

COMMENTARY

An Assault on Common Sense: The Phony Campus Rape Crisis

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In August 2012, two rapes by unknown assailants were reported at Harvard University, sending the school into crisis. Police cruisers idled around the campus; uniformed and plainclothes officers came out in force. Students were advised not to walk alone. A member of the undergraduate council called for the closing of Harvard Yard. “I thought Cambridge wasn’t a dangerous area,” a freshman told the student newspaper. “It was Harvard—it was supposed to be safe, academic.” (In fact, Harvard still was safe. The campus authorities ultimately deemed at least one of the rape allegations baseless, judging by the FBI’s Uniform Crime Reports. Since Harvard never disclosed the outcome of either of its investigations, its findings regarding the other supposed incident remain secret.)

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In September 2015, Harvard president Drew Gilpin Faust announced that Harvard students experience sexual assault with “alarming frequency.” Faust was responding to the results of a sexual assault survey conducted at Harvard and 26 other colleges earlier in the year. According to the survey, spearheaded by the Association of American Universities (AAU), 16 percent of Harvard female seniors had experienced nonconsensual sexual penetration during their time at the college and nearly 40 percent had experienced nonconsensual sexual contact. The “severity of the problem” required “an even more intent focus on the problem of sexual assault,” Faust said. Harvard professor and former provost Steve Hyman decried the “terribly damaging” problem that “profoundly violates the values and undermines the educational goals of this University.”

And yet, apart from Drew Gilpin Faust’s recital of Harvard’s burgeoning rape bureaucracy—50 Title IX coordinators, a new Office for Sexual and Gender-Based Dispute Resolution filled to the brim with “trained investigators,” a doubling of staff at the Office for Sexual Assault Prevention and Response—nothing else happened. No beefed up escort services, no added police presence. Life went on as usual, including the usual drunken parties and hook-ups.

The rhetoric from the other participating schools was similarly alarmist. According to Yale president Peter Salovey, the “profoundly troubling” behavior documented in the AAU survey “threatens individual students, our learning environment, and our sense of community.” But Yale, too, confined itself to denunciations of the “threatening” behavior.

Why the disparity between administrative talk and action? Harvard, after all, is not the only college capable of forcefully responding to alleged rape. In the fall of 2014, the University of Virginia doubled down on security after a student was abducted and presumed raped (the girl was later found to have been killed). If Drew Gilpin Faust and her

fellow presidents really believe that they are presiding over a crime scene of what would be unprecedented proportions, they should at the least radically revamp their admissions procedures to prevent sex fiends from joining the student body, if not provide round-the-clock protection to female students.

The campus rape bureaucracy juggernaut lives by the motto: “No means yes.” The vast majority of alleged sexual assault victims are telling their campus administrators: “No, we don’t think we have been the victims of a serious crime.” Undaunted, the administrators push forcefully on... premised on the claim that “yes, there is an epidemic of campus rape.”

Nothing of the sort ever happens, however. And that is because there is no such crime wave on college campuses—according to the alleged victims themselves. The vast majority of survey respondents whom the AAU researchers classified as sexual assault victims never reported their alleged assaults to their colleges’ various confidential rape hotlines, sexual assault resource centers, or Title IX offices, much less to campus or city police. And the overwhelming reason why the alleged victims did not report is that they did not think that what happened to them was that serious. At Harvard, over 69 percent of female respondents who checked the box for penetration by use of force did not report the incident to any authority. Most of those non-reporters—65 percent—did not think their experience was serious enough to report. This outcome is inconceivable in the case of real rape. No woman who has actually been raped would think that the rape was not serious enough to report. The White House Council on Women and Girls, echoing campus rape dogma, maintains that colleges are churning out legions of traumatized rape “survivors,” who go on to experience a lifetime of physical and emotional disability. Apparently these victims are so shellshocked that they don’t even realize how disabled they are.

The rate of nonreporting climbs as the sexual assault categories ginned up by the AAU grow ever more distant from the common understanding of rape. Over 78 percent of Harvard female respondents who checked the box for penetration due to “incapacitation” did not report. Three-quarters of them said that what happened to them was not serious enough to report. Over 92 percent of Harvard female respondents who said they were the victim of sexual touching by force did not report; over 81 percent said that what happened to them was not serious enough to report. Over 93 percent of respondents who had been sexually touched due to incapacitation did not report. Over 80 percent of them did not think it serious enough to report.

The picture is identical at every other college in the survey. At Yale, nearly 73 percent of female victims of alleged penetration by force and over 94 percent of female victims of alleged nonconsensual touching by incapacitation did not report to an agency or organization, because they did not think that what happened to them was serious enough.

These are females who since matriculation have been the targets of an escalating “rape culture” propaganda campaign. Yet that campaign has not changed the fundamental disagreement between rape survey respondents and their pollsters. The mother of all campus rape surveys, conducted by feminist researcher Mary Koss and written up in *Ms.* magazine in 1985, found that 73 percent of respondents whom the study characterized as rape victims said that they hadn’t been raped when asked the question directly. (Not surprisingly, campus rape researchers stopped asking that question. Campus rape researchers also quickly shelved an equally deflating question from the Koss survey: whether the victim had sex with her alleged rapist again. Forty-two percent of Koss’s alleged rape victims said that they had, another inconceivable outcome in the case of actual rape.) Seventy-two percent of female respondents in a 2014 MIT survey who said that they had experienced unwanted sexual behavior said that their experience was not serious enough to report.

The blasé response of most alleged campus rape victims should be good news to campus administrations. One might expect those administrators to proudly announce that their colleges are not the traumatizing violence zones that the public has been led to believe. To the contrary, college and university leaders either ignored or tried to distort

the data on nonreporting. Harvard's Faust did not even mention the nonreporting phenomenon in her September 21 letter to the "Harvard Community." Yale's President Salovey did mention it, but in a way that was as deceptive as not bringing it up at all. In a September 21 press release, he said that he was "concerned that a majority of students said they chose not to report incidents of sexual assault and harassment despite stating that they believe campus officials take such reporting seriously." Salovey did not disclose the predominant reason they chose not to report. Instead, his "concern" suggests that something nefarious and rape-culture-y is impeding those alleged victims' reports. The introduction to the Yale version of the AAU survey does eventually mention the main reason for nonreporting, but buries that reason in a section labeled "Barriers to reporting." Believing that your experience is not serious enough to report does not constitute a "barrier to reporting," unless that belief is a product of false consciousness. The Yale administrators seem to think that it is.

In short, the campus rape bureaucracy juggernaut lives by the motto: "No means yes." The vast majority of alleged sexual assault victims are telling their campus administrators: "No, we don't think we have been the victims of a serious crime." Undaunted, the administrators push forcefully on, building up ever more costly infrastructure premised on the claim that "yes, there is an epidemic of campus rape." The result, in the case of the AAU survey, is hundreds of pages of irrelevance. The AAU researchers devised a complicated typology of alleged sexual misconduct based on two categories of behaviors and four allegedly assaultive tactics. The surveyors then rang every possible combinatorial change on those and other demographic categories. Dipping randomly into the Harvard report's 254 pages of tables, charts, and analysis, for example, one pulls up Table 4.1: "Percent of Students Experiencing Nonconsensual Penetration or Sexual Touching Involving Coercion or Absence of Affirmative Consent by Behavior, Tactic, Current Year vs. Since Entering College, Gender and Enrollment Status." Table 4.1 extends over several pages, with 12 rows for such items as "absence of affirmative consent," "penetration," and "sexual touching," and 14 columns for, inter alia, "female," "male," "Transgender woman, Transgender man, Genderqueer, gender non-conforming, questioning, not listed." Many of the resulting 168 boxes are empty for lack of a sufficient number of respondents. Do not, however, confuse Table 4.1 with Table 4.2: "Number of Times Students Experienced Nonconsensual Penetration or Sexual Touching Involving Coercion or Absence of Affirmative Consent by Behavior, Tactic, Victim Characteristics, Gender and Enrollment Status," generating 450 boxes.

Table 4.2 must also not be confused with Table 4.3: "Percent of Students Experiencing Nonconsensual Penetration or Sexual Touching Involving Absence of Affirmative Consent by Victim Characteristics, Gender and Enrollment Status," which generates 360 boxes. Table 4.3's "victim characteristics" include "Non-Heterosexual," "Not Hispanic," "Native Hawaiian or Other Pacific Islander," "Disability: Yes," and "Not married but living with a partner," none of which are present in Table 4.2's "victim characteristics."

Even if the large majority of Harvard students had not found the behaviors minutely catalogued in the voluminous tables "not serious," the level of detail would still be useless. What exactly does Harvard expect to do with the discovery that 6.5 percent of Not Hispanic Graduate or Professional Females said that they had experienced nonconsensual penetration or sexual touching involving absence of affirmative consent, compared to 7.1 percent of Hispanic Graduate or Professional Females? Would it matter if the numbers were reversed, or if they were half or twice the reported level?

Such exquisite parsing would be appropriate in a cancer drug clinical trial. But there are no clear policy implications that follow from the tens of thousands of entries generated by the AAU classificatory grids. If only college administrators devoted the same passion to discovering what their students knew about the origins of the French and American revolutions as they do to soliciting and classifying data on whose digit has penetrated or rubbed which orifice belonging to which variant of gender identity. None of the 27 colleges in the AAU survey administers a similarly detailed test of substantive knowledge to evaluate its effectiveness in teaching students the rudiments of civilization. They have no idea what graduating seniors know about the periodic table or evolutionary biology. But they have collectively coughed up over \$2.34 million to discover that 14.9 percent of "Asexual, Questioning, Not Listed" TGQN students who answered the poll on their 27 campuses have been sexually penetrated (defined as "when one person puts a penis, finger, or object inside someone else's vagina or anus" or "when someone's mouth or tongue makes contact with someone else's genitals") or sexually touched (defined as, inter alia, "touching someone's breast, chest, crotch, groin, or buttocks") without their "active, ongoing voluntary agreement." (The comparatively high number of

TGQN students who claimed to have been sexually assaulted was actually the only interesting bit of data to come out of the AAU effort, since presumably their alleged assailants were not the heteronormative, “cis-gendered” oppressors conjured up by gender studies departments.) According to campus administrators, students should absorb such lurid discoveries as well. Yale’s deputy provost for health affairs and academic integrity encouraged “everyone [in the Yale community] to review the full [AAU] report, including the methodology and terminology and the data tables,” which she called a “rich source of new information.” A more dreary waste of overpriced college learning time is difficult to imagine.

The AAU survey suffers from other flaws as well. The low response rate of 19 percent across the 27 colleges further undermines the significance of its findings. Students who do not believe themselves to have been the victims of unwanted sexual contact are less likely to have taken the time to fill out the questionnaire. This asymmetry of response undoubtedly inflates the survey’s rate of sexual assault. Extrapolating from the survey to the national college population is even more unreliable. As Stuart Taylor pointed out, the rate at which respondents said that they reported unwanted sexual penetration to their campus authorities is almost nine times the actual rate of nationwide reporting of sexual assaults of any kind. Yet the press went ahead with such extrapolations anyway. “More than one in four college women say they are sexually assaulted by graduation,” the Wall Street Journal declared. “1 in 4 Women Experience Sexual Assault on Campus,” read the New York Times front-page headline.

The survey’s typology of improper behavior and tactics has been devised to generate as many instances of supposed sexual misconduct as possible. It defines “incapacitation” tautologically as “incidents when you were . . . incapacitated due to drugs or alcohol,” allowing the respondent to summarily declare herself agency-free. The survey includes among its assaultive sexual tactics “ignoring your cues to stop or slow down” and going “ahead without checking in or while you were still deciding.” Throughout human history, a majority of kisses (“kissing” is on the AAU list of possibly impermissible “sexual touching”) have been obtained “without checking in” or while the female was “still deciding.” It is the nature of the male libido to press for such favors, and of the female sensibility to feel uncertain about the pressing and its future direction. Thousands of romance novels have thrilled their female audience with such encounters. Few readers thought they had just witnessed a scene of sexual assault.

But what of the survey respondents who did think that their experience was serious enough to report to their Title IX office or to the police? Despite the tendentiousness of the AAU survey, maybe there are enough actual rape and sexual assault victims on American campuses to warrant the ever-growing assault bureaucracy. The alleged rapes that have gone public through litigation or media attention suggest otherwise. Nearly all involve seemingly voluntary drunken hook-ups that the female partner comes to regret, sometimes when she sees that her partner was emotionally untouched by their sexual involvement. After a few months consulting with her campus’s sexual assault resource center, she reclassifies her encounter as rape. The public sexual assault cases also suggest that the hook-up culture is producing a growing number of female emotional basket-cases.

A recent case at Washington and Lee University is emblematic. After a late-night party filled with the usual heavy drinking, the female accuser, Jane Doe, told her male companion: “I usually don’t have sex with someone I meet on the first night, but you are a really interesting guy.” Jane Doe began kissing John Doe, took off her clothes, and led John Doe to his bed, where she took off his clothes. They had intercourse. This was on February 8, 2014. (Jane later denied using that pick-up line on the ground that she often had sex someone she just met.) The next day, Jane Doe told a friend that she had had sex with John Doe and that she had “had a good time last night.” Over the next month, Jane and John Doe exchanged flirty texts and had intercourse again. Jane Doe attended several more parties at John Doe’s fraternity. At one of them Jane observed John kissing another female and left the party early, upset. John developed a publicly known relationship with that other female. Jane started psychological therapy after seeing John’s name on a list of applicants for a study-abroad program that she had also applied to. She told one of her therapists that she had “enjoyed the sexual intercourse” with John Doe, but was advised that her actions and positive feelings during their first sexual encounter “didn’t negate that it was sexual assault.” She told another therapist that “she had a strong physical reaction” to seeing John’s name on the study abroad list. Jane had also been working at a women’s clinic and attending lectures on sexual assault. During one of those talks, Washington and Lee’s Title IX officer informed the audience of the emerging consensus that “regret equals rape.” On October 30, after Jane Doe learned that John had been accepted to her study-abroad program, she decided to initiate her campus’s sexual assault

machinery against him. After a travesty of a proceeding, in which the Title IX officer rejected John Doe's request to consult a lawyer with the Dantesque warning "a lawyer can't help you here," the school expelled him on November 21.

Equally telling, alleged campus rapes have a noticeable tendency to fall apart when subjected to traditional police investigations. The federal government this year required that campuses disclose "unfounded"—that is, false or baseless—crime reports in their annual Clery Act criminal statistics. Colleges agonized over whether to identify the unfounded crimes by category, and many colleges did not. Harvard, which, to its credit, did classify the unfounded crimes by category, shows why the issue was so difficult. The only unfounded crimes Harvard reported were rapes—six of them. By contrast, none of the 492 property crimes reported to Harvard law enforcement in 2014 were found to be baseless. And those six unfounded rapes represented all of the rapes reported to the Harvard police in 2014—not one survived law enforcement investigation, even though they were presumably the strongest cases out there. The other 27 "rapes" listed by Harvard on its Clery Act form were reported instead to Harvard's various non-law enforcement sexual assault resource centers, none of which has the authority to "unfound" a crime report. Harvard has yet to initiate a proceeding against any false accuser for violation of its honor code, presumably on the feminist theory that there are no false rape reports.

Were parents to start believing the claim that colleges are "unsafe spaces" for girls, you would see college presidents turn on a dime and point out the obvious: There are few places more congenial, safe, and welcoming to females than the present-day American campus.

If campuses were the "hunting grounds" for rapists that the advocates claim, a movement creating single-sex schools would have sprung up years ago. Instead, the stampede of high school girls trying to get into selective co-ed colleges grows more frenzied by the year. Nevertheless, colleges could end what they insist on calling campus rape overnight if they persuaded girls to exercise modesty and prudence, and if they sent the simple message: Don't get drunk, take off your clothes, and get into bed with a guy whom you barely know.

Were parents to start believing the claim that colleges are "unsafe spaces" for girls, you would see college presidents turn on a dime and point out the obvious: There are few places more congenial, safe, and welcoming to females than the present-day American campus. For now, however, college leaders can self-righteously placate the rape culture industry with more and more "sexual assault" sinecures, while watching the applications for admission roll in unimpeded.