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The Risk of Rape

Unsafe in The Ivory Tower?

Weekly happy hours advertising reduced-price beer and spirits, sporting event tailgate parties, post-exam celebrations coupled with illicit drug experimentation, and sexual promiscuity—not to mention Greek organization social mixers—have long been cornerstones of the collegiate experience. Students routinely enjoy these celebrated staples of collegiate life within the perceived idyllic safe haven of the “ivory tower” regardless of the size or makeup of student enrollment or its institutional affiliation. Enjoying the infamous college years to their fullest pleasure is among the most memorable years of one’s life. But these youthful pleasures, part of students’ everyday routines, may have a dark side. They may place college women at risk of being raped.

Commentators on opposite sides of the culture war do not dispute that female students are raped. As we have seen, however, they do disagree on whether the risk and ultimately the reality of rape constitute a “crisis.” Critics argue that there is no “rape epidemic” on college campuses and that the effort to invent one is political correctness run amok. The alternative view is that the risk of rape is an integral and often unrecognized feature of college life. Calling attention to rape merely illuminates, rather than socially constructs, the objective crisis that exists.

In our view, a judicious discussion of these issues needs to move beyond the past culture war and use of terms such as *crisis* and *epidemic*. There is no agreed-upon standard for how much of a “bad thing” must exist for it to qualify as a crisis or epidemic. One side might see the glass half full, the other half empty. More subtly, seemingly small risks may have large consequences. In the case of virtually any serious,

violent crime, the incidence of victimization in any one year may be low. But when a low prevalence rate for an offense is computed over a college career or across an entire student body, the significance of the problem can be striking. As we will show, this appears to be the case for the risk of attempted and completed rape. Further, the data reveal that many women are subjected to a range of other sexual victimizations (Chapter 4), experience repeat sexual victimization (Chapter 5), and are stalked (Chapter 7). Taken together, these realities mean that women experience a social “cost” of going to college not imposed on men.

In the pages ahead, we probe the risk of rape faced by college women. This analysis begins by exploring the extent to which women arrive at college as a rape victim. We then turn to the central issue: how many college women experience attempted and completed rape? This discussion revisits Koss’s work and other studies based on her Sexual Experiences Survey. Given the limitations of the SES, we then highlight the findings of our national-level study introduced in the previous chapter. The role of drugs and alcohol in rape is reviewed. This issue is important because rapes can be facilitated by the use of drugs and alcohol, including to the point where victims are unable to consent to sexual intercourse. The extent of different forms of rape is examined. We conclude by revisiting the issue of the salience of rape on college campuses.

Coming to College as a Rape Victim

A substantial number of general population or community studies indicate that women with histories of childhood or adolescent sexual abuse are at an increased risk for subsequent sexual victimization during adulthood (see Breitenbecher, 2001; Logan, Walker, Jordan, & Leukefeld, 2006). More specifically, there is a growing body of research showing that female students with a history of prior sexual victimization are at risk of being victimized again (see Classen, Paresh, & Aggarwal, 2005). For example, Humphrey and White (2000), as well as Gidycz, Hanson, and Layman (1995), report that college women with histories of adolescent sexual victimization are at greatest risk for revictimization in college. Similar results were reported in the 1995 National College Health Risk Behavior Survey (Brener, McMadon, Warren, & Douglas, 1999). In this survey, 71% of college women who had forced sex were raped before the age of 18. Their results showed that adolescence is a particularly risky period for rape; of these college women, many were first forced to have sexual intercourse during the teenage years. Taken together, these findings reveal that female students do not enter campuses as blank slates. Rather, they arrive with past experience that may place them at an elevated risk of victimization—a reality we explore in more detail in Chapter 5.

Notably, such prior victimization is not only consequential but also is not a rare event. From the 1980s to the present, accumulating evidence from both large-scale and countless smaller studies revealed that a considerable number of college women are raped *before* entering college (Smith, White, & Holland, 2003). Recall the research of Mary Koss. According to Koss et al. (1987), just over one-quarter of college women

were raped since age 14; at the time of her study, this was the age of legal sexual consent in Ohio and in many other states. Koss and her colleagues reported that since the age of 14, 8% of women in her study had been given alcohol or drugs by a man prior to having unwanted sexual intercourse (i.e., penile-vaginal intercourse). Nine percent reported having forced penile-vaginal intercourse, while 6% reported unwanted anal or oral intercourse or penetration with objects other than a penis.

In our National College Women Sexual Victimization Study, we asked respondents about victimization prior to when the school year began. To discern exposure to sexual victimization before entering college, we limited our analysis to the sample members who were freshmen. The data reveal that a substantial proportion of women have experienced rape before beginning their collegiate studies. Of the freshman respondents, 7.5% had been raped and 8.7% had experienced attempted rape prior to the start of their college tenure. All in all, 12% of the freshmen had experienced either a rape, attempted rape, or both prior to the start of their college tenure. Further, about one-third of these women had encountered unwanted sexual contacts.

These statistics are not necessarily precise. Prior sexual victimization was measured through behaviorally specific questions but a “yes” response was not followed up with an incident report. Still, while appropriate caution should be used in interpreting these findings, it is clear that sexual victimization, including rape, is not a rare event in the lives of young women headed to college. Again, the consequences of these prior experiences—as shown in other research and in our study—are disquieting (see Chapter 5).

Rape During the College Years: Koss Revisited

A plethora of studies has reported that women are vulnerable to rape across their life span—from childhood well into their golden years. Young women, however, are at high risk of being raped. Thus, Tjaden and Thoennes’s (2006) National Violence Against Women Survey (NVAWS) discovered that the highest rates of rape are among young adult women. The National Crime Victimization Survey has consistently reported that women who are in their late teens to early 20s are the age cohort with the highest rape rates. They are almost four times more likely to be raped than all other female age groups (Rennison, 1999; see also Rand & Catalano, 2007). Given that 18 to 24 is the age range of the traditional college student, researchers have argued that this places female college students at a higher risk of being raped compared to any other time in their lives (Fisher et al., 2000). Mary Koss, of course, was among the first to make this claim.

SEXUAL EXPERIENCES SURVEY

In Chapter 1, we reviewed in detail Koss’s Sexual Experiences Survey (SES) and the results of her national-level study (Koss et al., 1987). The study found that 296 women, 9.3% of the sample, had experienced an attempted or completed rape

during the past 12 months. Of this number, 6.5% had been raped and 10.1% had experienced an attempted rape. Koss and her colleagues also presented the rate of attempted/completed rape victims per 1,000 female students: 166.3. Another statistic was the number of rape incidents per 1,000 students. This figure was higher because a single female victim could have experienced more than one incident. The 1-year incident rate was 278.0 per 1,000 female students—167.2 for attempted rape and 110.8 for completed rape.

Statistics can all seem to jumble together. But when seen in simpler terms, the notion of a rape crisis on the nation's college campuses did not seem farfetched:

- About 1 in 10 female students had been an attempted/completed rape victim in the past 12 months.
- Nearly 93 in every 1,000 students on a college campus was a rape victim. In a college with 10,000 coeds, this would mean that nearly 930 new female rape victims would be walking the campus each year.

Again, Koss's SES was criticized for measurement features that inflated the amount of rape victimization reported by female respondents. Further research would be needed to confirm these results. One avenue of research was to use her SES to measure victimization on campuses across the nation, typically in studies conducted by separate researchers within individual colleges. We will turn to this line of inquiry next. The takeaway point of this upcoming review is that investigations using the SES, modified versions of the SES, and similar measurement scales reach a similar conclusion: sexual victimizations, including completed and attempted rape, are not rare events among college women.

STUDIES USING THE SES

Koss's Sexual Experiences Survey (SES) or modified versions of the SES have been used extensively by subsequent researchers over the past 25 years. The SES has been administered to females in a variety of college settings with different samples of women and using different reference periods (e.g., during one's lifetime or ever; during a specific number of months, say 6 months). A sampling of the rape results from these studies follows.

- Ten percent of females enrolled in an introductory psychology course at a large, Midwestern university had experienced rape and/or attempted rape at a 6-month follow-up (Gidycz et al., 1995).
- Selected from a broad range of large and small social science courses at Ohio University, 19.3% of the female students reported having been raped and 10.5% reported experiencing attempted rape since enrolling at the university (Schwartz & Pitts, 1995).

- Of the 151 female introductory psychology students at the University of Kansas, 28.1% reported they had ever been raped (Hickman & Muehlenhard, 1997).
- As part of a sexual victimization prevention evaluation at two large universities in the Southeast and Midwest, during the 2-month follow-up period, 23% of the participants experienced rape victimization. Almost 30% of the women in the control group reported being raped during the follow-up period, compared with only 12% of the women in the intervention group (Marx, Calhoun, Wilson, & Meyerson, 2001).
- A convenience sample of 190 college women recruited from sororities and the general psychology participant pool at one large public southern university reported that 12.7% of these women were raped during a 5.5-month period (Combs-Lane & Smith, 2002).
- Of the 339 women from a medium-sized, public Midwestern university, recruited through flyers and class announcements, 7.7% reported experiences meeting the criteria for rape during the 30-week follow-up period (Messman-Moore & Brown, 2006).
- Four hundred and six female students enrolled in an introductory psychology course at Miami University participated in a study of risk perceptions and acquaintance rape. Of these women, 21.9% reported having experienced rape since they turned 18 years old (Crawford, Wright, & Birchmeier, 2008).

RESULTS FROM CANADA

DeKeseredy and Schwartz (1998) designed the first Canadian National Survey to estimate the extent of rape in male–female dating relationships. They administered a slightly modified version of the SES to measure the incidence and prevalence of attempted rape and completed rape that women had experienced with male dating partners. Using a national representative sample of 1,835 community college and university women enrolled in 44 schools, their results showed the following:

- Some 22.1% of the females reported attempted rape and 24.4% reported having been raped since leaving high school.
- During the past 12 months prior to the administration of the survey, 10.5% of the women experienced attempted rape.
- During the same 12-month time period, slightly more, 11.4%, of women were raped.

RESULTS FROM CAMPUS STUDIES USING OTHER VICTIMIZATION MEASURES

A small number of studies have opted not to use the SES to measure whether females have experienced rape. Similar to studies using the SES, these studies provide useful information that highlights the incidence of rape among college women.

- Fiebert and Tucci's (1998) sexual assault scale was used to estimate the extent of "serious" sexual assault among 674 female students enrolled in 12 southern postsecondary institutions in eight states. A total of 10.8% of the female students reported a serious sexual victimization within the most recent 6 months (Mustaine & Tewksbury, 2002).
- The College Sexual Assault questionnaire was administered to 5,446 female undergraduates enrolled at one of two large, public schools in the Midwest and the Southeast. Nearly 9% (8.5%) of the women reported they had experienced forcible rape and 3.4% had experienced an attempted forcible rape since entering college (Krebs, Linquist, Warner, Fisher, & Martin, 2007).
- The CORE Institute at Southern Illinois University reported that in 2005, 2.9% of their random sample of over 33,000 undergraduates at 53 colleges reported experiencing unwanted sexual intercourse in or around campus within in the past year. This estimate is slightly lower than the 3.3% in 2004, 3.5% in 2003, and 3.4% in 2002 who reported having unwanted sexual intercourse (Core Institute, 2009).
- Results from the American College Health Association–National College Health Association's Spring 2008 National College Health Assessment survey revealed that within the past school year, 1.9% of college women had experienced sexual penetration against their will and 3.7% had experienced attempted sexual penetration against their will (American College Health Association, 2008a).

The National College Women Sexual Victimization Study

Again, as just seen, research in the Koss tradition consistently concludes that rape is a meaningful problem on the nation's college campuses—and in Canada as well. The SES, however, is open to the criticism that the questions used to measure attempted and completed rape are imprecise and thus may yield inflated estimates of this form of sexual assault. As noted in Chapter 2, a central impetus for our undertaking the National College Women Sexual Victimization Study (recall the acronym: NCWSV Study) was to address the critics' methodological challenges to Koss's results. Although we borrowed the idea of using behaviorally specific questions from Koss (and others), we followed up any "yes" response to these questions with an incident report. This second step allowed

us to confirm what had occurred and then to categorize each incident as a rape or as some other sexual victimization. The approach of using an incident report to determine the precise nature of an incident was, as might be remembered, taken from the methodology used by the National Crime Victimization Survey.

THE EXTENT OF RAPE: IS THERE A CRISIS?

What Did We Find? Table 3.1 reports the extent of rape found in the NCWSV Study. As shown, 2.8% of the sample had experienced either a completed or an attempted rape. The figure for rape was 1.7% and for attempted rape was 1.1%.

Recall that victims in the NCWSV Study are counted by a hierarchical scoring method; that is, they are classified by their most serious victimization. Thus, a respondent who experienced a completed and an attempted rape would be counted only as a completed rape victim. However, we can relax this scoring method and count as attempted rape victim respondents who also had reported to have experienced a completed rape. When this is done, the attempted rape figure increases to 1.3%.

The overall figures also are obscured somewhat by the inclusion of graduate students in the calculations. As it turned out, they had very low victimization levels: 0.8% for completed rape and zero for attempted rape. When they are omitted from the analysis, the overall rape victimization rate for undergraduates rises to over 3%: 1.8% were completed rape victims and 1.3% were attempted rape victims.

Table 3.1 also reports the incidence rate per 1,000 female students. Because women can experience more than one incident, this figure is higher than the number of victims per 1,000 female students. Thus, of the 123 victims, 22.8% experienced more than one rape. In any event, the rate of incidents for completed and attempted rape was 35.3 per 1,000 female students.

Table 3.1 Extent of Rape in the National College Women Sexual Victimization Study

<i>Type of Victimization Incident</i>	<i>Number of Victims in Sample</i>	<i>Percentage of Sample</i>	<i>Rate per 1,000 Female Students</i>	<i>Number of Incidents</i>	<i>Rate per 1,000 Female Students</i>
Completed Rape	74	1.7	16.6	86	19.3
Attempted Rape	49	1.1	11.0	71	16.0
Total	123	2.8	27.7	157	35.3

SOURCE: Fisher, Cullen, and Turner (1999).

What Are We to Make of These Results? Critics of the notion that there is a rape “crisis” or “epidemic” on college campuses might rightly note that the vast majority of female students will not experience a completed or attempted rape in any given academic year. Only 1 in 36 female students (2.8%) will be involved in a rape-related incident. But a closer, more nuanced inspection of the data yields a less sanguinary conclusion. Two considerations are particularly relevant.

First, the respondents in the NCWSV Study were surveyed during the academic year and asked to report their victimization since the start of the academic year. The average reference period—that is, between the school’s year start and when the survey was completed—was 6.91 months. Extrapolating these results for an entire 12-month period is problematic because it assumes, for example, that the risk of victimization is stable across the school year and across the summer months. However, if the 2.8 victimization figure is calculated for a 1-year period, the data suggest that nearly 5% (4.9%) of college women are victimized in any given calendar year. And what if this risk of victimization is projected over a college career, which now lasts an average of 5 years? The percentage of completed or attempted rape among women in higher education might climb to between one-fifth and one-quarter.

Admittedly, these projections are speculative and await longitudinal studies that follow women throughout their college careers. The point, however, is that what initially seems to be a low victimization rate—2.8%—underestimated the annual rate of rape victimization and does not capture the full risk women will experience across their years in college.

Second, let us rely just on our estimates from the 6.91-month reference period. Remember, these figures are based on detailed questions aimed at excluding any incident that did not meet the legal criteria for a forcible rape. In many ways, the NCWSV Study uses a conservative methodology in that over half of the women who screened into the incident report on the behaviorally specific questions were not counted as rape victims. The results we report, when computed over a year, are about half of what Koss and her colleagues found using the SES. Again, no survey is free of measurement error, and it is conceivable that our methods inflated rape estimates. But the explicit purpose of the two-step measurement process we employed was to guard against this very occurrence.

So, let us now consider the incident rate reported in Table 3.1. From a policy perspective, college administrators might be disturbed to learn that for every 1,000 women attending their institutions, there may well be 35 incidents of rape in a given academic year. For a campus with 10,000 women, this would mean that the number of completed and attempted rapes could exceed 350. Even more broadly, when projected over the nation’s female student population—now totaling over 10 million attending 2-year and 4-year institutions—these figures suggest that rape victimization is a potential problem of large proportions and of public policy interest.

The intent here is not to use data to create a false sense of crisis. But the findings of the NCWSV Study confirm the central point of Koss’s earlier research: *college women experience rape at levels that should concern campus officials and citizens generally*. For a variety of reasons, which we explore later, it remains a type of crime

for which victims receive little redress. Whether we wish to use terms such as *crisis* and *epidemic* is beside the point. The sexual victimization of college women is not a mere social construction but an objective reality to be understood and confronted. To the extent that our findings are accurate, this view is based not on ideology but on science.

THE CONTEXT OF RAPE

In later chapters, we return to other details surrounding rape and other types of sexual victimization. For now, however, we will review what we know about the context in which rapes occur.

Do Victims Know Their Offenders? A key finding of Koss and other researchers is that college women typically know their assailants—a reason that the terms *date rape* or *acquaintance rape* were put forward (see, e.g., Crowell & Burgess, 1996). Consistent with the existing literature, in the NCWSV Study, most victims knew the person who victimized them. In fact, for both completed and attempted rapes, about 9 in 10 offenders were known to the victim. There were a few rapes (5.5% of completed incidents, 2.8% of attempted incidents) that involved multiple assailants, but the numbers are too few to draw any meaningful conclusions. In any event, for incidents committed by one

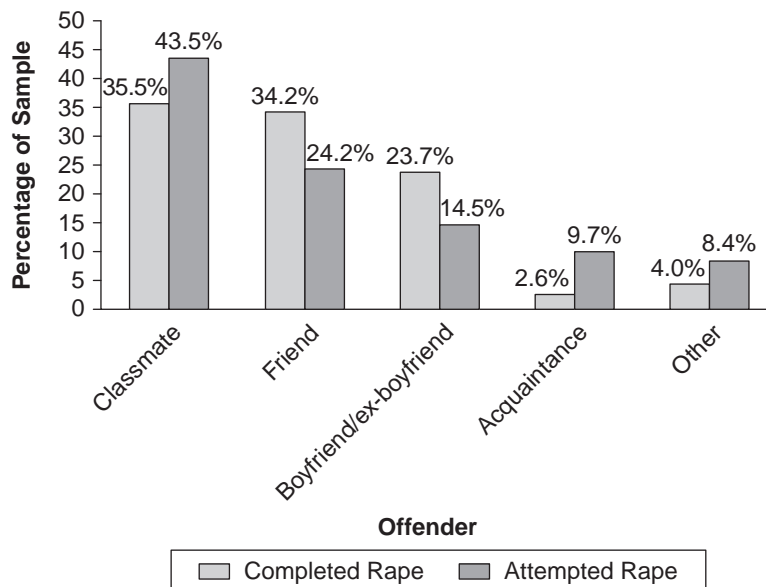


Figure 3.1 Victim–Offender Relationship for Rapes Committed by Single Offenders
SOURCE: Fisher, Cullen, and Turner (1999).

offender, only 6.2% of completed rapes and 10.1% of attempted rapes were committed by a stranger. In all other instances, the victim “knew or had seen before” the offender.

When probing the precise nature of the relationship between victims and single-offenders, three relationship categories predominate: classmate, friend, and boyfriend/ex-boyfriend (see Figure 3.1). In the case of completed rape, 93.4% of the offenders fell into one of these cases. For attempted rape incidents, the figure was 82.2%, with another 9.7% of incidents involving acquaintances. College professors were not identified as committing any rapes.

Notably, most victims in the sample were *not* victimized while on a date with the offender. For rape, only 12.8% of the incidents occurred on a date; the comparable statistic for attempted rape was 35.0%. Further, in none of these cases was the victim still romantically involved with the offender when she completed the survey. These findings suggest two conclusions that should be investigated further. First, the rape incidents may have occurred mainly among individuals who were not in a relationship but knew one another more casually—or not well at all. Second, it is likely that the victimization was a factor that contributed to the ending of any relationship that may have existed.

It appears that the use of alcohol and or drugs by victims before a victimization incident is not uncommon. For rape, victims had used alcohol and/or drugs before the incident in about half the incidents (54.6%). For attempted rape, the percentage was slightly less—in 43.6% of the incidents. It is noteworthy that the percentage of offenders using alcohol, drugs, both, or “something else” was even more pronounced. For rape and attempted rape, in only 26.2% and 32.4% of the incidents, respectively, did the respondents report that the offender was not using some mind-altering substance.

We cannot determine from these data if alcohol and/or drugs were causally related to being sexually victimized. We do not know if substances make women more vulnerable to victimization or make men more likely to sexually assault. It is possible, for example, that the findings simply indicate that when college men and women socialize, alcohol and drugs are present in that environment. Alternatively, however, we cannot dismiss the possibility that alcohol and drugs may affect judgment and conduct in victimization incidents.

Where and When Do Rapes Occur? The majority of the victimizations occurred off campus: 66.3% of completed rapes and 54.9% of attempted rapes. This finding, however, can be somewhat misleading, as an examination of the completed rape incidents shows. Again, one-third of completed rapes happened on campus. Even so, another 10 rapes occurred “in an off-campus student housing area.” Thirteen took place in or around the victims’ “living quarters.” Further, one rape was in a fraternity house, two in “the off-campus business district,” and three “at a party.” In contrast, the victims stated that 20 incidents—35.1%—occurred “away from campus,” such as while a victim was on vacation or at her parents’ home. It also was reported that only 13 rapes—5.8% of the incidents—occurred during an academic break.

These statistics suggest that while two-thirds of rapes do not occur specifically on campus, a clear majority of rapes take place either on campus or in the course of attending college (such as having a residence) or are integral to college life (going to

parties, seeing classmates/friends in off-campus housing). Thus, to the extent that, as a result of going to college, students' lives spill over into related social domains, the distinction between on-campus and off-campus sexual assaults becomes less meaningful. From a policy perspective, these findings mean that campus authorities may legitimately be concerned with not only rape and other types of sexual victimization within the geographical boundaries of their campus, but also with what may occur to their students who live and recreate near the campus.

It appears as well that the rapes and attempted rapes that the victims experienced occurred almost exclusively in or close to their own or someone else's living quarters. These data suggest that virtually all of the on-campus rapes in our sample did not occur in a public place but a more private location. A similar pattern—although not as clear-cut—was obtained for off-campus rapes. We cannot categorize the specific location of all rapes that occurred—such as when victimization is reported to have occurred “on another college or university campus” or while a respondent was “away from campus.” Still, of the remaining 34 rape incidents, 22 occurred either in a living quarters area ($n = 11$), in an off-campus student housing area ($n = 10$), or at a fraternity ($n = 1$); three other incidents took place “at a party.”

Relatedly, a substantial majority of all types of sexual victimization occurred in the evening hours (after 6 p.m.). For both rape and attempted rape, a majority of the victimizations took place after midnight.

What Is the Takeaway Point? Reviewing fairly detailed statistics is important because they allow us to gain insight into the features of sexual victimization incidents. But, of course, it can become a challenge to keep all the numbers straight and coherently arranged in one's mind. So, at this point, it is useful to draw the key conclusion—the takeaway point—from the National College Women Sexual Victimization Study regarding the context of rape.

- It appears that most rape incidents involve single offenders who assault women they know in private living areas, late at night, and often with alcohol and/or drugs present.

Is College a Risk Factor?

Implicit in the discussion thus far is that being in college—not just of college age—exposes women to elevated risks of rape. Unfortunately, evidence on this issue is limited and contradictory.

Thus, the National Crime Victimization Survey reported that between 1995 and 2002, male and female college students, 18 to 24 years old, experienced rates of rape/sexual assault that were statistically comparable (Baum & Klaus, 2005; see also Hart, 2003). The rate of rape/sexual assault for college students during this time period was, on average, 3.8 per 1,000 for persons ages 18 to 24. The rate of rape/sexual assault for non-college students was, on average, 4.1 per 1,000 persons

ages 18 to 24. A closer look at rates for females only draws a similar conclusion. The average annual rape/sexual assault rate for female college students was 6.0 per 1,000 persons ages 18 to 24. For female nonstudents of the same age group, the annual average rape/sexual assault rate was 7.9 per 1,000 persons. For the NCVS annual estimates, female college students were thus slightly less likely than nonstudents to be rape/sexual assault victims.

Given the limitations of the NCVS in measuring rape (see Chapter 2), these results must be viewed with some caution. More relevant, Kilpatrick and associates' national-level study reveals a different conclusion (Kilpatrick, Resnick, Ruggiero, Conoscenti, & McCauley, 2007). They report that the projected annual percentage of college women raped (5.2%) was more than five times higher than the comparable victimization statistic for women from the general public (0.9%). A large gap persisted between college women and the general public regardless of the means used to undertake the rape. Comparisons can be made within three categories:

- Rapes in which the offender used force or threat of force or the victim sustained an injury during the assault (1.6% versus 0.5%).
- Rapes in which the offender used alcohol or drugs to render a woman unable to resist a rape (1.5% versus 0.2%).
- Rapes in which the victim voluntarily used drugs or alcohol and was unable to control her behavior or know what she was doing (2.1% versus 0.3%).

Although Kilpatrick et al.'s findings are striking in terms of suggesting that college attendance is risky, clearly, continued research on this issue is needed.

Forms of Rape

Kilpatrick et al.'s study, which we discuss in more detail later, also called attention to the role alcohol and/or drugs may play in fostering women's sexual victimization. Note in particular how rapes accomplished through force were less common than rapes facilitated by an intoxicating substance. In this regard, a growing number of researchers, as well as prosecutors, have begun to distinguish between different forms of rape. The distinction that is made between the forms of rape is primarily based on the means by which the assailant attempted or achieved unwanted sexual intercourse with the victim. The key distinction is between rapes that involve the use of force (i.e., *forcible rapes*) and those that are made possible when a victim's use of drugs or alcohol renders her unable to exercise consent to a sexual act (i.e., *alcohol- or drug-induced rape*). In some cases, explicit efforts can be made by perpetrators to purposely incapacitate a potential victim. These are referred to as *incapacitated rapes*.

This section lays a conceptual foundation for empirical data that is presented later in the chapter. We begin by discussing what different forms of rape have in common and then proceed to how they differ. Table 3.2 presents a handy summary of the issues to be discussed.

Table 3.2 Similarities and Differences Between Two Forms of Rape: Forcible Rape and Alcohol- or Drug-Induced Rape

<i>Characteristic</i>	<i>Form of Rape</i>		
	<i>Forcible Rape</i>	<i>Alcohol- or Drug-Induced Rape</i>	
		<i>Incapacitated Rape</i>	<i>Alcohol- or Drug-Facilitated Rape</i>
<i>Similar Characteristics</i>			
Lack of Consent by Victim to Engage in Sexual Intercourse	✓	✓	✓
Type of Penetration (only one type is necessary and sufficient)			
Attempted or Completed Vaginal Penetration of Victim	✓	✓	✓
Attempted or Completed Anal Penetration of Victim	✓	✓	✓
Fellatio Performed by Victim	✓	✓	✓
Cunnilingus Performed on Victim	✓	✓	✓
<i>Distinctive Characteristics</i>			
Use of Force			
Physical Force by Assailant	✓		
Threat of Physical Force by Assailant	✓		
Consumption of Alcohol or Drug			
Intoxicated by Voluntary Use by Victim		✓	
Deliberately Administered to the Victim by the Assailant			✓
Surreptitiously Administered to the Victim by the Assailant			✓
Deceptively Administered to the Victim by the Assailant			✓

WHAT RAPES HAVE IN COMMON

Legal statutes in many states define rape as unwanted sexual intercourse that occurs as the result of force, threat of force, or the inability of the victim to consent. Rape involves specific forms of attempted or completed sexual intercourse—that is, penetration of an opening of the body. Thus, from a legal perspective, the act of rape has an essential characteristic that distinguishes it from a consensual sexual act: the inability of the victim to consent to the sexual intercourse. The rape victim's lack of consent can result in one of two situations:

- Due to the perpetrator's use of force—for example, physical aggression, such as punching or holding down, or threatened use of force.
- The victim is mentally unable to provide consent.

Lack of Consent to Sexual Intercourse. In the eye of the law, the key element that distinguishes consensual sexual intercourse from rape is a person's ability or inability to provide consent to sexual intercourse (see Scalzo, 2007). This holds true regardless of the form of rape—whether forcible or alcohol- or drug-induced. As a result, researchers have had to ground their measurement of rape in legal definitions. As noted in Chapter 1, Koss is a prominent example. In developing the questions used to measure rape on the SES, she included the phrase “when you didn't want to.” Similarly, in our NCWSV Study, the directions to the behaviorally specific screen questions emphasized “unwanted sexual experiences,” and the rape items themselves used the phrase “made you have sexual intercourse by using force or threat of harm” (Fisher et al., 2000).

States also define the *age of consent*. Regardless of whether an act is consensual, sexual consent with a person under this age is legally referred to as statutory rape. The age of sexual consent ranges from 14 years old in one state, Hawaii, to 18 years old in 13 states, including the most populous ones, such as California, Florida, Illinois, and Ohio (Rymel, 2004).

Types of Penetration. Most states have abandoned the traditional, yet rigid, definition of rape as the forced vaginal penetration of a woman by a male assailant's penis (Spohn & Horney, 1992). After the rape law reform movement during the late 1970s and in the 1980s, the definition of rape was expanded. Prior to this reform effort, rape was commonly defined as carnal knowledge—vaginal intercourse between a male and female.

After the movement in many states, legislators passed laws that were gender neutral; perpetrators and assailants could be either or both genders. Further, anal, fellatio (i.e., oral sex performed on a male's penis), and cunnilingus (i.e., using the lips, mouth or tongue to stimulate female's genitals) between individuals were included as types of penetration that constituted sexual acts that defined rape. Body parts other than a penis (e.g., a digit such as finger or toe, mouth, or tongue) and object or instrument (e.g., a dildo, bottle, broom handle) were also included as means of penetration.

Though state rape statutes vary as to the types of penetration that constitute rape, researchers commonly define penetration of a female as the attempted or completed insertion of a penis, digit, mouth or tongue, object, or instrument into any of her genital, anal, or oral openings. Either actually completing penetration or attempting to penetrate any bodily opening without that person's consent or being able to consent to the act is considered rape among researchers. According to our NCWSV Study, rape incidents committed against college women most frequently involve finger-vaginal penetration (31.2%), penile-vaginal penetration (29.2%), and fellatio (21.7%) (Fisher et al., 1999).

HOW RAPES DIFFER

Despite commonalities, forcible rape and alcohol/drug-induced rape possess characteristics that differentiate them (see Table 3.2). The key factor is whether consent is overcome through physical force or through the use of intoxicating substances. Further, by taking into account the means through which such substances are ingested, alcohol- or drug-induced rape can be distinguished into (1) alcohol- or drug-facilitated rape and (2) incapacitated rape.

Forcible Rape. In most studies, a forcible rape involves the assailant using physical force or coercion or threatening to use physical force or coercion (e.g., threat of bodily harm) to achieve sexual intercourse. In the minds of many individuals, forcible rape is the "typical" rape, one involving some kind of physical force. This type of rape is an image widely depicted in the media as commonly occurring. This *aggravated rape* is portrayed as involving a stereotypical stranger who lurks in the shadows of the parking garage or jumps out from behind a bush with a weapon. He then rips off a woman's clothing, drags her to the ground and rapes her. Note that critical components of this widely shared societal perception of forcible rape are that it involves force and a stranger. In Chapter 1, where Susan Estrich's work is discussed, we noted that this kind of assault is called a *real rape*.

As we now know, the typical forcible rape scenario involves a woman who is assaulted not by a stranger but by someone she knows. This assailant uses physical coercion, which the woman tries to resist through forceful tactics (Sorenson, Stein, Siegel, Golding, & Burman, 1987). For college women, perpetrators use weapons only in a minority of cases. Most often, the offender holds her down or twists her arm as she tries to resist through physically struggling or verbal objection. In fact, results from our NCWSV Study reveal that in 84% of the incidents no weapon was employed. The victim reported a weapon actually being used in only two incidents (Fisher et al., 1999).

Alcohol- or Drug-Induced Rape. To make the remainder of the discussion simpler to follow, we will refer to this category by the acronym AD-induced rape. This conduct is

sometimes referred to as alcohol- or drug-enabled rape (Krebs et al., 2007). As noted, AD-induced rape involves the victim being temporarily unable to consent to sexual intercourse due to the influence of a drug—narcotic, anesthetic, or other substance such as alcohol. The threat of force is not used to overcome a lack of consent. Rather, the woman is temporarily physically or mentally incapable of consenting to engage in sexual intercourse either because she has become intoxicated due to recreational or voluntary use of substances or due to the surreptitious or deceptive administration of a substance by an assailant.

In the first situation, the victim voluntarily consumes enough alcohol, drugs, or a combination that causes her to be physically or cognitively impaired. The victim can be using these substances for recreational or experimental purposes. She may consume so much of these substances or combine them in a way so as to become intoxicated to the point of being physically helpless or mentally incapable of resisting the advances of sexual intercourse. As shown in Table 3.2, this form of rape is referred to as *incapacitated rape* (see Kilpatrick et al., 2007; Krebs et al., 2007).

In the second situation, the assailant deliberately slips an intoxicating substance to the victim, say in an unsuspected beverage, which causes her to be physically or cognitively impaired. The assailant can administer an intoxicating substance surreptitiously or deceptively to the victim. This form of rape is referred to as *alcohol- or-drug facilitated rape* (see the right-hand column in Table 3.2) (Kilpatrick et al., 2007; Krebs et al., 2007).

In both types of rape—incapacitated or facilitated—the victim is passed out or, if awake, is too drunk or high to fully know what she is doing or to be in control of her current physical or cognitive state. Depending on the type of substance, either type of situation can limit the victim's decision-making ability, decrease her ability to identify a dangerous situation or to resist the perpetrator, cause unconsciousness, impair the victim's memory, or even cause death. Consent, in short, will be lacking.

We should note that there are also other factors that may render a person unable to form consent. These include being unconscious, asleep, and mentally or physically disabled.

Types of Drugs Used in AD-Induced Rape. Alcohol and drug use is a hallmark of the college experience; it also characterizes a large proportion of the sexual victimizations. The 2005 CORE Alcohol and Drug Survey data found that 83% of college students reported having unwanted sexual intercourse while under the influence of alcohol or drugs (Dowdall, 2007).

Alcohol is the substance that victims most often report using prior to being raped; it is also the most widely studied (Abbey, Zawacki, Buck, Clinton, & McAuslan, 2004; Logan et al., 2006). Much research has reported a high positive association between alcohol consumption, especially intoxication, and the risk of rape and other types of sexual victimization (Dowdall, 2007; Fisher et al., 2000; Testa, VanZile-Tamsen, Livingston, & Buddie, 2006). Researchers have estimated that half the rapes of female college students involve the use of alcohol or other drugs by the perpetrator, victim, or both (Abbey et al., 1994, Abbey et al., 2004; Testa, 2002, 2004). As reported above, this pattern was found in our NCWSV Study (Fisher et al., 2000). Victims and assailants

consume alcohol prior to the incident, during the incident, or sometimes at both times. In these situations, women may voluntarily consume enough alcohol to be intoxicated to the point that their ability to consent to sexual intercourse is severely compromised and impaired.

Party situations where alcoholic or nonalcoholic beverages are part of the social scene are an “ideal” environment for a potential rapist to add a drug to someone’s drink and have her consume it without her knowledge or consent. There are a variety of drugs that a would-be offender can give to a rape victim to make her unconscious or to diminish her level of resistance to a sexual assault. These types of drugs, which render women unable to provide consent, are commonly referred to as *date-rape drugs*.

The idea of using a drug to incapacitate a woman in order to rape her is not novel. What is novel, however, is the sheer range of drugs that are available to offenders. The Society of Forensic Toxicologists developed a list of all drugs that have been used or could be used to facilitate a rape (see Negrusz, Juhascik, & Gaensslen, 2005). The roster of both prescription and over-the-counter drugs available to would-be rapists is lengthy.

Rohypnol™ (flunitrazepam) is probably the best-known example of a date-rape drug due to highly publicized media reports about its perceived widespread or increasing use among college rapists. Only a small dose of the pill form of “roofies” or the “forget-me drug” mixed with a beverage and ingested is needed to produce anterograde amnesia. Because of the drug’s amnesic effects, a rape victim may be unable to remember anything after taking the drug—including recalling that the assault ever took place or the identity of her assailant (Zorza, 2001). This drug, however, does not appear to be used extensively in sexual assaults (Fisher et al., 1999; Kilpatrick et al., 2007). Two limiting factors are that Rohypnol is illegal in the United States and is made in a pill that turns any liquid it is mixed with blue, thus alerting a drinker to its presence and thus discouraging consumption.

A second well-known rape-facilitating drug is GHB (gamma hydroxybutyric acid). More commonly known also as “liquid ecstasy” and “easy lay,” GHB comes in the form of a clear or syrupy liquid or white powder. Its plastic, salty taste and even mild odor can be somewhat masked by adding the drug to a sweet liqueur or fruit juice. Because GHB inhibits neurotransmitters from being released in the brain, it can cause confusion, intense sleepiness, unconsciousness, dizziness, and memory loss. Under these conditions, a would-be offender can more easily commit rape with no consent on the part of the victim, little threat of her resisting, and almost no risk of his detection.

Other more general drugs such as sedatives, tranquilizers, pain killers (e.g., Oxycontin, Percocet) or narcotics such as antianxiety medications (e.g., Xanax) have been reported to be used in facilitated/incapacitated rapes.

The Role of Drugs and Alcohol

The discussion of the conceptual differences between types of rape set the stage for the presentation of studies on rapes induced through the use of drugs and

alcohol. The traditional focus of studies on the use of physical force to accomplish a sexual victimization has diverted attention away from this other means of achieving rape. In probing this neglected form of victimization, we start our discussion with Mary Koss's study. We then move on to review the findings of a major study of alcohol use, which included a measure of rape, and a study by Kilpatrick et al. specifically designed to assess how much rape might be induced through alcohol and drugs.

KOSS REVISITED—AGAIN

A study is a "classic" not simply because it is the first but also because it lays a foundation for much of the scholarship that is to follow. Koss and colleagues' study using the Sexual Experiences Survey is the kind of foundational investigation that warrants being revisited. In this instance, Koss and her colleagues (1987) were among the first researchers to provide information about the extent of alcohol- or drug-induced rape. Thus, as part of the SES, she included this item:

- Have you ever had sexual intercourse when you didn't want to because a man gave you alcohol or drugs?

This decision was wise because it allowed Koss to measure a form of rape that was heretofore ignored empirically. The difficulty was that the wording opened this item up to criticism. The wording of the item has a potential response bias; it could induce a "yes" answer from women who had been raped and those who had not. In the first instance, rapes could have occurred because female students were intoxicated to the degree that consent was impossible and a man then "made" her have intercourse. In the second instance, a woman could have simply drunk too much, exercised poor judgment, and had sex when, once sober, wished she had not. This is Roiphe's (1993) "morning after"; a bad night but not a rape. Given that the question likely measured both kinds of events, reliable estimates of rape are not possible.

This does not mean, however, that Koss was not on to something very important or that her data are not, in the least, suggestive. In fact, the findings indicate that alcohol and drugs are intimately implicated in unwanted sexual acts and likely in victimizations that qualify as rape:

- Over 7% of college women annually experience alcohol- or drug-induced rape.
- The use of alcohol and drugs was more common in attempted (4.49%) than completed (2.86%) rapes.
- The annual victimization rate for this type of rape was 124 per 1,000 college women; 74 per 1,000 women annually experienced attempted rapes, and 50 per 1,000 women experienced completed rapes.

HARVARD'S COLLEGE ALCOHOL STUDY

Henry Wechsler of the Harvard School of Public Health led the College Alcohol Study (CAS) funded by the Robert Wood Johnson Foundation (see “College Alcohol Study,” 2009). Wechsler and his colleagues pooled the samples from three of the CAS studies—1997, 1999, and 2001—to generate the largest national sample of college women (see Mohler-Kuo, Dowdall, Koss, & Wechsler, 2004). This included nearly 24,000 women enrolled at 119 four-year schools.

Wechsler and his colleagues asked the female students three questions on rape that conform to the legal definition of rape in many states (Mohler-Kuo et al., 2004). Variations of questions have been used in other studies by Kilpatrick et al. (2007), Koss et al. (1987), and Tjaden and Thoennes (2000). Specifically, their survey items asked about whether the respondents had sexual intercourse against their wishes while physically forced or threatened with harm, or had sexual intercourse when they were intoxicated to the point of being unable to consent. The reference period was “since the beginning of each school year”—a time span averaging about 7 months. Three relevant conclusions should be noted:

- First, 1.9% of college women in the sample had been forcibly raped.
- Second, less than 1% (0.4%) were raped when someone threatened them with harm.
- Third, the reference period for this study (about 7 months) matched that of our NCWSV Study. Notably, the College Alcohol Study estimate of forcible rape is comparable to that reported by Fisher and her colleagues (recall that 1.7% experienced completed rape).

Wechsler and his colleagues also attempted to measure how much rape was AD-induced (Mohler-Kuo et al., 2004). Unfortunately, their measure of such rapes is not explicit about the source of intoxication, either voluntary use or due to someone’s dispensing a drug or alcohol to them without the victim’s knowledge. Regardless, they asked women if they had experienced sexual intercourse when they were so intoxicated that they were unable to consent. Across the 7-month reference period, their findings were striking:

- Beyond forcible rapes, they discovered that across the 3-year period, on average, 3.4% of women reported having sexual intercourse when they were so intoxicated that they were incapable of consent.
- These rape estimates were quite stable across the 3 years of the study: 3.6% in 1997, 3.4% in 1999, and 3.2% in 2000.

Again, this study was mainly a college student alcohol survey. Undoubtedly, Wechsler and his colleagues could have used more sophisticated measures of the different forms of rape. Nonetheless, the findings reinforce Koss’s and others’

suspicious that rape on college campuses is not only undertaken through brute force but opportunistically when women are intoxicated and deceptively when women are drugged.

KILPATRICK ET AL.'S NATIONAL STUDY OF DRUG-FACILITATED, INCAPACITATED, AND FORCIBLE RAPE

Almost 20 years after Koss's first study, Kilpatrick and his associates (2007) carried out a national-level study to estimate the extent of alcohol- or drug-induced rape. Building on the past alcohol-consumption and rape research by two leading researchers, Maria Testa and Antonia Abbey, Kilpatrick et al. measured two distinct variants of alcohol- or drug-induced (AD-induced) rape: (1) alcohol- or drug-facilitated rape and (2) incapacitated rape. Recall that in alcohol- or drug-facilitated rapes, the perpetrator deliberately gives the victim drugs without her permission or attempts to get her drunk. In both of these situations, the assailant then commits an unwanted sexual act against his victim involving oral, anal, or vaginal penetration. The victim may be passed out or awake, but she is too drunk or high to know what she is doing or to control her behavior. An incapacitated rape is when unwanted oral, anal, or vaginal penetration occurs after the victim voluntarily consumes alcohol or drugs. Again, sexual penetration occurs when the victim's intoxicated state renders her mentally or physically unable to exercise consent.

As in Fisher et al.'s studies of the victimization of college women, Kilpatrick and his colleagues recruited their college women sample using the American Student List, the largest and most used list of college students in the United States. The college women sample consisted of 2,000 college women enrolled in 253 four-year schools located in 47 different states. As expected, they were young (on average, 20 years old, ranging from 18 to 67). Almost all the women had never been married (96%) and came from higher-income families reporting income greater than \$40,000 (72%). Three-fourths of them were white, non-Hispanic, with the remaining women in the sample being Black, non-Hispanic (11%), Hispanic (6%), Asian American (6%), and Native American (1%).

Kilpatrick and his colleagues used forcible rape-screening questions similar to those developed in the National Violence Against Women Survey (see Tjaden & Thoennes, 2006) and Kilpatrick and colleagues' *Rape in America: A Report to the Nation* (1992). For example, three items used behaviorally specific wording to ask women if a man or boy ever made them have sex—vaginal, oral, or anal—by using force or threatening to harm them or someone close to them. A fourth question asked about fingers or objects penetrating their vagina or anus against their will or with force or threatening harm. In addition to forcible rape questions, they also included two questions about AD-induced rape.

The first question asked about self-induced intoxication by the victim; that is, incapacitated rape. This question described having sex when respondent did not want to

after having drunk so much alcohol that she was very high, inebriated, or passed out. The second question asked about the perpetrator deliberately giving drugs, alcohol, or other intoxicants to the victim; that is, drug-facilitated rape. This question described having sex when she did not want to after someone gave her or she had taken enough drugs to make her very high, intoxicated, or passed out. All women who answered “affirmative” to one or more of these rape screening questions were asked a series of questions about the rape characteristics. For example, questions were included about the characteristics of the events (e.g., use of physical force, threats), victim–offender relationship, occurrence of injury, involvement of drugs or alcohol, receipt of medical care, and reporting behavior to authorities. Notably, these questions were not asked about each incident as was done in the National College Women Sexual Victimization Study (see Fisher et al., 1999). Also of note is that responses to these questions were not used to classify what type or types of rape, if any, these women experienced; they were used to describe the characteristics of rapes.

What did the results from Kilpatrick et al. study reveal about the prevalence of rape among college women during the past 7 months (about the length of an academic term)? Four findings are most noteworthy:

- Nearly 3% of college women (2.95%) were raped.
- Almost 2% (1.9%) experienced any forcible rape.
- Just over 2% (2.1%) experienced either drug- or alcohol-facilitated rape or incapacitated rape.
- A larger percentage of college women, 1.2%, experienced incapacitated rape compared to the 0.95% who experienced drug- or alcohol-facilitated rape.

College life is an important social domain that provides lifelong experiences and memories for millions of students each year. As these results show, part of this experience involves college women experiencing forcible rape and/or alcohol- or drug-induced rape. Clearly, to understand more fully the risks faced by women in the routine social situations that define their college years, more research will be needed on how drug and alcohol consumption are integral to victimization—regardless of whether these substances are voluntarily consumed by the victim or administered unknowingly by the would-be offender or with his intent of getting the victim too drunk to be able to consent to his sexual advances.

Conclusion

Critics such as Neil Gilbert (1997) and Katie Roiphe (1993) correctly cautioned that the issue of rape on college campuses would be enmeshed in politics—in a culture war in which those on each side would choose a position before the data had arrived. One side would cry “rape epidemic” whereas the other would cry “take responsibility for bad

decisions.” Amid all the bluster, a number of scholars have continued to diligently try to demarcate the risks of rape faced by female college students.

No method of measuring the scope of rape is foolproof. Measuring a complex social event is a daunting challenge. Specific point estimates can be set forth—for example, 2.8% of women experience completed or attempted rape in the school year according to our NCWSV Study. In all honesty, however, we do not know what the true confidence interval is around these estimates. Nonetheless, when all extant research is taken into account, an unmistakable conclusion emerges: A small but meaningful percentage of women face the risk of rape on college campuses. When this risk is computed for all women on a single campus, the number of rapes produced is alarming. Again, small percentages of serious events calculated over a large base produce social problems of a high magnitude.

We also have learned that beyond measures of forcible rape, there may be a significant number of other sexual assaults perpetrated against women who have incapacitated themselves through alcohol or drugs or who have been drugged into a stupor by would-be rapists. The research in this area is still in its beginning stages; more studies using more rigorous measures of rape (e.g., incident reports) are needed. Still, there is sufficient evidence to be concerned that alcohol and drugs are often intimately implicated in making women attractive targets for sexual victimization.

At this point, we can thus conclude that colleges are not safe havens but places that might present important risks for sexual victimization, including rape. Despite years of “raised consciousness” and rape prevention programs, there is little evidence that the risk of rape is declining. It may be that given the lifestyles of college students—frequent contact with members of the opposite sex at night, in private settings, with intoxicating substances at hand—a steady rate of rapes will be produced that are not easily counteracted. Opportunities for sexual victimization are ubiquitous and enough assailants are present to take advantage of them. This is a sobering view, but perhaps a first step to understanding that the risk of rape will not soon vanish from our college and university campuses.