs, policies, or campus safety

⁷⁹ Bocij, *supra* note 49 at 27.

⁸⁰ *Id.*

⁸¹ Nancy Henslet-McGinnis, *Cyberstalking Victimization: Impact and Coping Responses in a National University Sample 52-56* (2008) (unpublished Ph.D. dissertation, University of Maryland) (on file with Graduate Scholl of the University of Maryland) available at <http://www.lib.umd.edu/drum/bitstream/1903/8206/1/umi-umd-5402.pdf>.

⁸² Walter S. DeKeseredy & Martin D. Schwartz, *Woman Abuse on Campus: Results from the Canadian National Survey 17* (Sage Publications 1998).

⁸³ *Id.* at 17-18. (noting similar experiences by a U.S. first-year student: “My grades went down drastically. I missed classes a lot...I started feeling sleepy all the time, all I wanted to do was stay in bed. It just seemed like everything kept going down, down, down.” *Id.* at 18).

procedures.⁸⁴ A number of these universities provide comprehensive educational programming on sexual misconduct, but few seek to emphasize rape in the context of a dating relationship or to address other aspects of relationship violence.⁸⁵ Recognition of relationship violence among college students is greatly needed.⁸⁶

The policies and programs of the oldest university in the state of Minnesota, Hamline University, illustrate how a campus may fail to address relationship abuse, specifically. Hamline's policies and programs, like those of many other schools, address sexual assault and other forms of violence, but do not address these behaviors in the context of a dating relationship.

Hamline's relevant policies do not specifically define relationship violence or stalking, which may inhibit the college from formulating an effective response to or addressing such behavior.⁸⁷ For example, Hamline's Sexual Misconduct Policy acknowledges that sexual assault may occur between intimates in its policies, but does not otherwise mention or define relationship violence and the various kinds of behavior involved.⁸⁸ To the extent that the policy provides definitions, they are primarily behaviors associated with sexual misconduct and even the definition provided for stalking is problematic, as it placed under the general definition of

⁸⁴ See Deborah Goelman & Roberta Valente, Comm'n on Domestic Violence, Am. Bar Ass'n, *When Will They Ever Learn? Educating to End Domestic Violence: A Law School Report* 1, 11 (1997) available at <http://www.ojp.usdoj.gov/ovc/publications/infores/etedv/etedvpdf.pdf>. The report discusses both graduate and undergraduate education.

⁸⁵ Margaret C. Jasper, *The Law of Violence Against Women*, 58 (2nd ed. 2007).

⁸⁶ L. Kevin Hamberger & Bruce Ambuel, *Dating Violence* 45(2) *Pediatric Clinics of North America* 381, 381 (1998).

⁸⁷ See Hamline University, Sexual Misconduct Policy available at http://www.hamline.edu/shared/policies/university_all/sexual_violence.html.

⁸⁸ *Id.* More is required on relationship violence specifically because it is a pattern of multiple abusive behaviors that can manifest in the form of physical abuse or otherwise, which goes outside the scope of what the sexual assault phrase defines.

sexually inappropriate conduct.⁸⁹ The University's general Violence Prevention Policy adds little to where the Sexual Misconduct Policy fails. The focus of the Violence Prevention Policy is primary on physical assault and harassment.⁹⁰ The Violence Policy only contributes a sentence to address relationship violence, in which it states that "prohibited conduct includes, but is not limited to....committing injurious acts motivated by, or related to, domestic violence...."⁹¹

In addition to its policies' lack of appropriate definitions, Hamline's procedures for responding to reports of relationship violence are inadequate. The policy does provide guidance on how to report sexual misconduct and harassment, a necessary component of any college policy, but it also clarifies that not all reports made to Hamline's Safety and Security proceed with an investigation; rather, Hamline will only investigate if the victim desires or if the university deems the reported incident affects the safety of the campus community as a whole.⁹² This type of victim-centered strategy is often implemented as an effort to empower victims by not depriving them of the decision-making power,⁹³ but runs contrary to many state-level policies on responding to domestic violence.⁹⁴

⁸⁹*Id.* Disappointingly, the policy was edited and completely revamped in 2008 and omissions on relationship violence are still present.

⁹⁰ Hamline University, Violence Prevention Policy, available at http://www.hamline.edu/shared/policies/university_all/violence_policy.html.

⁹¹ *Id.*

⁹² Hamline University, Sexual Misconduct Policy.

⁹³ See also Mikayla Moffet, *Stop: When Saying it Isn't Enough*, The Oracle, Nov. 11, 2008 available at <http://media.www.hamlineoracle.com/media/storage/paper1367/news/2008/11/25/News/Stop-When.Saying.It.Isnt.Enough-3560617.shtml#5>, U.S. Department of Justice, Office of Justice Programs, Sexual Assault on Campus: What Colleges and Universities are Doing About It 17 (National Institute of Justice 2005) available at http://www.publicintegrity.org/investigations/campus_assault/assets/pdf/Fisher_report_3.pdf. (Research by the National Institute of Justice suggests that a strategy like this gives victims a sense of empowerment by allowing them to control the decisions and the pace of the process. *Id.*)

⁹⁴ See *infra* Part III(B)(2)(iii) for discussion of no-drop prosecution policies.

Even when a campus policy explicitly addresses relationship violence, many students are discouraged from reporting because they believe that dating violence is a private matter that does not warrant university assistance.⁹⁵ This misperception is perpetuated by actual institutional responses: A survey completed by 3,300 college deans and officers at universities across the country indicates that less than fifty-four percent of physical assault cases and less than thirty-six percent of reported sexual assault cases resulted in a penalty.⁹⁶ With respect to intimate partner rape cases, only forty-four percent of all victims report the incident, and even fewer result in actual penalties.⁹⁷ In light of these statistics, the issue of victim-initiated intervention is somewhat concerning. If reporting an incident of violence does not lead to an investigation or penalty, there is less for students to report the violence.⁹⁸ This reluctance to report can be seen in Hamline's statistical report demonstrating only two instances of sexual misconduct in three years.⁹⁹

A review of other colleges in the St. Paul-Minneapolis area revealed that many have policies similar to Hamline's. Augsburg College's Sexual Violence Policy, for example, does not mention relationship violence or a pattern of abusive behaviors.¹⁰⁰ The University of St. Thomas also does not explicitly mention relationship violence in

⁹⁵ Jasper, *supra* note 85, at 58.

⁹⁶ Paul E. Pezza, & Ann Bellotti, *College Campus Violence: Origins Impacts and Responses*, 7 *Educational Psychology Review* 3 (1995). There were no available statistics on relationship violence reports.

⁹⁷ *Id.*

⁹⁸ Bonnie E. Carlson, *Dating Violence: Student Beliefs About Consequences*, 11(1) *J. of Interpersonal Violence* 3, 5 (1996). Noting that perceptions of a violent incident and gender mediate student views about what to do following the incident. Only 4 to 5% of students called the police, fewer reported to counselors because they believed nothing would come of an investigation, or the abuse was minimized. *Id.*

⁹⁹ Hamline University, *Safety and Security Policies and Statistics Report*, October 2008, 14 available at http://www.hamline.edu/hamline_info/offices_services/campuses_grounds/safetysecurity/pdf/2008_Clery_Report1.pdf.

¹⁰⁰ Augsburg College, *Augsburg Student Guide, Sexual Violence Policy*, 47 available at <http://www.augsburg.edu/studentguide/>.

its sexual violence policy. Unlike Hamline, however, St. Thomas provides different procedures for reporting campus crime, and investigates all reported incidents.¹⁰¹

As a separate issue from policy content, it is concerning that a majority of Hamline students may not be exposed to the University's policies. The Sexual Misconduct Policy and the Violence Prevention Policy are only available online and may be difficult to locate through the university's search engine. To ensure a safe campus environment and to convey a commitment to preventing violence in the campus community, universities should expose faculty, students, and staff to the policies regularly. They need to make the policies available separately in print form and disseminating them in targeted areas, such as the student center, student housing entryways, or a health services facility; publish them in a university publication to which everyone has access; and regularly educate faculty, students, and staff about the relevant policies.

While many colleges do not address relationship violence, a number of institutions are committed to doing so, and their initiatives have proven successful in reducing the prevalence of relationship violence on campus.¹⁰² These particular initiatives are discussed in Part IV as specific recommendations for all college campuses to consider.

III. Why Colleges Should Care

There are a number of legal incentives for colleges to address relationship violence. First and foremost, a college has the responsibility to address the needs of its students, which includes providing a safe and healthy learning environment void of any

¹⁰¹ University of St. Thomas, Sexual Violence Policy, available at http://www.stthomas.edu/policies/student_policy_book/document/Sexual%20Violence%20Policy.pdf.

¹⁰² See *infra* Part IV.

threat or actual violence. Colleges also have a number of legal responsibilities in regards to addressing campus violence as mandated by federal laws including the Violence Against Women Act, Title IX, and the Clery Act. Each of these federal laws seeks to enhance protection of college students. A college should also, at a minimum, consult the state violence prevention acts and other relevant laws for guidance on what they should or must provide for their students.

A. Educational Environment

College is an influential period in a student's life; postsecondary institutions are dedicated to the education and development of all of their students as part of the university mission and philosophy. Across the United States there are 4,200 colleges and universities, home to approximately sixteen million students.¹⁰³ Institutions of higher education play an important role in developing future behaviors.¹⁰⁴ As part of this developmental process, institutions of higher education can provide preventive education to teach students what behaviors are socially acceptable going forward.

The need for college intervention is great considering that violence that occurs between intimate partners in college will likely continue in subsequent relationships if the behavior is not identified and addressed in the educational environment.¹⁰⁵ Likewise, victims in dating relationships exhibit some of the same behaviors as those in spousal relationships.¹⁰⁶ Responses to abuse are also similar among victims; dating individuals

¹⁰³ Carr, *supra* note 11, at 305.

¹⁰⁴ Mary Roark, *Conceptualizing Campus Violence: Definitions, Underlying Factors and Effects*, in *Campus Violence: Kinds Causes and Cures*, 4 (Leighton C. Whitaker & Jeffrey W. Pollard eds. 1995).

¹⁰⁵ Jan E. Stets & Murray A. Straus, *Marriage License as a Hitting License*, in *Violence in Dating Relationships: Emerging Social Issues*, 33-52, 39 (Maureen A. Pirog-Good & Jan. E. Stets eds., 1989).

¹⁰⁶ Jill Laurie Goodman, *Thinking About Danger and Safety*, in *Lawyer's Manual on Domestic Violence: Representing the Victim* 28 (Jill Laurie Goodman & Dorchen A. Leidholt eds., 4th ed. 2005).

are equally as likely to stay with an abusive partner,¹⁰⁷ and victims of each type of violence have similar fears of increased violence if they attempt to leave their relationships, of social isolation, and of an inability to support themselves financially.¹⁰⁸ Although many similarities exist, college is the ideal phase in a student's life to raise awareness, teach skills, and affect attitudes toward dating violence¹⁰⁹ by emphasizing that violence between dating partners is unacceptable on campus and in society.¹¹⁰ Students are at a formative stage in their lives, particularly in developing appropriate patterns of behavior with a partner, as a number of college students are seeking a relationship that will continue after college.¹¹¹ If particular patterns of behavior persist, without institutional intervention, any violent patterns of behavior manifested at this age will likely become enduring features of a future relationship.¹¹² A number of studies show that a majority of college-age students will remain in a relationship after an incident of abuse.¹¹³ This suggests that the violence is often minimized and is not a sufficient reason to terminate the relationship.¹¹⁴ The research also demonstrates that education on labeling an incident as abusive has increased the likelihood of reports to authorities.¹¹⁵ Because

¹⁰⁷ *Id.*

¹⁰⁸ Sarah E. Warne, Student Author, *Rocks, Hard Places, and Unconventional Domestic Violence Victims: Expanding Availability of Civil Orders of Protection in New York*, 52 N.Y. L. Sch. L. Rev. 279, 282 (2008) While financial abuse occurs among dating partners, it is not as common among college-age students.

¹⁰⁹ Jonathan P. Schwartz, Linda D. Griffin, Melani M. Russell, & Sarannette Frontera-Duck, *Prevention of Dating Violence on College Campuses: An Innovative Program*, 9 J. of C. Counseling 90, 90 (2006). Researchers devised an innovative psychoeducational intervention program on dating violence, the core of which was the Student Speakers Bureau, a student organization of peer educators who hosted programs on campus. The participants in the program included 290 fraternity and sorority students. When students were assessed immediately following the program, their attitudes about dating violence had been altered significantly.

¹¹⁰ *Id.*

¹¹¹ Murray A. Straus, *Prevalence of Violence Against Dating Partners by Male and Female University Students Worldwide*, 10 Violence Against Women, 790, 792 (2004).

¹¹² *Id.*

¹¹³ Carlson, *supra* note 98 at 4-5.

¹¹⁴ *Id.*

¹¹⁵ *Id.* at 5.

dating violence between university students occurs at such a high rate,¹¹⁶ and college is a formative period in a student's life, institutions of higher education have a responsibility to take measures to intervene. Through both preventive efforts and effective responses, colleges can change and develop students' conceptions of relationship violence.

B. Legal Responsibilities

In addition to its role as an educational institution, colleges have certain legal responsibilities with respect to their students' experience with relationship violence. To understand the legal remedies currently available to student victims, a brief history of domestic violence legislation, generally, is helpful. Before the 1970s,¹¹⁷ physical violence between family members was considered a culturally acceptable practice in American society.¹¹⁸ During the 1950s, the widespread community belief was that domestic violence was "individual women's problems to be borne in silence and shame."¹¹⁹ The 50s marked an era dominated by male patriarchy in the home and the emergence of the "family ideal," a concept defined as the belief in the preservation of the family (two heterosexual parents and children) through privacy.¹²⁰ Due to this notion of a family ideal and the need to preserve it, women renounced their personal liberties, which led them to be submissive to their abusive partners.¹²¹

First-wave feminism in the 1960s emphasized public recognition of domestic violence. With the help of feminism, and participation in politics, advocacy, and awareness groups, women began to publicize domestic violence in political and social

¹¹⁶ Straus, *supra* note 111, at 792.

¹¹⁷ Gordon, *supra* note 3, at 251.

¹¹⁸ Ann Russo, *Taking Back Our Lives: A Call to Action for the Feminist Movement*, 6 (Routledge, 2001).

¹¹⁹ *Id.*

¹²⁰ Elizabeth Hafkin Pleck, *Domestic Tyranny: The Making of Social Policy Against Family Violence from Colonial Times to the Present*, 9 (Oxford University Press, 1987).

¹²¹ *Id.* at 9.

spheres.¹²² Women’s rights advocates and feminists argued that “violence in women’s lives must no longer be understood as an individual private experience; instead, it is a systemic problem that is institutionalized through society.”¹²³ The feminist movement helped highlight women’s health and safety as public concerns, which in turn led to further domestic violence legislation in the 1970s.¹²⁴

Before the 1990s, however, less attention was given to abuse between non-marital couples.¹²⁵ While a few states originally included non-marital relationships in their abuse prevention acts,¹²⁶ most laws did not explicitly address it until much later. This may help to explain why colleges still, to a large degree, have not effectively addressed this issue. Nonetheless, current federal and state legislation mandates, or at least encourages, colleges to do so.

1. Federal

To date, the federal laws do not explicitly mandate colleges to address relationship violence on campus, but they can and should influence campus policy with respect to reporting all incidents of violence, providing financial support of relationship violence initiatives, and protecting students’ related civil rights. Only one of the following laws has a direct reference to violence between dating couples, but they are all influential in their direct application to the college environment. The following sections

¹²² Russo, *supra* note 118, at 7.

¹²³ *Id.*

¹²⁴ Gordon, *supra* note 2, at 251; *See also* Lynne Harne & Jill Radford, *Tackling Domestic Violence: Theories, Policies, and Practice*, 98-100 (Open University Press 2008) (explaining remedies available for domestic violence victims including OFPs, mandatory arrest, and no-drop prosecution policies).

¹²⁵ RADAR, *Expanding Definitions of Domestic Violence: Vanishing Rule of Law*, Special Report 1-4 (2008) available at <http://www.mediaradar.org/docs/RADARreport-Vanishing-Rule-of-Law.pdf> Explaining the types of relationships that are included in domestic violence definitions. Lynn Rosenthal, *The Violence Against Women Act: Learning from the Past and Shaping the Future*, 6 Wash. Coalition on Domestic Violence, 202 (2004) available at <http://www.ncdsv.org/images/TheViolenceAgainstWomenActLearning.pdf> Explaining that VAWA was not amended until 2000 to include dating partners.

¹²⁶ RADAR, *supra* note 125, at 2-6.

summarize the existing federal legislation and how they apply to the college response to the reality and prevalence of relationship violence.

a. Violence Against Women Act

The largest piece of federal legislation on domestic violence is the Violence Against Women Act of 1992 (VAWA). The initial proposal of the Act was based on the assumption that the criminal justice system, as implemented by each state, was inconsistent and inadequate in addressing the needs of domestic violence victims.¹²⁷ The enactment of VAWA in 1994 was a leap forward for battered women socially and legally. VAWA allocated millions of dollars to enhance the response to domestic violence in communities at large.¹²⁸ It also brought about critical policy including federal recognition of domestic violence as an interstate crime warranting constitutional protection.¹²⁹

However, it was not until 2000 that VAWA was amended to include non-marital relationships among those protected.¹³⁰ Since then, college campuses have been eligible to receive federally issued grants for addressing domestic violence on campus.¹³¹ Like most federal legislation, VAWA does not explicitly mandate colleges to do anything with respect to addressing relationship violence, but its recognition of relationship violence as a pressing social issue goes at least a little way in promoting colleges to pay attention.

¹²⁷ Lynn Rosenthal, *supra* note 125, at 2.

¹²⁸ *Id.*

¹²⁹ Roberta L. Valente et al., *The Violence Against Women Act of 1994: The Federal Commitment to Ending Domestic Violence, Sexual Assault, Stalking and Gender-Based Crimes of Violence*, 285 in *Violence Against Women* (Claire M. Renzetti, Jeffrey L. Edleson & Raquel Kennedy Bergen eds., Sage Publications 2001); 18 U.S.C. §§ 2261, 2262; 42 U.S.C. §§ 3796hh, 3796gg, 13971. The interstate crimes section is coupled with the provision on full faith and credit, which requires all states to recognize orders for protection from other states. Also, prior to the inception of VAWA domestic crimes that occurred across state lines were unpunished. Under VAWA, those who abuse across state lines are subject to federal punishment. In *United States v. Morrison* the Supreme Court held that the civil rights remedy was unconstitutional because gender motivated violence is not an economic concern affecting interstate commerce. The Court argued that Congress had overreached its authority in implementing the Civil Right Remedy. The rest of VAWA still remains good law. Valente, at 285-187.

¹³⁰ Rosenthal, *supra* note 125, at 204.

¹³¹ *Id.*

b. Title IX

Title IX of the Civil Rights Act, influential federal legislation drafted primarily for the college environment, should also encourage colleges to address relationship violence because of its disproportionate impact on women.¹³² As the primary piece of legislation on gender equality, colleges who fail to address relationship violence could be held legally responsible. Students may also have a disparate treatment claim under Title IX depending on how their college responds to particular complaints of relationship violence.

The main objective of Title IX is to prevent sex discrimination in athletics and educational attainment.¹³³ In addition to sex discrimination, Title IX prohibits sexual harassment on campuses.¹³⁴ College students who are victims of sexual harassment or discrimination are likely to have reduced success in pursuit of their education.¹³⁵ Dating violence also affects female students' academic performance and the quality of their educational attainment, thereby arguably also falling under the protection of Title IX.¹³⁶ While these mandate do not explicitly address relationship violence, Title IX suggests

¹³² Martin, *supra* note 13, at 10.

¹³³ Linda Jean Carpenter & R. Vivian Acosta, *Title IX*, 5-7 (Human Kinetics 2005); Diane Heckman, *Fitzgerald v. Barnstable School Committee: The Supreme Court and the Axis of Section 1983, Title IX and the Fourteenth Amendment Equal Protection Clause in Seeking Redress of Education-Related Sexual Harassment*, 246 Ed. L. Rep. 1, 4 (2009).

¹³⁴ Amy J. Ramson, *Sexual Harassment Education*, in *Understanding and Preventing Campus Violence*, 130 (Michele A. Paludi ed., Praeger 2008); 42 U.S.C. § 2000e (2006); *Meritor Savings Bank FSB v. Vinson*, 477 U.S. 47 (1986). The provisions of Title VII of the Civil Rights Act, which prohibits sex discrimination in the employment context, recognizes sexual harassment as a form of sex discrimination. Title IX was amended to extend all of the applicable provisions of Title VII to institutions of higher education. Title VII suggests that sexual harassment in the workplace will have an adverse effect on the victim's performance. The Supreme Court confirmed this in the *Vinson* case and extended all Title VII responsibilities to colleges and universities. *Id.*

¹³⁵ Jollee Faber, *Expanding Title IX of the Education Amendments of 1972 to Include Student to Student Sexual Harassment*, 2 UCLA Women's L. J. 85, 87 (1996).

¹³⁶ DeKeseredy & Schwartz, *supra* note 82 at 17 (citing D. Currie, *Women's Safety on Campus: Challenging the University as Gendered Space*, 18 *Humanity and Society* 24-48 (1994).

that as a component of maintaining a healthy educational environment, colleges have the responsibility to address all things hindering the educational attainment of its students.¹³⁷

A college violates Title IX if it is aware of sexual harassment and fails to respond timely and effectively to eliminate the harassment and prevent its recurrence, or the accused student conduct was enough to limit the victim's ability to participate in an educational program.¹³⁸ This legal responsibility to eliminate a hostile environment could apply to all types of campus violence, including relationship violence, if victims can demonstrate that the conduct was motivated by their gender.¹³⁹

In addition to requiring colleges to effectively address sexual harassment and assault, Title IX requires colleges to provide all students with a fair, unbiased judicial proceeding.¹⁴⁰ The Department of Education's Office of Civil Rights (OCR) has the general responsibility of executing Title IX by publishing regulations, offering legal guidance, and dealing with allegations of sexual harassment in the academic setting.¹⁴¹ An OCR report affirmed that training is the key to preventing sexual harassment and thus, that institutions should provide training to everyone involved in the campus community so that individuals can recognize sexual harassment and know how to respond to it.¹⁴²

¹³⁷ *Id.* at 90. See also *Goss v. Lopez*, 419 U.S. 565, 573-574 (1975). The Supreme Court found that students have a protected interest in primary and secondary education.

¹³⁸ U.S. Dep't of Educ., Office for Civil Rights, Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, 11-13 (2001) available at <http://www.ed.gov/offices/OCR/archives/pdf/shguide.pdf>.

¹³⁹ See *Jennings v. Univ. of N.C.*, 444 F.3d 255, 273-274 (4th Cir. 2006) (The *Jennings* case affirmed that a single incident of sexual assault or rape is sufficiently severe to fall under the protection of Title IX); Holly Hogan, The Real "Catch-22": Providing Fairness to Both the Accused and Complaining Students in College Sexual Assault Disciplinary Proceedings, 38 J. L. & Educ. 277, 280-281 (explaining that Title IX protects students' right to be free from gender discrimination).

¹⁴⁰ 20 U.S.C. §§ 1681-1688 (2006);

¹⁴¹ Ramson, *supra* note 134, at 132.

¹⁴² *Id.*; Office of Civil Rights, Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, (2001) available at <http://www.ed.gov/offices/OCR/archives/shguide/>.

c. The Clery Act/FERPA

Although also not specific to relationship violence, the Clery Act, enacted in 1992 in response to several high profile sexual assault cases, sought to ensure that colleges record and disseminate widely accurate and official crime statistics. The main purpose of this Act was to educate the campus community about security and to ensure that important data is collected to determine if crime is a substantial concern on a particular campus. Specific to reporting, the Act mandates colleges to: publicize campus crime statistics and interim reports of serious crimes;¹⁴³ make timely reports to the campus community of crimes considered a threat to students and employees, publish and distribute an annual report on campus crime to all current students and employees, and submit the annual report to applicants or the Secretary of Education upon request.¹⁴⁴ Failure to disclose accurate crime statistics, as required by the Act may result in disciplinary action including sanctions up to \$25,000, as well as suspension from participation in student financial aid programs.¹⁴⁵

The Federal Educational Right to Privacy Act (FERPA) mandates colleges to maintain the privacy of student records.¹⁴⁶ The Act was later amended in 1992 to reflect the growing concern for safety on campus. One significant change to FERPA, known as the Buckley Amendment¹⁴⁷ ensures that police and security records are not hidden among

¹⁴³ Johnathan M. Kassa, *Security on Campus (SOC): Our Mission Is Safer Campuses for Students in Understanding Campus Violence*, 193 (Michele A. Paludi ed., Praeger 2008).

¹⁴⁴ 20 U.S.C. § 1092 (2006).

¹⁴⁵ Bonnie S. Fisher, Jennifer L. Hartman, Francis T. Cullen, Michael G. Turner, *Making Campuses Safer for Students: The Clery Act as a Symbolic Legal Reform*, 32 *Stetson L. Rev.* 61, 70-71 (2002).

¹⁴⁶ Linda Gordon Howard, *Laws Affecting Postsecondary Institutions' Efforts to Prevent, Respond to, and Recover from Acts of Violence on Campus*, in *Understanding and Preventing Campus Violence*, 118 (Michele A. Paludi ed., Praeger 2008).

¹⁴⁷ 20 U.S.C. § 1232g (2006).

student confidential records.¹⁴⁸ FERPA was also amended in 1998 to allow universities to disclose without consent, the results or any other portion of any disciplinary actions;¹⁴⁹ previously the law protected all of this information as confidential student data.¹⁵⁰ To strike a balance between the need for public information and the protection of student data, any disclosed information is limited to the name of the assailant, the violation, and the result of any disciplinary proceeding.¹⁵¹ This 1998 amendment allowed, but did not require, postsecondary institutions to disclose information about campus crime to third parties, usually prospective students and concerned parents wanting to know about the frequency of campus crime.¹⁵²

Another 1992 addition affecting civil rights of students was the Campus Sexual Assault Victims' Bill of Rights, which became part of the Clery Act. The provisions in this addition require all postsecondary institutions, both private and public, participating in federal aid programs to have sexual assault policies that guarantee basic rights to victims.¹⁵³ It also expanded the scope of sexual assault statistics the institution must report.¹⁵⁴ This Bill of Rights also requires institutions to adequately inform students of their options in reporting an incident to the university or to an outside law enforcement agency.¹⁵⁵

¹⁴⁸ Kassa, *supra* note 143, at 193.

¹⁴⁹ Howard, *supra* note 146, at 118.

¹⁵⁰ *Id.* at 119; 20 U.S.C. § 1232g (2006) Law enforcement records are not protected by FERPA and may be disclosed. An institution requires a separate designated law enforcement unit to be responsible for keeping and maintaining records on criminal activity that are entirely separate from a student's educational records.

¹⁵¹ Benjamin F. Sidbury, *The Disclosure of Campus Crime: How Colleges and Universities Continue to Hide behind the 1998 Amendment to FERPA and How Congress can Eliminate the Loophole*, 26 J. of College & Univ. L. 755, 756 (2000).

¹⁵² *Id.*

¹⁵³ Kassa, *supra* note 120, at 193.

¹⁵⁴ *Id.*

¹⁵⁵ 18 U.S.C. § 1092(f)(8) (2006). Institutions that fail to comply with these requirements can be fined up to \$27,500 and/or lose their eligibility to receive federal student aid.

2. State

In addition to federal legislation, state laws should provide guidance to universities about how and why they should address relationship violence. Because most domestic violence-specific legislation has developed on a state-by-state basis, colleges should look to their state laws that define and govern such violence and imitate those laws in the policies and procedures they offer.

a. Definitions

While many were originally written to capture only spousal violence,¹⁵⁶ the majority of state domestic violence laws now include adult dating partners in their definitions of protected parties.¹⁵⁷ The most recent states to expand their definitions to include dating relationships were Kentucky and Arizona, both in 2009, bringing the total to forty-two states.¹⁵⁸ Just eight states remain silent on the issue.¹⁵⁹ Though the

¹⁵⁶ There are certainly exceptions to this statement. Specifically Minnesota has long included dating relationships in its statutory definition. *See* Minn. Stat. § 518B.01 (2008).

¹⁵⁷ Alaska Stat. § 18.66.100 (2010); Ark. Code Ann. § 9-15-103(2)(A) (West 2010); Ariz. Rev. Stat. § 13-3601 (A)(1-5) (2009); Cal. Fam. Code § 6341(a)-(c) (West 2010); Colo. Rev. Stat. Ann. § 13-14-101(2) (West 2010); Conn. Gen. Stat. Ann. §46b-15b (West 2010); Del. Code Ann. Tit. 10 § 1041(2)(b) (2010); Fla. Stat. § 784.046(d)(1)-(2) (2010); Haw. Rev. Stat. § 586-1 (2010). Idaho Code Ann. § 39-6303(1) (2009); 750 Ill. Comp. Stat. § 60/103(6), (13) (2009); Ind. Code § 34-6-2-44.8 (2010); Iowa Code § 236.2(4) (2010); Kan. Stat. Ann. § 60-3102(b) (2010); Ky Rev. Stat. Ann. § 403.720(1) (West 2010); La. Rev. Stat. Ann. § 46:2151 (2010); Me. Rev. Stat. Ann. tit. 19-A § 4002(4) (2010); Mass. Gen. Laws ch. 209A § 1 (2010); Mich. Comp. Laws § 600.2950(1) (2010); Minn. Stat. § 518B.01(2)(b) (2010); Miss. Code Ann. § 93-21-3(a),(d) (2010); Mo. Rev. Stat. § 455.010(5) (2010); Mont. Code Ann. § 40-15-102(2) (2010); Neb. Rev. Stat. § 42-903(3) (2010); Nev. Rev. Stat. § 173-B:3(II)(b) (2010); N.H. Rev. Stat. Ann. § 33.018(1) (2010); N.J. Stat. Ann. § 2C:25-19(3)(a) (West 2010); N.M. Stat. §40-13-2(D) (2010); N.Y. Fam. Ct. Act § 812-822 (McKinney 2010); N.C. Gen. Stat. § 50B-1(b)(6)(5) (2010); N.D. Cent. Code §14.07.1-01(4) (2010); Okla. Stat. tit. 22 §60.1(1) (2010); Or. Rev. Stat. § 107.705(3)(e) (2010); 23 Pa. Stat. Ann. § 6102 (West 2010); R.I. Gen. Laws §8-8.1-3(a)(1) (2010); Tenn. Code. Ann. § 36-3-601(5)(C) (2010); Tex. Code Ann. §§ 71.004, 71.0021 (Vernon 2010); Vt. Stat. Ann. tit 15 § 1101(2) (2010); Wash. Rev. Code § 26.50.010(c)(2) (2010); W. Va. Code § 48-27-204 (2010); Wis. Stat. §813.12(1)(ag) (2010); Wyo. Stat. Ann. § 35-21-102 (2010).

¹⁵⁸ *Id.*

¹⁵⁹ Ala. Code § 30-5-2(a)(1-5) (2009); Ga. Code Ann. § 19-13-1 (2009) Georgia is included because it provides protection against “anyone you live with of formally lived with” but does not specify “current or former dating partners” generally; Md. Code Ann., Fam. Law § 4-501(l), (m) (West 2009); Ohio Rev. Code Ann. §§ 3113.31(A)(3), (4) (West 2009); S.C. Code Ann. §§ 20-4-20(b), 20-4-40(a) (2009); S.D. Codified Laws § 25-10-1(2) (2009); Utah Code Ann. 1953 § 78B-7-103(1) (2009); Va. Code Ann. § 16.1-228 (2009).

definitions vary in terms of what classifies as an intimate dating relationship, the explicit inclusion of dating couples is a significant development in the last decade to which colleges must pay attention.

Initially most state-enacted statutes addressed what the courts termed “battered women.”¹⁶⁰ State courts became the vehicle for expanding the definition of who “qualified” for protection under these originally generally-worded statutes. In the 1996 case, *State v. Kellogg*,¹⁶¹ the Iowa Supreme Court considered the state statute that provided remedies for “family or household members who resided with each other at the time of the assault.”¹⁶² In *Kellogg*, the court sought to define what a romantic relationship was in the context of dating partners and whether such relationships warranted statutory protection. In determining the seriousness of the dating relationship, the court considered whether the couple jointly used property, had sexual relations, and had been together continuously for an extended time frame.¹⁶³ *Kellogg* was one of the first cases to interpret the more general state statutory definitions to include dating couples. In response, the Iowa legislature amended the statute to explicitly include dating partners within its protection; a number of other states that hadn’t considered inclusion of dating couples amended their statutory definitions to explicitly include them.¹⁶⁴

The wave of amendments in the 90s regarding intimate partner violence caused some colleges to recognize dating violence in their own policies and programs. In fact, of the states that now include dating relationships in their statutory definitions, the public

¹⁶⁰ Sana Loue, *Intimate Partner Violence: Societal, Medical, Legal and Individual Responses* 111 (Kluwer Academic 2001).

¹⁶¹ *State v. Kellogg*, 542 N.W.2d 514 (Iowa 1996).

¹⁶² Iowa Code § 236.2(4) (1996).

¹⁶³ Loue, *supra* note 160, at 111; *Kellogg*, 542 N.W.2d at 516.

¹⁶⁴ Loue, *supra* note 160, at 111-113.

universities in many of these states have responded by addressing relationship violence in their policies. In the eight states that do not include dating relationships in their statutes, only one state's college policy specifically addresses relationship violence.¹⁶⁵ A number of the colleges also include any sexual misconduct or student violence under the umbrella of student conduct generally.¹⁶⁶ This evidence suggests that inclusion of dating violence in the state definition and policy is influential, at least at public universities.

b. Protections

In addition to the expanding notion of who these laws protect, state laws and policies have progressed over the last ten years to provide additional protection of victims in dating relationships. Despite these changes, many younger dating couples do not consider the legal system as an avenue for addressing the abuse they experience.¹⁶⁷ There are barriers and perceptions that make college-aged individuals hesitant to seek help through the legal system.¹⁶⁸ Non-engagement with the legal system in an abusive relationship may actually lead to further perpetration.¹⁶⁹ Colleges need to be aware of the state laws that govern domestic violence in their state, seek to implement policies and programs that are consistent with and further those state laws, and, at a minimum,

¹⁶⁵ See University of Georgia, Office for Violence Prevention, Relationship and Sexual Violence Policy available at <http://www.uga.edu/ovp/policies.html>. The University of Georgia policy is the only state public university policy that explicitly mentions relationship violence. The policies to follow are those that do not, consist with their respective state statutes University of Alabama, Campus Violence Policy, 111.00 available at http://hr.ua.edu/empl_rel/policy-manual/campus-violence.htm.; University of Arizona, Policy Manual, Ch. V, available at http://www.abor.asu.edu/1_the_regents/policymanual/chap5/chapter_v.htm#5-301; University of Maryland, Policies and Procedures Manual, Sec. III, V-1.00 (B): Code of Student Conduct, available at <http://www.president.umd.edu/policies/docs/v100b.pdf>; University of Ohio, Student Code of Conduct-Policy Section, available at http://www.ohio.edu/judiciaries/conduct_policy.cfm;

¹⁶⁶University of Arizona, Policy Manual, Ch. V, available at http://www.abor.asu.edu/1_the_regents/policymanual/chap5/chapter_v.htm#5-301; University of Maryland, Policies and Procedures Manual, Sec. III, V-1.00 (B): Code of Student Conduct, available at <http://www.president.umd.edu/policies/docs/v100b.pdf>; University of Ohio, Student Code of Conduct-Policy Section, available at http://www.ohio.edu/judiciaries/conduct_policy.cfm;

¹⁶⁷ Cornelius, Shorey, & Kunde, *supra* note 37, at 198-199.

¹⁶⁸ *Id.* at 199.

¹⁶⁹ *Id.* at 196.

provide information and referrals to their students to access legal protection or other community services.

i. Orders for Protection

Obtaining an order for protection (OFP) is one option for persons in an abusive relationship.¹⁷⁰ Civil protection orders enable victims of relationship violence to petition for various forms of relief, such as preventing or limiting contact from the abuser, providing monetary relief, and compelling the abuser to enroll in treatment programs and assessments.¹⁷¹ Perhaps most relevant to the experience of college students, most state statutes specify that courts may prevent the abusing party from even going near the victim's school.¹⁷² Civil orders for protection were established to provide victims with quick and effective protection that was not otherwise available through the legal system.¹⁷³ While the efficacy of OFPs is a widely debated subject,¹⁷⁴ with some arguing that it is just a piece of paper that sometimes triggers increased violence,¹⁷⁵ a recent study shows that women who obtained an OFP were often safer following an incident of abuse than those who chose not to pursue one.¹⁷⁶

Notwithstanding the arguments against OFPs, they may be a valuable remedy for some college students. Colleges can assist students by enabling them to get an OFP and

¹⁷⁰ See American Bar Association, Commission on Domestic Violence, Domestic Violence Civil Protection Orders (CPOs) by State, available at http://www.abanet.org/domviol/pdfs/dv_cpo_chart.pdf. An order for protection against a dating partner may only be obtained in a state that recognizes dating relationships in their statutory definition or if the relationship otherwise meets the statutory requirements.

¹⁷¹ Goodmark, *supra* note 5, at 10.

¹⁷² *Id.*

¹⁷³ Catherine F. Klein & Leslye E. Orloff, *Providing Legal Protection for Battered Women: An Analysis of State Statutes and Case Law*, 21 Hofstra L. Rev. 801 (1993).

¹⁷⁴ Carolyn N. Ko, *Civil Restraining Orders for Domestic Violence: The Unresolved Question of "Efficacy,"* 11 S. Cal. Interdisc. L.J. 361, 368 (2002).

¹⁷⁵ Brian K. Payne & Randy R. Gainey, *Family Violence and Criminal Justice: A Life-Course Approach*, 235 (Cincinnati: Anderson Publishing Co., 2002); Christine O'Connor, *Domestic Violence No-Contact Orders and the Autonomy Rights of Victims*, 40 B.C. L. Rev. 937 (1999).

¹⁷⁶ Victoria Holt et al., *Do Protective Orders Affect the Likelihood of Future Partner Violence and Injury?*, 24 Am. J. Preventive Med. 16 (2003).

can cooperate with local law enforcement in reporting and arresting students who violate court orders and prevent them from entering the campus or being near specific students. College campuses have a duty to educate themselves about these options for their students, provide assistance or at least referrals to their students, and understand their legal obligations in enforcing their students' orders for protection and implement procedures for effectively doing so.

ii. Mandatory Arrest

Another significant reform in state domestic violence legislation has been the addition of mandatory arrest laws for OFP violations. Mostly enacted in the 1980s and 90s, mandatory arrest laws seek to eliminate police discretion in determining whether to make the arrest in domestic violence cases.¹⁷⁷ These laws require officers to make an immediate arrest of one or both parties if they have probable cause to believe that a domestic violence crime has been committed or an OFP has been violated.¹⁷⁸ A research survey completed in the District of Columbia documented that following the inception of the mandatory arrest laws, the number of arrests in domestic violence cases went from five percent in 1990 to forty-one percent in 1996.¹⁷⁹

iii. No-Drop Policies

In addition to civil OFPs and mandatory arrest, no-drop prosecution policies emerged as an effective response to relationship violence. No-drop policies were implemented in the 1980s as an attempt to respond to a victim's unwillingness to

¹⁷⁷ Goodmark, *supra* note 5, at 15.

¹⁷⁸ Joan Zorza, *The Criminal Law of Misdemeanor Domestic Violence, 1970-1990*, 83 J. Crim. L. & Criminology 46, 61 (1992).

¹⁷⁹ Deborah Epstein, *Effective Intervention in Domestic Violence Cases: Rethinking the Roles of Prosecutors, Judges and the Court System*, 11 Yale J.L. & Feminism 3, 14 (1999).

testify.¹⁸⁰ These policies prevent attorneys from dismissing the case, even at the request of the victim, if there is otherwise sufficient evidence to go forward.¹⁸¹ Studies show that, not surprisingly, fewer domestic violence cases are dismissed as a result of the no-drop policies.¹⁸² Little research has been completed examining the deterrent effect of these policies; however, their implementation has been credited with declining rates of overall violence and recidivism.¹⁸³

Additionally, many advocates argue the success of no-drop prosecution policies because victims who initially refuse to testify will often later assist be with pre-trial preparation and the trial.¹⁸⁴ While some argue that no-drop prosecution policies deprive victims of the decision making power in a criminal proceeding,¹⁸⁵ research supports the opposite.¹⁸⁶ Proceeding with the case regardless of the victims' wishes often eventually produces the same feelings of empowerment that victims receive from a victim-initiated response.¹⁸⁷ Implementation of a no-drop prosecution policy will ultimately ensure a safe environment for the victimized student. Universities with victim-initiated response systems, like Hamline's, should consider this evidence in evaluating their campus response to reports and the prosecution policies in their communities.

3. Barriers to the Legal System

With the inclusion of dating relationships in many states' domestic violence statutes, the traditional legal protections have been made available to non-marital couples

¹⁸⁰ *Id.*

¹⁸¹ Hanna, *supra* note 7, at 1893.

¹⁸² Barbara E. Smith et al., An Evaluation of Efforts to Implement No-Drop Policies: Two Central Values in Conflict iii, 47 (2001).

¹⁸³ Epstein, *supra* note 179, at 16.

¹⁸⁴ Jennice Vilhauer, *Understanding the Victim: A Guide to Aid in the Prosecution of Domestic Violence*, 27 Fordham Urb. L. J. 953, 961 (2000).

¹⁸⁵ Epstein, *supra* note 179, at 19.

¹⁸⁶ Vilhauer, *supra* note 184, at 961.

¹⁸⁷ *Id.*

who experience similar types of violence. However, college students face a number of barriers in accessing these protective remedies. In a majority of cases, individuals who suffer abuse in their dating relationships never interact with the legal system.¹⁸⁸ Results from a number of studies on student reporting rates show that in many cases, the victims do not report the violence, and if they do disclose it, it is more often to their community or peers.¹⁸⁹ This can be attributed to the belief that peer groups understand the social context of violence in dating relationship and thus are better sources of support and assistance.¹⁹⁰ A study completed on reporting rates found that less than ten percent of college-age students reported any violence directly to legal authorities.¹⁹¹

This reluctance to use the legal system is caused by a number of factors. For many, a lack of education or knowledge about legal protections and relationship violence generally, contributes to the failure to report the violence. Studies demonstrate that many young people in violent dating relationships misinterpret aggressive and controlling responses in their dating relationships as signs of love.¹⁹² The lack of awareness can also contribute to an inability to identify any danger signs of potential abuse.¹⁹³

Young victims also face myriad barriers to obtaining and enforcing an OFP. The largest barrier is student perceptions regarding the accessibility of orders for protection.¹⁹⁴ As an initial hurdle, students are often unaware if they meet the

¹⁸⁸ Cornelius, Shorey, & Kunde, *supra* note 37, at 196.

¹⁸⁹ *Id.*

¹⁹⁰ *Id.*

¹⁹¹ D. Mahlstedt & L. Keeny, *Female Survivors of Dating Violence and their Social Networks*, 3 *Feminism and Psychology*, 319, 326 (1993).

¹⁹² Cornelius, Shorey & Kunde, *supra* note 37, at 199.

¹⁹³ D.M. Largio, *Redefining the Meaning and Application of "Dating Relationship" Language in Domestic Violence Statutes*, 60 *Vanderbilt L. Rev.* 939, 946 (2007).

¹⁹⁴ *Id.*

qualifications to obtain one¹⁹⁵ and lack the practical information necessary to obtain and enforce such an order.¹⁹⁶ In general, the complex and intimidating nature of the legal system is a fairly significant deterrent for victims in abusive relationships.¹⁹⁷ Thus, it is important for a college campus to provide a substantial support system for those attempting to extricate themselves from a violent relationship. Campuses should educate, assist, and encourage students to use the legal services available to them.

IV. Best Practices

There are a number of steps that college campuses can take to proactively address relationship violence and to assist students in violent dating relationships. To begin with, college personnel should be provided with some knowledge about the remedies available for students, both legally and through campus policy. Campuses should also devise more effective preventive education strategies and more comprehensive policies.¹⁹⁸ National strategies, such as federal and state legislation, and non-profit organizations, urging colleges to take action are still in their infancy, but there are trends and promising developments from a number of colleges. With some of the best practices in mind, colleges and universities across the country may tailor and manipulate these practices to meet their individual campus needs.

¹⁹⁵ *Id.*

¹⁹⁶ T. Logan, E. Stevenson, L. Evans, & C. Leukefeld, *Rural and Urban Women's Perceptions of Barriers to Health, Mental Health and Criminal Justice Services: Implications for Victim Services*, 19 *Violence and Victims*, 37, 58 (2004).

¹⁹⁷ Cornelius, Shorey, & Kunde, *supra* note 37, at 200.

¹⁹⁸ Peter G. Jaffe & David A. Wolfe, *Prevention of Domestic Violence and Sexual Assault*. Harrisburg, PA: VAWnet, a project of the National Resource Center on Domestic Violence/Pennsylvania Coalition Against Domestic Violence, (2003) available at http://new.vawnet.org/category/Main_Doc.php?docid=390.

A. Policies

1. Definitions and Inclusions

A clear and comprehensive campus violence policy that specifically addresses relationship violence and stalking is the most important vehicle for addressing the problem. University policies and procedures inform the campus community that the university does not tolerate any type of violence.¹⁹⁹ Policies should open with a mission statement that expresses a commitment to the safety of its students and clarifies why such a policy is needed.²⁰⁰ The university policy should identify and define all the types of campus violence: sexual assault, sexual harassment, stalking, physical assault and relationship violence.²⁰¹ Separately, the policy should identify and define relationship violence and explain that many of these behaviors may occur in the context of a dating relationship. In defining the conduct, universities must consider the relevant state and federal definitions of each, yet make the language clear and accessible for its student population. A strong example of such a policy is the University of Montana's Sexual Misconduct, Relationship Violence, and Stalking policy.²⁰² The definition this university provides for relationship violence is fairly comprehensive:

- Abuse or violence between partners involving one or more of the following elements:
 - Battering that causes bodily injury;
 - Emotional abuse reflecting apprehension of bodily injury or property damage;
 - Repeated telephonic or other forms of communication -anonymously or directly - using coarse language or threats in order to intimidate, terrify, annoy, harass, threaten, or offend;

¹⁹⁹ Connie Kirkland & Howard Kallem, *Responding to Sexually Victimized College Students*, in *Understanding Campus Violence*, 199-217, 212 (Michele A. Paludi ed., Praeger 2008).

²⁰⁰ See University of Montana: Missoula, Sexual Assault, Sexual and Relationship Violence and Stalking Policy available at <http://www.umt.edu/Policies/400-HumanResources/sexualmisconduct.aspx>.

²⁰¹ Waits & Lundberg-Love, *supra* note 63, at 52. The authors of this article include homicide as one of the main types of campus violence. However, campus homicides are so few that it is not pertinent to discuss in this article.

²⁰² University of Montana Policy.

- Sexual assault or harassment;
- Forcible denial of use of or access to owned or shared assets, or limiting or controlling access to educational or work opportunities;
- Coercion used to compel another to act as directed; and/or
- Isolation used to deprive another of personal freedom of movement or access to friends, family, or support systems.

It also defines stalking as:

- Repeated following, harassing, threatening, or intimidating another by telephone, mail, email, or any other method that purposely or knowingly causes emotional distress or reasonable fear of bodily injury or death.²⁰³

In addition to comprehensive coverage and accessible definitions, policies should also provide clear reporting procedures for anyone who is aware of conduct that may violate the policy. The policy must specify to whom reports should be made, how to make the report, and what kind of response can be expected from the university.²⁰⁴ Policies also should provide referrals to other on and off campus resources, such as counseling services, law enforcement agencies, and advocacy groups that may assist students experiencing violence, but who do not wish to report the conduct to the university. Providing references to multiple services will ensure that a student will have many options for support and assistance. Again, the University of Montana's policy provides a strong example of these kinds of procedures.²⁰⁵

2. Accessibility of Policies

Policies and procedures also need to be widely available and accessible to students. For example, a reporting procedure cannot be effective unless students, faculty, and staff know it exists and how it works.²⁰⁶ While web resources are necessary, policies cannot only be available through the campus website because even the most carefully

²⁰³ University of Montana Policy.

²⁰⁴ University of Montana Policy.

²⁰⁵ See University of Montana, Policy Procedures.

²⁰⁶ Kirkland, *supra* note 199, at 213.

designed university website may prove difficult to navigate. The policies or summaries of the policies should be available to the entire campus community as a separate published document or in other major university publications. If policies and procedures are only available through web resources, it is unlikely that students will know they exist, much less be able to find the procedures to making a report.²⁰⁷ If campus policies are made available in print form in the student handbook or in relevant locations on campus, such as health services, or a counseling center, students will not have to search for them when they are most needed. Students are more likely to look at the policy, especially if it applies to a particular issue that is concerning them, if it is accessible and easy to understand. These two things will ultimately make any judicial proceeding easier for the student.

B. Evaluation Committees

Another effective administrative initiative is to establish a campus organization to evaluate the efficacy of policies and procedures.²⁰⁸ This organization ensures that the campus stays active in assisting students by maintaining policies that best serve the entire campus community. Such organizations have proven to be effective in reducing violence on campus and providing an easily accessible resource for students.²⁰⁹ For example, George Mason University in Fairfax Virginia maintains a Campus-Community Coordinating Council that is responsible for reviewing and revising the university

²⁰⁷ *Id.*

²⁰⁸ Kirkland *supra* note 199, at 206; Mary Beck, *Spotlight: Response to Violence Against Women at the University of Missouri at Columbia*, 23 St. Louis U. Pub. L. Rev. 227, 230 (2004). George Mason University in Fairfax Virginia established a Campus Community Coordinating Council. This Council meets monthly to discuss potential revisions to the policies to close any loopholes to ensure the efficacy of the policy for both faculty and students. The University of Missouri also has a separate organization, the Intra University Council on Violence Against Women. The Council takes an active role in maintaining and revising programs and procedures as well. *Id.*

²⁰⁹ *Id.*

policies on sexual violence, stalking, and relationship violence.²¹⁰ The Council is made up of faculty and staff from most organizational departments and educational units on campus.²¹¹ By including members from all areas, a college will be able to reach a larger number of students. The Council has revised the policies and procedures multiple times in response to changes in laws and perpetrator methods.²¹² For example, in 1999 on George Mason's campus, campus administrators noticed that nearly one-fourth of all disclosures to their Sexual Assault Services were incidents of stalking. After discussing the alarming trend with the Coordinating Council, the university adopted a comprehensive stalking policy.²¹³

Revising and evaluating the policies is only one goal of these councils. Reform must simultaneously focus on the development and interrelationships of all the main components of the policy.²¹⁴ Forming evaluation committees ensures that change is all-encompassing and ongoing.²¹⁵ For example, the MU Council's aggressive agenda sparked a number of collaborative projects and funding initiatives. The Council collected information about the response to domestic violence in each department including Intercollegiate Athletics, Greek Advocates, Employee Assistance, Residential Life, Student Health, the Theatre Department, and Campus Religious Advisors.²¹⁶ From the collected data, the Council determined which of these groups served as primary resources for students, and which departments were best tailored for certain groups of students,

²¹⁰ Kirkland, *supra* note 199, at 206

²¹¹ Beck, *supra* note 208, at 230.

²¹² *Id.*; Kirkland, *supra* note 199, at 206

²¹³ Kirkland, *supra* note 199, at 206; *see* George Mason University, Stalking Policy, available at <http://www.gmu.edu/depts/unilife/sexual/GMUPolicies3.htm> The policy became effective in 1999 and was most recently revised in 2004.

²¹⁴ Martin, *supra* note 13, at 75-77.

²¹⁵ *Id.* at 77.

²¹⁶ Beck, *supra* note 208, at 233-237

what kind of impact each department had and its efficacy in responding to campus violence.²¹⁷ The Council made sure that each of these groups addressed violence and formulated a proper response.

C. Preventive Education

While policies and procedures are a necessary starting point, they cannot create any real change on a campus unless they go hand-in-hand with training about the policies themselves and education about relationship violence and stalking, specifically.

Implementation of comprehensive policies and procedures is an important component of a reactionary response to violence on campus, but preventive education reduces the need for such responses. Education is one of the most valuable tools for communicating to students what relationship violence is and how to respond to instances of abuse.

One of the many vehicles for preventive education is freshman orientation. This is an ideal time to educate students on relationship violence and other types of campus violence. A college campus should be a welcoming community that clarifies what behaviors will not be tolerated and how to report offensive behavior. It is also a time to talk about signs of healthy and unhealthy relationships, as many students will no-doubt be forming intimate relationships with their peers.

Education should not end with orientation, however. Educational programs should continue throughout the year to re-affirm the importance of recognizing and preventing violence on campus. If students are regularly exposed to policies, programs, and resources, they are more likely to internalize and understand them.²¹⁸ George Mason University is one of the many universities that seeks to actively educate its students

²¹⁷ *Id.*

²¹⁸ Martin, *supra* note 13, at 75.

throughout the year. The most visible event that George Mason's Sexual Assault Services agency sponsors each year is the Clothesline Project,²¹⁹ where T-shirts are hung in a frequently traveled area of campus revealing statistics on victims of violence.²²⁰ The widely popular exhibit continues at the university for a week to generate interest in both sexual and domestic violence and to advertise the wealth of services the university provides.²²¹

Topic-specific courses can also serve as a valuable tool for exposing students to campus violence and turning students into active participants in education and prevention strategies.²²² Students who take courses that incorporate campus violence issues into the curriculum become more aware of the continuing problems facing the campus community.²²³ There are a number of stereotypes held in our society about abusive relationships and about the victims and perpetrators of such crimes.²²⁴ By adding discussion of or units on domestic violence, specific courses can assist in taking steps to shatter these preconceived notions, as well as to educate a number of university students. Incorporating violence-related issues into the educational curriculum emphasizes the continuing importance of addressing such issues. Faculty and staff should be encouraged

²¹⁹ See The Clothesline Project, "Bearing Witness to Violence Against Women" available at <http://www.clotheslineproject.org/>. The Clothesline Project is a campus display where a number of shirts are displayed on a clothesline across campus that expresses statistics and emotional responses of men and women affected by violence.

²²⁰ Kirkland, *supra* note 13, at 208.

²²¹ *Id.*

²²² Michele A. Paludi, Florence L. Denmark & Darlene C. DeFour, *The Psychology of Women Course as a "Catalyst for Change" for Campus Violence*, in *Understanding Campus Violence*, 103-111, 103 (Michele A. Paludi ed., Praeger 2008).

²²³ N. Downing & K. Rousch, *From Passive Acceptance to Active Commitment*, *The Counseling Psychologist*, 13, 695-709 (1985).

²²⁴ John F. Mahon & Daniel K. Wright, *The Missing Ingredient: Incorporating Domestic Violence Issues into the Law School Curriculum*, 48 *St. Louis U. L.J.* 1351, 1351 (2004).

to acknowledge the responsibility of shaping the students' consciousness.²²⁵ Through these courses and active involvement of staff and faculty, students will be educated on the issues that could affect their lives or professional careers.²²⁶

D. Campus-Wide Training

Another ideal preventive strategy is providing training for faculty, staff, and students about the campus policies and procedures and about relationship violence, specifically. If training is received by these groups on campus, including counseling, health services, and residential life, the university can formulate a more effective response to relationship violence on campus.²²⁷ The implementation of a comprehensive training also conveys a commitment to addressing the issue of relationship violence on campus.

1. Faculty and Staff

A handful of universities have developed relationship abuse guidelines, which are reviewed by faculty and staff. The trainings on the guidelines and complexities of relationship violence are helpful because it is not a subject traditionally taught to faculty or staff.²²⁸ Not only do trainings provide for integration of legally mandated interventions, but they can provide faculty and staff with universal screening questions that can prompt them to consider presenting signs and symptoms of students experiencing relationship violence or stalking.²²⁹ Faculty and staff should also have comprehensive knowledge of the resources available on and off campus. All those involved in applying procedures

²²⁵ See Symposium, *Domestic Violence in Legal Education and Legal Practice: A Dialogue Between Professors and Practitioners*, 11 J.L. & Pol'y 409, 420 (2003).

²²⁶ Goelman & Valente, *supra* note 84 at 11.

²²⁷ Beck, *supra* note 208, at 227.

²²⁸ *Id.* at 234.

²²⁹ Beck *supra* note 208 at 234.

should receive training in the type of issue as well as the applicable legal standards.²³⁰ By implementing training on the complexities of violence on campus, and the response systems available, faculty and staff will have the knowledge and the resources to provide effective assistance to a student who comes to them for help.

A comprehensive knowledge of resources is key because students are unlikely to report directly to law enforcement, but will often times instead turn to a trusted advisor or other faculty or staff member about the abuse seeking help. Thus, faculty and staff must be trained on the warning signs of abuse in a relationship, and where to seek assistance for the students who confide in them.

2. Volunteer Training

Volunteer training can also be a useful method for raising awareness about relationship violence. Larger universities can offer peer and professional training to students, faculty, staff, and the community at large.²³¹ This method provides education and teaches individuals how to be support vehicles for victims of violence.²³² While smaller colleges may not have the resources to do so, they could partner with other colleges in the community. For example, in the Twin Cities, Augsburg College contracts with the University of Minnesota's Aurora Center to provide crisis lines assistance to students at the smaller college as well.

E. Support Services

Support services are a core part of the campus response system where there is an instance of violence on campus. Well-developed support systems will encourage students

²³⁰ Kirkland, *supra* note 199 at 214.

²³¹ See the University of Minnesota Aurora Center for Advocacy and Education available at <http://www1.umn.edu/aurora/>.

²³² *Id.*

to report an instance of violence and feel comfortable doing so. There are a number of different support services that colleges can implement depending on their size and financial resources. The following services are some of the most effective.

1. Crisis Lines

One of the most popular on-campus support services that larger universities have implemented is the 24-hour help line.²³³ Many universities provide referrals to other 24-hour crisis lines, but maintaining an on-campus crisis number may make students more comfortable in accessing and ensures a speedy response by safety and security or other on-campus services.

2. Advocates

Advocates, whether students or staff, can play an important role for victims of relationship violence. If an individual reports an instance of violence, an advocate can serve as a sounding board for students, provide crisis intervention services for victims or concerned friends, help through any judicial proceedings, and generally provide support.²³⁴ Advocates can also assist the student through the complicated process of campus reporting and maybe even the legal system to seek an OFP or press criminal charges.²³⁵ Advocates can be excellent ongoing, one-on-one, resources to help students through the rehabilitation process.

3. Collaboration with Outside Resources

Developing close relationships with community resources is also useful, particularly for smaller universities. Close collaboration with outside sources not only

²³³ See the University of Minnesota Aurora Center for Advocacy and Education available at <http://www1.umn.edu/aurora/>;

²³⁴ *Id.*

²³⁵ Kirkland, *supra* note 199, at 207.

expresses a commitment to the issue as a community concern, but provides students with other portals for support. Universities can work in conjunction with local law enforcement to make it easier for students to press criminal charges.²³⁶ A working relationship with outside domestic violence agencies can also expand the available resources for students. In general, collaboration with any outside resources can help bridge the gap between the campus and the community at large for students actively seeking help. Students will be more likely to report and press charges if they are comfortable with these outside resources.

V. Conclusion

Relationship violence persists as a pressing social issue that warrants attention by institutions of higher education. Much has been accomplished with respect to addressing domestic violence generally, but violence between young couples in dating relationships has gone largely ignored by institutions that could have a substantial impact. While federal laws and state laws should encourage colleges to address relationship violence, there are few explicit legal mandates and thus some colleges are lagging in their approach to relationship violence. Colleges should begin to address this societal problem if they have not already done so. At a minimum, colleges should look to both federal and state legislation, and examples from other colleges who have provided a number of effective services for their students, to begin to develop policies and programs to meet their students needs. Given the prevalence of relationship violence among college-age students, colleges cannot ignore the issue and should take reasonable steps to ensure a safe

²³⁶ See Beck, *supra* note 208, at 235. The University of Missouri at Columbia's campus security department has a strong and collaborative relationship with the Domestic Violence Enforcement Unit of the Police Department in Columbia. These two agencies work together by being sensitive, responsive and helpful to victims of domestic violence. *Id.*

environment for students through policy, training, preventive education, and support services.

As part of my research, and largely as a result of it, I have been attempting to facilitate change on my own campus. During Domestic Violence Awareness Month, I organized an event through the Aurora Center to raise awareness about relationship violence on campus, which was fairly well-attended. I also participated in the work of the Sexual Violence Prevention Taskforce, which was designed to affect change on campus in regard to sexual violence and I have raised my concerns specific to relationship violence in this context. As a part of the Taskforce I have been discussing with campus administration potential changes to Hamline's policy to include relationship violence and stalking and encouraged discussion about future collaboration with the Aurora Center. Even though these efforts may seem relatively minor, I can only hope they will have a great impact. It is through this research that I may facilitate change on my campus and others.