CAMPUS
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Literature Review On Preventing Retaliation After Sexual Assault Within The College Context

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Acknowledgments

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Background

Title IX of the Department of Education Amendments of 1972 prohibits discrimination on the basis of sex in educational institutions that receive federal funding. Under Title IX, colleges are legally required to distribute notices of non-discrimination, have a Title IX Coordinator, set up clear grievance procedures, promptly respond to violence, and protect complainants and others involved in the reporting process from experiencing retaliation. However, despite these protections, sexual assault, dating violence, and stalking remain some of the most underreported crimes. This is just as true on college campuses as it is in the world at large.

Retaliation in the wake of sexual assault has most often been studied as a barrier that contributes to underreporting. A small number of surveys have studied retaliation as an indicator of campus climate. While these studies give us a better sense of the extent to which fear of retaliation may suppress reports of interpersonal violence and contribute to poor campus climate ratings, none of them gives us a sense of the actual scope and magnitude of retaliation. They neither provide a true estimate of the incidence and prevalence of retaliation in the wake of sexual assault nor do they paint a picture of what lived experiences of retaliation look like.

Colleges and universities are, understandably, interested in how they can prevent members of their campus community from experiencing retaliation in the wake of reports of sexual assault. They are eager to increase reporting rates and hold individuals who have caused harm accountable for their actions. However, the lack information about retaliation makes it difficult to identify risk and protective factors and design interventions to minimize risk and bolster protection.

Within this report, we explore the existing literature about retaliation within the college context. Please note: we use the term "college" throughout this review; our usage of this term encompasses both 2-year and 4-year institutions. We begin by exploring definitions provided in Title IX and related guidance documents and continue by summarizing results from several large surveys that have explored fear of retaliation as a barrier to reporting. To fill in remaining gaps in our knowledge, we then explore two relevant streams of literature. The first is the field of workplace ethics, where the bulk of research on this topic has been done. The second is the US military context, which has recently adopted a groundbreaking retaliation prevention strategy. We then explore cross-cutting themes and the implications that those themes have for preventing retaliation after sexual assault within the college context.

Literature Review Methods and Findings

We attempted to conduct a systematic literature review to explore the prevalence of retaliation after sexual assault as well as promising practices for preventing it. After testing search terms in Google Scholar, we searched PubMed, PsychInfo, and Web of Science using "reprisal" and "retaliation" in combination with "sexual assault AND college" as search terms. Across these databases and search terms, our search yielded only one article. Therefore, rather than conducting a systematic search, we reviewed the single source found and used its bibliography to identify additional sources. Through this daisy chain process, we were able to find 8 peer-reviewed articles that examined retaliation within the college context. We reviewed an additional 8 documents that gave us additional background information such as survey methods and Title IX guidance to supplement our findings. Most, if not all of these sources, discussed retaliation as a barrier to reporting. Few provided helpful definitions of retaliation, prevalence estimates, or promising practices for preventing it.

Therefore, we conducted a more general search for "retaliation" and "sexual assault." These search terms led us to sources that were focused on the workplace and military contexts. Much work has been done within these settings to understand and prevent retaliation. We used these findings to supplement information culled from sources focused on the college context. In total, we reviewed 6 sources pertaining to workplace ethics and 3 sources focused on retaliation in the US military. Using information gleaned across sources, we then generated a list of themes and potential implications for preventing retaliation after sexual assault within the college context.

Defining Retaliation

Retaliation, sometimes referred to as reprisal, refers to an act of revenge or payback (Merriam-Webster, n.d.). Within the context of sexual assault on college campuses, acts of retaliation most often occur in the wake of an accusation or official report that an act of sexual violence has occurred. Retaliation and reprisal can take on many forms; acts of retaliation may be committed and experienced by a variety of individuals. The scenario that we most often envision looks like this: A student (i.e. the complainant) files a Title IX complaint to report experiencing sexual assault. In the wake of the report, the accused aggressor (i.e., the respondent) or members of their support network retaliate by making threats or spreading rumors. However, this is just one possible scenario among many. It is possible that the institution, its offices, or a member of its staff could commit retaliatory acts against the complainant or someone assisting the complainant in reporting their experience. It is also possible that the respondent may experience retaliation from the complainant or members of their support network. Lastly, institutions and their staff may experience retaliatory behavior in the wake of a report of sexual assault.

Given the breadth of experiences of retaliation explored above, it is difficult to establish one clear and practical definition of retaliation. In the sections that follow, we explore the different ways in which retaliation/reprisal has been defined in the literature. We begin this exploration with Title IX definitions. We then explore the ways in which retaliation/reprisal has been measured in surveys of college students and adults. Lastly, we explore reports of retaliation that have been reported in popular media to better understand lived experiences of retaliation.

Title IX Definitions of Retaliation

Title IX prohibits acts of retaliation in an effort to maintain the integrity and effectiveness of the enforcement process. The regulation uses the same definition of retaliation as Title VI of the Civil Rights Act of 1964, stating that "[n]o recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by [Title VI], or because he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding or hearing under this subpart"(US Dept. of Justice, 2015). As you can see from the language, Title IX holds both institutions of higher education and those associated with them accountable for prohibiting retaliation.

Know Your IX, a survivor and youth-led project that aims to empower students to end sexual and dating violence in their schools, repeats the regulatory definitions, but provides practical examples of what institutional retaliation looks like. Examples provided include when a school does any of the following: disciplining a student complainant for disruptive protest activities or for naming a respondent; failing to accommodate housing or other academic needs; forcing or pressuring a student complainant to take time off from school; removing a student complainant from sports teams or other extracurricular activities; or pressuring a student complainant to stop talking to media. The site notes that for these activities to be considered retaliatory, they must be related to a student's civil rights concern or complaint. The site further notes that students must report such behaviors for them to qualify as retaliation ("Know Your IX," n.d.). This and other themes from Title IX guidance are presented in the table below.

Common Themes Across Title IX Guidance

Who is affected?

- A person who has filed a Title IX complaint (the complainant)
- Anyone who has testified, assisted, or participated in a Title IX investigation

Who commits retaliatory behavior?

- The alleged perpetrator (i.e. respondent) or their associates
- Members of the institution (e.g., faculty, staff, administrators)

Retaliatory behaviors used by respondents and their associates:

- Name-calling
- Taunting

Remedies for retaliatory behaviors used by respondents and their associates:

- Limiting contact between complainant and respondent
- Providing an escort to classes and activities
- Moving individuals to different residence halls
- Ensuring that those involved do not attend the same classes
- Providing counseling or medical services
- Providing academic support

Retaliatory behaviors used by institutions and their employees:

- Intimidation
- Threats
- Coercion
- Discrimination
- Disciplining a student complainant for protest activities or for naming a respondent
- Failing to accommodate housing or other academic needs
- Forcing or pressuring a student complainant to take time off from school

- Removing a student complainant from sports teams or other extracurricular activities

- Pressuring a student complainant to stop talking to media

Remedies for retaliatory behaviors used by institutions and their employees:

- Reviewing any disciplinary actions taken against the complainant to see if there is a causal connection between the harassment and the misconduct

- Providing employee training that makes it clear that retaliation is unlawful and provides guidance about how to avoid retaliatory behavior

- Developing a communications and outreach strategy to ensure that information about retaliation is routinely distributed and incorporated into policies and procedures

When does it occur?

- After a Title IX complaint has been formally filed

In what contexts does it occur?

- Classrooms

- Extracurricular activities

- Residence or dining halls

- Via disciplinary actions

Lived Experiences of Retaliation

Although retaliation has been identified as a barrier to reporting, very few (if any) studies have examined lived experiences of retaliation among college students. What we know about their experiences is mostly culled from news stories and other media. We also conducted a handful of key informant interviews with students and staff of OVW grantee schools. From these stories and transcripts, we created eight example case studies that represent different lived experiences of retaliation:

Case Study #1: A student reported that she was raped by another student. Later in the month, she was threatened by a friend of the respondent. She reported the threat to campus police, but due to continued concerns about her safety on campus, ultimately transferred.

Case Study #2: A female student was sexually assaulted by a male student at a house party. Her roommates reported that the male student had given her several strong drinks before assaulting her. The school ultimately determined that the respondent had committed sexual assault. In response, he sued the college for wrongful treatment. He also sued the complainant and her roommates for defamation and conspiracy. Although these charges were dismissed, the complainant incurred legal fees and time away from campus and extracurricular activities to respond to the lawsuit.

Case Study #3: A first year student was sexually assaulted by a popular senior following a rite of passage ceremony for new Section Leaders in marching band. He and a fellow bandmate reported the assault to the band's director. The director reported the assault to the Title IX office. As the investigation took place, the director made the first year's section do extra drills. He also made the first-year student and his bandmate stay extra hours to practice and participate in strength training. Other students seemed to know details of the assault that were only shared during the report with the band director. The first year dropped out of the band and refused to continue to participate in the investigation.

Case Study #4: A graduate student experienced unwanted touching and kissing by his dissertation advisor. His advisor made a sexual advance during a conference they were attending. When he protested, she told him to keep silent and threatened to sabotage his dissertation.

Case Study #5: A student reported an experience of sexual assault to campus officials. Her case drew media attention and she was interviewed by a reporter about her experience. After the story was published, she experienced a number of retaliatory behaviors from the respondent and his friends. In two separate incidents, her car was vandalized. She also received harassing messages and threats on social media, telling her to keep her mouth and legs shut, and calling her sexually derogatory names. In response, she changed her routine on campus and considered transferring to another school.

Case Study #6: A student wrote a blog about their experience of sexual assault. In response, they experienced retaliatory behavior from classmates. Several people unfriended them on social media. While flipping through a yearbook at a friend's residence hall, they discovered that someone had defaced their photo, gouging out its eyes and mouth.

Case Study #7: A member of the counseling staff at a large public university had a therapy session with a student who disclosed an experience of sexual assault in which she was raped by several members of a school athletic team. The counselor provided support and reminded her that she could report the incident. The student decided to report her experience to campus officials. As a part of the investigation, the counselor's supervisor asked her to turn over the confidential case file for her patient,

which is not standard practice. Instead of violating her patient's privacy, the counselor decided to write a letter summarizing the case, which is standard practice. Her supervisor threatened to fire her if she did not turn over her patient's file. In response, the counselor filed an ethics complaint with her governing board. In the wake of her complaint, her colleagues ignored her emails and client requests.

Case Study #8: A faculty member conducted a study that explored trauma experienced by students who report their experiences of sexual assault. The results were concerning and drew widespread interest from the academic community. Based on her findings, she recommended that the college assess its sexual assault policies and procedures to be more supportive of students. The college's communications office launched a campaign to smear her work, hinting that it suffered from methodological bias.

Although these case studies represent the stories of a small number real survivors who reported their experiences of retaliation, they do not represent the full range of retaliatory experiences that survivors of sexual assault may face (Grinberg, 2015; Kingkade, 2016; North, 2017; Verges, 2017). For example, like the source material used to create them, many of the case studies above involve female complainants and male respondents. However, this does not represent the full range of identities that may experience sexual assault or retaliation. We have included these examples merely to offer readers clarity about the ways in which retaliation may manifest.

Survey Measurement of Retaliation

Looking at the ways in which retaliation has been measured by population and campus climate surveys offers further definition of the problem. The three largest population studies that examine experiences of sexual violence and ask questions about retaliation among US college students are the National Crime Victimization Survey (NCVS), the Campus Sexual Assault Survey (CSA), and the National College Women's Sexual Victimization Survey (NCWSV). Smaller surveys have also been done on college campuses. Lastly, two large campus climate surveys have also explored reporting and retaliation in the wake of sexual assault. We summarize results from these surveys below.

National Crime Victimization Survey (NCVS)

The National Crime Victimization Survey (NCVS) is conducted by the U.S. Census Bureau for the Bureau of Justice statistics and collects annual data about crime (including rape and sexual assault) from a nationally representative sample of U.S. households. In a recent analysis, Sinozich and Langton examined trends in NCVS data from 1995 – 2013. Their comparative analysis found that 20% of college-age respondents reported experiencing sexual assault or rape. In the majority of these

cases (80%), the victim knew their perpetrator. They found that student victimizations were less likely to be reported to law enforcement than non-student victimizations; only 20% of incidents were reported by students while 33% were reported by non-students (Sinozich & Langton, 2014). Because the NCVS studies crimes, rates of reporting to other offices or individuals were not reported.

In addition to asking about reporting behaviors, the survey also asks about the reasons that survivors of sexual assault did not report. In their report, Sinozich and Langton found among the 80% of rape and sexual assault victims who did not report their experience to the police, approximately 20% cited fear of reprisal as a barrier to reporting their victimization to the police (Sinozich & Langton, 2014).

Campus Sexual Assault Survey (CSA)

The Campus Sexual Assault Survey was conducted by RTI International for the Department of Justice in the winter of 2005 – 2006. Utilizing a random sample of undergraduates from two large public universities, the web-based survey found that overall, 19% of women had experienced attempted or completed sexual assault since entering college (inclusive of forced and incapacitated sexual assault). Rates of sexual assault were much lower for men in the study; only 2.5% reported experiencing any type of attempted or completed sexual assault. Low numbers among men in the sample prevented deeper analysis; the information presented below reflects only female experiences.

A majority of victims of both types of sexual assault knew their perpetrators before the assault (76.7% forced sexual assault, 88.5% incapacitated sexual assault). A majority of victims of incapacitated sexual assault reported drinking alcohol (89%) or being drunk (82%) at the time of their assault. For victims of physically forced sexual assault, rates of alcohol use were lower; 33% reported drinking and 13% reported being drunk at the time of the incident. Many times, the assaults reported occurred at a party (58% of incapacitated sexual assault, 28% of physically forced sexual assault).

Victims reported only a small proportion of incidents to law enforcement, with 12.9% of victims of forced sexual assault and 2.1% of victims of incapacitated sexual assault reporting. Rates of reporting to a victim's, crisis, or healthcare center were slightly higher, with 15% of incidents of forced sexual assault and 7.5% of incidents of incapacitated sexual assault reported. In comparison, rates of reporting to friends and family were much higher, with 68.9% of victims of forced sexual assault and 63.7% of victims of incapacitated sexual assault reporting to friends or family members (Krebs et al., 2008; Krebs et al., 2007).

Similar to the NCVS, respondents who reported that they experienced forced or incapacitated sexual assault were asked whether they reported their experience to law enforcement. Those who stated that they did not report were asked about barriers to

reporting; "Afraid of reprisal by the assailant" was an answer option. Of respondents who experienced forced sexual assault, 17.9% cited fear of reprisal as a barrier to reporting. Of respondents who experienced incapacitated sexual assault, 11.7% selected fear of reprisal as a barrier to reporting.

In addition to estimating fear of retaliation as a barrier to reporting, the authors speculate that given the frequency with which alcohol is involved in sexual assault incidents, students may fear retaliation/reprisal for violating campus alcohol policies. Therefore, they recommend that prevention messages and programming include information about alcohol and that this information should be delivered early in the college experience. The authors further suggest that campuses consider both confidential and anonymous reporting options so that students do not fear punishment for consuming alcohol or other drugs at the time of their assaults (Krebs et al., 2008; Krebs et al., 2007).

National College Women's Sexual Victimization Survey (NCWSV)

The National College Women's Sexual Victimization Survey (NCWSV) was conducted by researchers at the University of Cincinnati and the University of North Carolina, Charlotte in the spring of 1997. Using a national-level sample of 4,446 female college students from 233 postsecondary institutions, the study employed similar methods to the NCVS, but utilized broader definitions of sexual victimization. In particular, the study focused on incidents of rape, sexual coercion, unwanted sexual contact, and threats. The researchers found that 11.9% of respondents reported experiencing rape, 16.8% experienced sexual coercion, 54.9% experienced unwanted sexual contact, and 16.5% experienced threats of sexual victimization. In the majority of incidents (≈80%), victims knew their assailants. Overall, 70% of incidents involved alcohol or drug consumption by victims and offenders (Fisher et al., 2003).

Victims reported only a small proportion (2.1%) of these incidents to law enforcement. Rates of reporting to other campus officials were slightly higher at 4%. The majority of incidents (69.9%) were reported to others; in almost 90% of these instances, victims reported the incident to friends. The researchers found that serious incidents (experiences of rape and threats) were more likely to be reported to police or other campus authorities. Incidents involving strangers and incidents in which the race/ethnicity of victim and perpetrator differed were also more likely to be reported to police (Fisher et al., 2003).

The NCWSV measured reasons for not reporting in the same manner as the NCVS. In 19% of cases, victims did not report due to fear of reprisal by the offender or others. This reason was intensified among victims of completed/attempted rape with 32.9% expressing fear of reprisal (Fisher et al., 2003).

The authors found the contrast between rates of reporting to friends and law enforcement interesting. The fact that respondents perceived the incidents as serious enough to report to friends, but not to law enforcement or other campus officials warrants further study, especially given victims' expressed lack of faith in these officials to take incidents seriously. This suggests that a large number of students may receive informal reports of sexual victimizations and associated retaliation. Given this trend, the authors recommend that campuses explore ways of supporting student bystanders. The authors also noted that the presence of alcohol or other drugs made reporting less likely and speculated that victims may not report due to fear of facing consequences for drinking (Fisher et al., 2003). Such consequences could include threats of reporting use of alcohol or other drugs to college officials as a means of retaliation.

Smaller Surveys

In addition to the large population surveys discussed above, two smaller surveys examined fear of retaliation as a barrier to reporting. Sable et al (2006) conducted a small survey using a convenience sample of undergraduate students enrolled in Psychology 101 sections at a large public university. The survey, titled the Rape & Sexual Assault Awareness Campus Survey, contained 76 items that assessed thirteen possible barriers to reporting rape and sexual assault using Likert scales. The top five barriers identified by women were: fear of retaliation (4.0); shame, guilt, or embarrassment (4.0, tied with previous barrier); confidentiality concerns (3.8); fear of not being believed (3.7); financial dependence on perpetrator/perpetrator not allowing help (3.6); and does not want family member or friend to be prosecuted (3.4). The following barriers resonated most with male respondents: shame, guilt, or embarrassment (4.8); fear of being judged as gay (4.3); confidentiality concerns (4.2); fear of not being believed (4.2); and disbelief in successful prosecution (3.5)(Sable et al., 2006).

As you can see, women were much more likely to endorse fear of retaliation as a barrier to reporting sexual assault than their male counterparts. Although these results are based on a small sample and are in no way representative of all undergraduate students, they do suggest fear of retaliation may resonate more with female survivors of sexual assault than their male counterparts.

Rudman and colleagues conducted a more theoretical study to assess whether gender socialization or procedural justice concerns contribute more to low sexual harassment reporting rates within academia. The authors define procedural justice as "the perceived fairness of the decision-making procedures involved in conflict resolution, independent of the favorability of the actual decisions reached." The authors define gender socialization as the way in which women are socialized to feel responsibility for others and to prioritize empathy and education for offenders instead of confrontation and punishment.

Overall, the authors found that procedural justice concerns contributed more to the lack of reporting than gender socialization factors. Compared to those who reported, non-reporters were more likely to believe that nothing positive would come of reporting, that they would have no control over the report, that their complaint would be trivialized, and that the consequences of reporting would outweigh the benefits. Later in this report, we explore institutional risk factors culled from workplace ethics research; institutional climates that do not foster procedural justice have been cited as a risk factor for retaliation within this literature. Since fear of retaliation is one of a number of procedural justice concerns that may stop victims of sexual assault from reporting, campuses should consider strategies for improving perceptions of procedural justice.

Campus Climate Surveys

Campus Climate Surveys provide additional insight into sexual assault on college campuses by exploring perceptions of campus culture that may contribute to sexual assault. Offices such as the Department of Justice, the Department of Education's Office for Civil Rights, and the White House Task Force to Protect Students from Sexual Assault have touted campus climate surveys as a best practice. DOJ even provides an online clearing house of resources to assist colleges in conducting such surveys, including policy checklists and toolkits for both students and administrators.

The DOJ toolkits highlight the importance of campus climate surveys in generating school-specific data about the amount of sexual violence on campuses as well as attitudes and perceptions about sexual assault. A major goal of such studies is to use these data to assist in improving institutional prevention, intervention, and accountability efforts (US Dept. of Justice, 2016). Teasing out the relationship between perceptions of campus climate and victimization rates is yet another reason for conducting such surveys. As Krebs et al. (2016) note:

> "An implicit assumption behind the calls for measuring campus climate is that climate is related to sexual assault rates, such that schools with worse climates are likely to have higher rates of sexual harassment and sexual assault. It is thought that by identifying areas in which the climate can be improved and making positive changes through interventions targeting the student population (e.g., sexual assault education, bystander intervention), victimization and perpetration rates on college campuses could be decreased."

Although preventing retaliation is not specified among any of the above objectives, we posit that campus climate may also relate to retaliation, and that schools with worse climate ratings may also have higher rates of retaliation in the wake of sexual assault. Recent insights from the field of workplace ethics (summarized later in this report) support the notion that positive institutional norms reduce the risk of workplace misconduct and retaliation.

Both because campus climate surveys have been identified as a best practice and because of the research about institutional norms, we examined two major campus climate surveys: Association of American Universities Campus Climate Survey and National Institute of Justice's Campus Climate Survey Validation Study. Results from these efforts are summarized below.

Association of American Universities Campus Climate Survey

In the spring of 2015, the Association of American Universities conducted a campus climate survey on sexual assault. In total, 27 schools administered the survey, yielding a total sample size of 779,170 students (Cantor et al., 2015; Cantor et al., 2016). Results were aggregated for analysis.

Overall, the authors found that rates of sexual victimization were highest among undergraduate females (10.8%) and students identifying as Transgender, Genderqueer, Non-confirming, or Questioning (TGQN) (12.4%). Of these, only a small number of incidents (≈28%) were ever reported to an organization or agency such as the Title IX office or campus safety. When asked to select the reasons why victims did not contact anyone at the college about their experience, 26.8% cited fear of negative social consequences if they reported.

Although fear of retaliation/reprisal was not explicitly included in the list of barriers, "fear of social consequences" may include fear of retaliatory behaviors (Cantor et al., 2015).

Within a section of the survey about perceptions of response, participants were also asked about the likelihood that an alleged perpetrator or their associates would retaliate against the victim in response to a report of sexual assault. Overall, just under a quarter of respondents (22.2%) said it was very or extremely likely that retaliation would occur. Male students were least likely to believe that a report would result in retaliation, while female students and students identifying as TGQN were most likely to believe that retaliation would occur (Females: 27.5% of undergrads, 24% of grad/professional students; TGQN: 42.1% undergrads, 37.6% of grad/professional students). This trend was also evident in responses about perceived protection after reporting; female and TGQN students were less likely to believe that their safety would be protected after reporting an incident (Females: 51.3% of undergrads, 47.7% of grad/professional students; TGQN: 34.2% undergrads, 31.7% of grad/professional students) (Cantor et al., 2015).

In addition to questions related to retaliation, respondents were asked a number of different questions about their satisfaction with services, knowledge of policies, and perceptions of student climate. Although these questions do not directly relate to retaliation, they serve as indicators of institutional climate that may function as

protective factors against sexual violence and retaliation. For this reason, we have briefly summarized them below.

Overall, students who reported found their experience to be useful (33.1% extremely useful, 37.7% very useful, and 29.6% somewhat useful). When asked about what they thought would happen if an instance of sexual assault was reported, about half of the respondents (52.2%), believed that the student would be supported by other students in making a report. A larger proportion (63.3%) believed it likely or extremely likely that the report would be taken seriously by campus officials. More than half (56.5%) of respondents thought it was very or extremely likely that the individual's safety would be protected, and just under half (49.2%) believed that it was very or extremely likely that a fair investigation would occur. Although these numbers trend positive, they could be improved. For example, almost half of the respondents did not think that a victim would be supported by other students when making a report. Similarly, almost 44% of respondents lack faith that an individual's safety would be protected and half of respondents did not feel confident that a fair investigation would occur.

These trends continued in the section of the survey about perceived institutional response. When asked about perceived response, less than half of respondents (44.3%) thought it was very or extremely likely that campus officials would take action against the offender. Even fewer (38.9%) believed it was very or extremely likely that campus officials would take action to address underlying risk factors for the incident (Cantor et al., 2015). Given these perceptions, there is little wonder about why so few students report experiences of sexual assault.

Moreover, when asked about their knowledge of college sexual assault policies and procedures, the majority of students lacked knowledge about such policies and procedures. For example, only 24% of students reported that they were very or extremely knowledgeable about how the college defines sexual assault. Less than a third of students surveyed (29.5%) stated that they were very or extremely knowledgeable about where to get help if they or a friend were victims of sexual assault. And only about a quarter of students (25.8%) knew where to make a report if a student or friend experienced sexual assault. Such gaps in knowledge may further limit reporting.

Campus Climate Survey Validation Study

On the heels of the White House Task Force's recommendation and the Association of American Universities Campus Climate Survey, the National Institutes of Justice conducted a validation study of a campus climate survey instrument (Krebs et al., 2016). To select schools for the pilot, they stratified all eligible schools based on student body size and randomly selected schools from each stratum to participate. Of the 24 schools that were randomly selected, 9 schools agreed to participate. For undergraduate females, they calculated a cross-school average prevalence rate for

completed sexual assault since entering college of 21% (rates ranged from 12% to 38%). For undergraduate males, they calculated a cross-school average prevalence rate for completed sexual assault since entering college of 7% (rates ranged from 3.7% to 11.8%) (Krebs et al., 2016).

Across all 9 schools, the likelihood of formally reporting sexual assault to any official (i.e. faculty/staff/administrators, crisis center or helpline, healthcare center, campus police/security, local law enforcement) was very low. Only 4.3% of incidents involving sexual battery and 12.5% of rape incidents were reported. When asked to identify reasons that they did not report an incident of sexual assault, common reasons for not reporting were that the student felt that other people might think that what happened was at least partly their fault, that they might get in trouble for some reason, and that they were worried that either the person who did this to them or other people might find out and do something to get back at them (Krebs et al., 2016).

The authors attempted to examine the relationship between campus climate and sexual assault victimization rates. However, limited variability in campus climate scores across schools hindered this analysis somewhat. The authors hypothesized that there would be an inverse relationship between campus climate and sexual violence, such that schools with worse climates would have higher rates of sexual harassment and assault. To test this hypothesis, they focused on schools with climate estimates in the lowest quartile and examined their sexual harassment and assault prevalence estimates. Based on this analysis, they found that the following climate indicators were associated with sexual victimization when respondents gave them a low rating: perceptions of school leadership climate for sexual assault prevention and response, perceptions of school leadership climate for treatment of sexual assault victims, and general perceptions of leadership staff (C. Krebs et al., 2016). Simply stated, this means that there were higher levels of sexual victimization at schools where students perceived that leadership at their institution did a poor job with sexual assault and response efforts, was unsupportive of survivors, or were unconcerned with the well-being of their students. These indicators and the measures that assess them are listed in the table below.

Perceptions of School Leadership Climate for Sexual Assault Prevention and Response	Perceptions of School Leadership Climate for Treatment of Sexual Assault Victims	General Perceptions of Leadership Staff
Sexual harassment is not tolerated at this school This school takes training in sexual assault prevention seriously This school is doing a good job of: • Educating students about sexual assault • Trying to prevent sexual assault from happening • Providing needed services to victims of sexual assault • Investigating incidents of sexual assault • Holding people accountable for committing sexual assault	If I was sexually assaulted, I believe this school would: • Take my case seriously • Treat me with dignity and respect • Enable me to continue my education without having to interact with the person who assaulted me	Overall, the President/Chancellor, Deans, and other leadership staff at this school: • Are genuinely concerned about my well-being • Are doing all they can to protect students from harm • Treat students fairly • Are more interested in protecting the reputation of this school than the students they serve

Given our earlier position that campus climate may also relate to retaliation such that schools with worse climate ratings may also have higher rates of retaliation, improving these indicators may be especially important for preventing both sexual assault and retaliation.

Common Themes Across Surveys

- The studies profiled in this section uncovered high rates of sexual assault among college students ages 18 – 24.

- Despite high rates of sexual assault, very few incidents were reported to law enforcement or other campus officials (2% - 20%).

- Fear of retaliation/reprisal by assailant or others emerged as a common reason for not reporting (with some indication that this is more common among female and TGQN students).

- Fear of retaliation is an indicator of procedural justice (perceived fairness of decision-making procedures to resolve conflicts), which has been identified as an institutional risk/protective factor for future incidents of retaliation.

- There is a possible link between campus climate, sexual victimization, and retaliation.

- Although overall, campus climate survey respondents gave positive climate ratings for their schools, those most affected by sexual assault were less likely to give their campus climate a positive rating; this was especially true for female and TGQN survivors of sexual assault.

- Within the Association of American Universities Campus Climate Survey, respondents gave lower climate ratings for:
    - ► Belief that a fair investigation would occur (49.2%)
    - ► Belief that officials would take action against the offender (44.3%)
    - ► Belief that campus officials would take action to address underlying risk factors for sexual assault (38.9%)

- Climate measures that may be associated with sexual victimization when given a low rating:
    - ► Perceptions of how school leadership handles sexual assault prevention and response
    - ► Perceptions of how school treats sexual assault victims
    - ► General perceptions of school leadership

- Given the possible link between campus climate and retaliation, improving these campus climate indicators may be especially important for preventing both sexual assault and retaliation on college campuses.

Gaps in the Literature on Retaliation After Sexual Assault in the College Context

In the preceding pages, we have summarized the extent of knowledge about retaliation after sexual assault in the college context. Title IX prohibits retaliation and offers guidance about how to protect students from it. A number of population and smaller surveys have measured fear of retaliation as a barrier to reporting. Campus climate surveys have similarly measured student perceptions about whether retaliation would occur in the wake of reporting. Data from these surveys indicates that fear of retaliation is indeed a barrier to reporting and that about a quarter of students believe retaliation is likely after a student reports an experience of sexual assault.

However, very few (if any) studies have examined actual incidents of retaliation that have occurred after reporting sexual assault. Indeed, none of the studies reviewed provides an estimate of the incidence or prevalence of retaliation. Thus, it is difficult to understand the true scope of the problem and get a profile of what actual incidents of retaliation look like. In addition, none of the sources we reviewed offer guidance about how best to prevent retaliation. To better understand retaliation and promising practices to prevent it, we turned our focus to workplace and military contexts, where a substantial amount of work has been done to understand what retaliation looks like and how to prevent it. We explore findings from these fields in the next two sections of this report.

Workplace Ethics Literature

While literature about retaliation and its prevention within the college context is somewhat limited, a greater amount of information can be found within the field of workplace ethics. A summary of relevant findings from this body of literature follows.

Guidance from the Equal Employment Opportunity Commission

According to the Equal Employment Opportunity Commission (EEOC), retaliation is the most frequently alleged basis of discrimination in all sectors of employment; this has been true since 2008. Within fiscal years 2009 and 2015, retaliation findings comprised between 42% and 53% of all findings of EEOC violations. The EEOC defines retaliation as follows: "Retaliation occurs when an employer takes a materially adverse action because an individual has engaged in, or may engage in, activity in furtherance of the EEO laws the Commission enforces." The EEOC protects a variety of individuals from retaliation, including those who formally report EEO violations, those who serve as witnesses or participate in investigations, those who exercise rights such as requesting

religious or disability accommodation, and individuals who are retaliated against after their employment relationship ends (EEOC, 2016).

Within their Enforcement Guidance on Retaliation and Related Issues, the EEOC provides a number of case studies and examples that illustrate which types of opposition are protected and not protected under relevant laws. The guide also provides a helpful list of observable retaliatory behaviors, including: disparaging someone who files a complaint to others or to the media; scrutinizing work or attendance more closely than that of other employees without justification; abusive verbal or physical behavior that is reasonably likely to interfere with the reporting and investigation process; making threats of deportation, or initiating other action with immigration authorities because of the report; taking (or threatening to take) adverse action against a close family member; or any other action that might well deter reasonable individuals from reporting misconduct or participating in an investigation. The actions above do not violate EEO laws unless there is a causal connection between the behavior and the formal allegation (EEOC, 2016).

In addition to providing helpful definitions and examples, the Enforcement Guidance includes five promising practices.

- **Promising Practice #1:** Employers should maintain an anti-retaliation policy that is written in plain language, provides practical guidance about employers' expectations, and offers user-friendly examples of what to do and not to do.

- **Promising Practice #2:** Employers should train all employees on the anti-retaliation policy, tailoring the content to reflect workplace culture and practices and promoting positive norms that protect against retaliation.

- **Promising Practice #3:** Employers should provide advice and individualized support to those accused of discrimination (e.g., tips for avoiding actual or perceived retaliation that are provided to the accused within the standard debriefing immediately following an allegation).

- **Promising Practice #4:** Employers should proactively follow-up with everyone involved in the investigation—employees, managers, and witnesses—to see if there are concerns regarding potential or perceived retaliation. By taking proactive interest, the EEOC asserts that employers may identify issues before they compound and may reassure everyone involved that they are committed to protecting against retaliation.

- **Promising Practice #5:** Employers should designate a management official to review any proposed employment actions in the wake of an allegation to ensure that they are based in legitimate, non-discriminatory, non-retaliatory reasons (EEOC, 2016).

In addition to their enforcement guidance, the EEOC offers further guidance about motivations for retaliation and possible risk and protective factors in a document titled *Retaliation: Making It Personal*. Within this publication, EEOC officials explore retaliation through a behavioral science and social psychology lens. The authors provide a helpful, plain language definition of retaliation: "The act of retaliation is equivalent to revenge where a person perceives unfair treatment and attempts to restore equilibrium by taking the matter into his or her own hands." They further note that research has shown that the desire for retaliation is common after experiencing an offensive interpersonal encounter, especially if the encounter threatens one's self-image. However, while the desire to retaliate is common, acting on the desire is less common due to its social cost (El Kharzazi, Siwatu, & Brooks, 2010).

The authors proceed to contextualize retaliation in workplace discrimination claims. In many cases, the initiation of a discrimination claim is perceived as an offense to the person or parties accused. The complaint may be perceived as especially offensive if those accused believe that they have not done anything wrong or if they believe their behavior was justified. The authors note that in a scenario such as this, "retaliation is a coping mechanism — a way of alleviating the psychological discomfort associated with perceived injustice" (El Kharzazi, Siwatu, & Brooks, 2010). Researchers have identified individual-level risk factors associated with retaliatory behavior. For example, they have found that individuals with a sense of entitlement will have stronger emotional reactions to offenses and take them more personally (Lee & Ashton, 2012). Because of this, they may stew over what happened, ultimately seeking retaliation. Having an authoritarian personality (placing high value on status in groups) may also be an individual-level risk factor for retaliatory behavior. Such individuals may be more likely to retaliate, especially if the offense was caused by someone of a status that they perceive to be subordinate to their own (Samnani & Singh, 2012). On the other hand, extraversion may be an individual-level protective factor; extraverts are much more likely to resolve problems without aggression, forgiving those who offended them to preserve their relationship (Berry et al., 2005).

In addition to these individual-level predictors, the EEOC has found that some contextual factors may increase the likelihood of retaliation. They have found that individuals are more likely to retaliate if: the accusation against them is very serious; it will negatively affect future relationships with colleagues; the accused believes that they are being judged; the accused believes that they may lose their job, or they perceive that the accusation will harm perceived employability (El Kharzazi, Siwatu, & Brooks, 2010). Beyond these contextual factors, certain organizational/institutional factors may contribute to retaliation. For example, researchers have found that people seek retaliation when they think that their workplace is not fair and that they cannot rely on formal channels for just treatment (Samnani & Singh, 2012). Organizations with rigid bureaucratic structures, those that do not foster a procedurally just climate, and those that foster a climate of aggression and bullying are more likely to have managers who retaliate when claims of discrimination are made (Samnani & Singh, 2012).

The EEOC provides a concrete list of organizational factors that reflect researchers' findings. These include: a lack of administrative policies discouraging retaliation; an authoritarian management culture; overly hierarchical organizations, where rank or organizational level is prized; high levels of task-related conflicts; reward systems and structures that promote competition; and the ability of the accused to isolate the accuser (El Kharzazi et al., 2010).

Based on these findings, the EEOC suggests that federal agencies and employers incorporate these risk and protective factors into employee and manager training. Furthermore, they offer specific advice to managers about how to avoid perceived and actual retaliation. Tips offered include avoiding public discussion of allegations, not sharing information pertaining to allegations or investigations with other managers or subordinates, avoiding reactive or threatening behavior towards the employee who filed the complaint or those participating in an investigation, and providing clear information to investigators (El Kharzazi et al., 2010).

Although there are important differences between the workplace and college contexts as well as between discriminatory behaviors and sexual assault, aspects of this EEOC guidance may be relevant to both contexts. First, the EEOC provides detailed yet practical definitions of retaliation and clear examples of what it looks like. If similar definitions and case studies were created and tailored to the college context, they could be folded into existing training and prevention messaging. Similarly, the suggested promising practice of providing proactive follow-up to those involved in the formal complaint process may be a helpful practice within the college context as well.

Additionally, the insight offered in the *Retaliation: Making It Personal* report may aid professionals in the college context to both identify and mitigate or bolster risk and protective factors for retaliation. To this end, professionals may attend to individual-level characteristics of respondents such as entitlement or having an authoritarian personality, and offer proactive guidance and support in order to prevent future acts of retaliation. Additionally, college professionals should pay careful attention to the context surrounding Title IX complaints, providing proactive guidance and support to all parties when complaints are serious and/or when an investigation may affect the academic status of the student(s) involved. Lastly, both pieces of EEOC guidance highlight the importance of fostering positive organizational norms to prevent retaliation, including transparency about policies, reliability (taking accusations of misconduct seriously), and accountability (a willingness to take responsibility and make changes to protect the campus community).

Insights from the FBI's National Center for the Analysis of Violent Crime

In the summer of 2002, the FBI's National Center for the Analysis of Violent Crime (NCAVC) hosted a symposium focused on acts of violence in the workplace. A multidisciplinary team of experts from law enforcement, government, private industry, law, labor, professional organizations, victim services, academia, mental health, and the military attended the symposium. Together, their efforts culminated in a monograph that examined the latest thinking and best practices for preventing and responding to workplace violence. The first half of the monograph defines workplace violence and typifies it into several categories. The second half of the report, which identifies prevention principles, is more relevant to our inquiry of how best to prevent acts of retaliation in the wake of Title IX complaints.

Similar to the EEOC guidance presented in the previous section, the NCAVC monograph highlights the ways in which employers may foster organizational norms that are supportive of workplace violence prevention. Although the monogram focuses exclusively on preventing workplace violence, its emphasis on fostering positive organizational norms and the principles it identifies for prevention are consistent with best practices for sexual assault prevention and existing literature on preventing retaliation. Indeed, the following quote may serve as a guiding principle for efforts to prevent retaliation in the wake of sexual assault:

> *"Detecting threats depends in large measure on the workplace culture. If employees are too afraid or too alienated from management to report violent or threatening behavior by coworkers, no violence prevention program will be effective. To encourage reporting, employers can create a climate in which safety is accepted as a common goal for worker and management and all employees—including management, feel free to report disturbing incidents or possible danger signs"* (NCAVC, 2003).

Therefore, we suggest that a necessary component of retaliation prevention is creating a climate in which the entire campus community embraces safety as a norm, is aware of policies, knows how to identify possible acts of retaliation, and feels comfortable reporting retaliation warning signs to the appropriate officials.

Findings from the National Business Ethics Survey

The National Business Ethics Survey (NBES), administered by the Ethics Resource Center, assesses ethical behavior within corporations and sets U.S. benchmarks for business ethics. In 2013, NBES conducted telephone surveys with employees of for-profit business across the U.S. and found that rates of reported misconduct declined slightly when compared with the previous three years. However, despite the overall decrease in misconduct, rates of retaliation against workers who reported misconduct

remained steady at 21%. The authors express concern about this finding because fear of retaliation stops workers from reporting; a lack of reports, in turn, creates an opportunity for more misconduct to occur. However, when workers report retaliation, they are much less likely to report any subsequent misconduct. The ERC states that, "reducing retaliation rates is one of the most important challenges facing businesses as they strive for strong ethics cultures" (Ethics Resource Center, 2000).

In considering how best to tackle this challenge, the ERC suggests that creating positive work environments that do not tolerate retaliation is essential. Their results indicate that employees who perceive that their company does not tolerate retaliation are more likely to report misconduct when compared to employees who think retaliation is tolerated or ignored (72% vs 54% reporting rate, respectively). The ERC also emphasizes norms such as support, trust, and transparency and provides a set of eleven indicators that they use to measure the presence of these norms within companies. These indicators include perception that leadership reinforces ethical behavior, satisfaction with leadership communication, and perception that leaders and fellow employees are trustworthy and ethical (Ethics Resource Center, 2000).

Although the NBES focuses on a wide variety of misconduct within the for-profit sectors, its findings may have relevance to the college context. First, their findings offer a positive indicator that reducing concerns about retaliation does indeed boost reporting rates. Although the setting is different, we interpret this as a positive indicator for increasing reporting of sexual assault within the college context. Second, their focus on fostering positive organizational norms such as support, trust, and transparency is in line with the bulk of the literature that we consulted for this report.

Common Themes across the Workplace Ethics Literature

- Individual-level risk factors:
  - ► Sense of entitlement (a belief that one is inherently deserving of privileges or special treatment)
  - ► Authoritarian personality (intensified if accuser is of lower status)
- Individual-level protective factors:
  - ► Extraversion
  - ► Non-aggressive problem-solving skills
- Contextual risk factors:
  - ► The claim is perceived as an offense to the person or parties accused

- ► The person or parties accused believe that they have not done anything wrong or that their actions were justified

- ► The claim is serious

- ► The claim may negatively affect future relationships

- ► The accused believes that they may lose something as a result of the claim (e.g., their job or position of status within the institution)

- Institutional risk factors:

  - ► Perceptions that an organization or institution is not fair or that formal channels for mitigation are unreliable

  - ► Rigid bureaucratic structures with authoritarian management

  - ► Institutional climates that foster competition, bullying, or aggression

  - ► Lack of policies that discourage retaliation

  - ► Lack of leadership support for policies

  - ► Erratic enforcement of policies

  - ► Spaces that allow the accused to isolate the accuser

- Promising practice: Having a retaliation prevention policy in place, with clear definitions and examples

- Promising practice: Regular Training

  - ► Should be tailored to the institution

  - ► Should incorporate risk and protective factors identified above

  - ► Should reach everyone in the organization/institution

  - ► Leaders in charge of enforcing policies should conduct training

- Promising practice: Promoting positive institutional norms

  - ► Support, trust, and transparency

  - ► Positive perception of institutional climate

- Promising practice: Provide advice and individualized support to those who have been accused

Retaliation in the U.S. Military

In recent years, the Department of Defense (DOD) has made a concerted effort to measure the prevalence of retaliation after a service member files a report of sexual assault. Compelled both by the data and pressure from outside advocacy groups, the DOD has recently made an enormous effort to prevent retaliation within its ranks. In the section that follows, we explore what retaliation looks like in the armed services and recent efforts to prevent it.

Findings from the Human Rights Watch Report

In the Spring of 2015, the advocacy group Human Rights Watch released a report titled *Embattled: Retaliation against Sexual Assault Survivors in the U.S. Military.* Using survey data collected from fiscal years 2012 – 2014, phone interviews with survivors, and written accounts, they examine the scope of the problem, present the lived experiences of survivors, and make recommendations for preventing retaliation within the armed forces. They use the following definition of retaliation from the DOD: "taking or threatening to take an adverse personnel action or withholding or threatening to withhold a favorable personnel action, with respect to a member of the Armed Forces because the member made a protected communication (e.g., filed a report of sexual assault)." They note that the term retaliation includes social ostracism and acts of harm completed by peers of the victim or accused because a member of the armed forces made a complaint (Darehshori & Rhoad, 2015).

Their review of DOD survey data revealed that only one quarter of service members who experienced sexual assault reported their assault to military authorities in 2013. Earlier data from a 2012 DOD survey indicated that nearly half (47%) of female service members who did not report their experience of sexual assault indicated that a reason they did not report was fear that their perpetrator or members of their perpetrator's support group would retaliate against them. The same percentage of respondents indicated that they did not report for fear of being labeled a troublemaker. Approximately a quarter of respondents feared they would receive a poor performance evaluation (28%) or would be punished for other infractions (such as underage drinking) (23%) if they reported. The authors of the report state that these fears are well founded; based on 2014 survey data, 62% of active service members who reported an experience of sexual assault to a military authority in the past year experienced retaliation (Darehshori & Rhoad, 2015).

Service members' lived experiences of retaliation range in severity from experiencing name-calling and victim-blaming statements to threats and physical attacks. For example, a female survivor was called names after reporting her assault and blamed for ruining her perpetrator's career. Her colleagues vandalized her car. A male sexual assault survivor who was attacked by a male soldier from another platoon was verbally

belittled, physically attacked, and experienced threats against his life. He requested a discharge from the Army to survive. Other survivors reported receiving threatening anonymous text messages or experiencing abuse on social media. Members of one survivor's platoon posted her picture on social media with derogatory sexual insults and threats that they would haze her on base. Many survivors shared similar stories of being shunned by their peers, reporting that their coworkers would no longer speak to them or sit with them at lunch. As such, many survivors discussed the ways in which they adapted their behavior to avoid retaliation, taking alternate transportation to work, sleeping in other locations than their home, or avoiding the mess hall (Darehshori & Rhoad, 2015).

Still other described acts of professional retaliation such as poor performance evaluations, lost promotions, lost opportunities for further professional development, loss of awards, loss of privileges, demotions, changes in job duties, disciplinary actions, punitive mental health referrals, and administrative discharge. In the wake of reporting sexual harassment or assault, many survivors were given poor work assignments that either involved demeaning work or assignments that took them out of their area of specialty, which limited their potential for promotion. In some cases, these assignments were done to get a survivor out of a hostile work environment. However, in many cases, they were viewed as punishment for reporting mistreatment (Darehshori & Rhoad, 2015).

To prevent future occurrences of retaliation, the report makes a wide variety of recommendations. For brevity, we have included only those that have the most relevance for the college context. First, they recommend that the US Congress prohibit disciplinary action or criminal charges against victims for minor crimes (e.g., underage drinking, fraternization, and adultery) that only came to the military's attention due to the victim's report of sexual assault. Second, like many of the other sources already summarized in this report, they recommend training supervisors about responding to sexual assault, the effects of trauma, and appropriate responses to retaliation. Third, they recommend that officials proactively monitor victims and those they have accused after a report of sexual assault has been made. Lastly, they recommend that military officials should aggressively investigate and respond to allegations of retaliation and publicly highlight measures taken against those responsible for retaliatory behaviors (Darehshori & Rhoad, 2015).

Adaptations of these recommendations could be implemented within the college context. Given that students are less likely to report an experience of sexual assault if they were drinking at the time of the assault, it makes sense for colleges to consider implementing a disciplinary amnesty policy. Such policies withhold disciplinary action against student survivors who were drinking before, during, or after their assault. A number of college campuses have established similar policies; this concept is explored at greater length in the Cross-cutting Themes and Implications section of this report.

Other recommendations about training and proactively monitoring those involved with misconduct reports and investigations to prevent any potential acts of retaliation have already been discussed elsewhere in this report.

The DOD's Retaliation Prevention and Response Strategy

Perhaps in response to the abuses disclosed in the Human Rights Watch report, in the spring of 2016, the DOD created a Retaliation Prevention and Response Strategy Regarding Sexual Assault and Harassment Reports. They released a detailed implementation plan for the strategy in January 2017. The DOD strategy addresses five issue areas, each of which have been summarized below (US Department of Defense, 2016). We believe that these issue areas and corresponding actions may be adapted to provide a retaliation prevention framework for colleges.

▶ Issue Area #1: Standardizing Definitions

The Strategy highlights the fact that definitions of retaliation differ from branch to branch of the U.S. military. Congress has acknowledged a lack of clear definitions of retaliation that are enforceable by law. Therefore, the strategy calls for stakeholders to propose a set of definitions to be used across branches of the military for: retaliation, ostracism, & other forms of retaliation (to be named). Stakeholders are also charged with creating educational materials to make military leaders and personnel aware of the definitions

▶ Issue Area #2: Closing the Gap in Knowledge

The Strategy notes that although current DOD survey instruments track experiences of retaliation, more data is needed to track retaliation reports and responses. The Strategy recommends that the DOD Workplace and Gender Survey be revised to more effectively assess retaliatory behavior and outcomes. Moreover, the Strategy states that the DOD will modify its climate survey to assess for attitudes among leaders that may contribute to a retaliatory environment. In addition, the Strategy proposes a 3-phase data collection process in which data about retaliation reports will be collected during monthly sexual assault response meetings, quarterly data calls to all officials involved in addressing retaliation, and using the Defense Sexual Assault Incident Database to track reports of retaliation.

▶ Issue Area #3: Response process—Building strong and supportive systems of investigation and accountability

At the time the strategy was created, the DOD had not designated a single resource to educate and guide individuals through the retaliation complaint process or to provide them updates about their cases. To amend this, the DOD will develop a retaliation response process to provide comprehensive support to retaliation complainants (including survivors of sexual assault, victims of sexual harassment, military

bystanders, and first responders). Designated personnel will create this process as well as education materials for commanders and leaders.

▶ Issue Area #4: Response process—Providing comprehensive support to complainants

To mitigate the harmful traumatic impacts of sexual assault and the perception that acts of retaliation are as or more painful than the assault itself, the Strategy states that sexual assault responders will provide retaliation complainants with personalized support, such as a menu of referral options. Their hope is that implementing this response process will result in increased reports.

▶ Issue Area #5: Creating a culture intolerant of retaliation

Similar to other sources already summarized, the DOD strategy views signs of organizational dysfunction and toxicity as risk factors for retaliation. Therefore, the strategy highlights the importance of having strong ethics and compliance programs and trainings as well as robust systems of accountability to create organizational cultures that are intolerant of retaliatory behavior. Because the DOD believes that leadership has a powerful role in setting norms, they seek to leverage leadership engagement to combat retaliatory behavior. The Strategy states: "The Department aims to further reinforce a just and respectful culture by utilizing existing research on workplace ethics, organizational culture change, harassment in social media, and other related topics" (US Department of Defense, 2016).

The Strategy's accompanying Implementation Plan designates responsible parties for each task within each issue area as well as a timeline for implementation (US Department of Defense, 2017). Although the military and college contexts differ from one another, several aspects of the DOD's Retaliation Prevention and Response Strategy have relevance for institutions of higher education. A need for standardized and simple definitions of retaliation has already been explored within this report as has placing focus on fostering positive institutional cultures. Like the DOD, colleges and researchers should consider gaps in measuring retaliation. Although population and campus climate surveys assess retaliation as a barrier to reporting, they do not measure actual incidents of retaliation. Assessing this could be as simple as adding an additional question or two to a survey instrument. Having an estimate of the prevalence of retaliation would be extraordinarily helpful in setting benchmarks for prevention.

The proposed response processes also have relevance for a college setting, including a written response process and menu of referral options. Such measures would provide members of the campus community clarity about what happens in the event that someone should experience retaliation. Lastly, colleges should consider creating a Retaliation Prevention and Response Strategy. Colleges could create such a strategy using many of the resources and guidance offered in this report. For this reason, we

have structured our synthesis of themes and implications using the same issue areas in the DOD's Retaliation Prevention and Response Strategy. Within the next section, we address themes that relate to each issue area and present ideas for tools to help campuses address each issue area.

Common Themes Across Sources Focused on the US Military

- Only 25% of service members who experienced sexual assault reported their assault to military authorities in 2013.

- Common reasons for not reporting among service members:
  - ▶ Fear of retaliation from their perpetrator or members of their perpetrator's support group (47%)
  - ▶ Fear of being labeled a troublemaker (47%)
  - ▶ Fear of receiving a poor performance review (28%)
  - ▶ Fear of being punished for other infractions (23%)

- More than half of active service members (62%) who reported an experience of sexual assault to a military authority in 2013 experienced retaliation. Retaliatory behaviors experienced include:
  - ▶ Name-calling
  - ▶ Victim-blaming statements
  - ▶ Personal property vandalized
  - ▶ Physical attack
  - ▶ Threats
  - ▶ Anonymous, harassing text messages
  - ▶ Abuse on social media
  - ▶ Social ostracism (shunning and isolation from peers)
  - ▶ Poor performance evaluations
  - ▶ Lost promotions
  - ▶ Lost opportunities for professional development
  - ▶ Lost awards or privileges
  - ▶ Demotion
  - ▶ Changes in job duties

- ► Disciplinary actions

- ► Punitive mental health referrals

- ► Poor work assignments (outside of specialty area)

- ► Administrative Discharge

- Recommendations from Human Rights Watch:

  - ► Prohibit disciplinary action or criminal charges against victims for minor crimes (e.g., underage drinking) that only came to the military's attention due to the victim's report of sexual assault.

  - ► Train supervisors about responding to sexual assault, the effects of trauma, and appropriate responses to retaliation.

  - ► After a report has been made, proactively monitor all parties involved for signs of retaliation.

  - ► Aggressively investigate and respond to allegations of retaliation and publicly highlight measures taken against those responsible for retaliatory behavior.

  - ► Standardize definitions across branches of the military and create educational materials for leaders and personnel.

  - ► Close the gap in knowledge by effectively assessing retaliation through surveys and reports.

  - ► Build strong and supportive systems of investigation and accountability and make personnel aware of them.

  - ► Provide comprehensive support to complainants, such as a menu of referral option.

  - ► Create a culture intolerant or retaliation through leadership engagement and communications.

Cross-Cutting Themes and Implications

In the tables below, we attempt to synthesize findings from this report. We have used the DOD Retaliation Prevention and Response Plan as a framework for preventing retaliation in the wake of sexual assault on college campuses. For the purpose of prioritizing **primary** prevention of retaliation, we have reorderd the issue areas so that creating a culture that is intolerant of retaliation comes first. Below, we identify the action steps that DOD proposed. We then map themes from this report onto the DOD issue areas and action steps. Following this, we list the implications that the issue

areas, action steps, and themes have for preventing retaliation within the college context. Lastly, we list tools we have created to accompany each issue area. Each of the tools listed is included in a companion toolkit to this report.

Issue Area One: Creating a Culture that is Intolerant of Retaliation	
Proposed DOD Action Steps:	• Institute strong ethics and compliance programs and trainings. • Institute robust systems of accountability. • Leverage leadership engagement to combat retaliatory behavior.
Themes from this Report:	• There are individual-level, contextual, and institutional risk factors that contribute to retaliatory behavior. • Institutional norms play a powerful role in preventing retaliation.
Implications for Prevention:	• Prevention programming should promote positive institutional norms.
Accompanying Tools:	• Retaliation Risk and Protective Factors at each Level of the Social Ecology

Researchers have found that a desire for retaliation is common after experiencing an interpersonal encounter that one perceives as offensive. However, although the urge to retaliate may be common, the perceived social cost of such behaviors prevents individuals from acting on their retaliatory desires. Experts have identified a constellation of risk and protective factors for retaliation. By working to mitigate risk factors and bolster protective factors, educational institutions may be able to shift norms to create campuses where retaliation is not tolerated and thus, does not occur.

Experts have found that possessing a sense of entitlement or having an authoritarian personality (placing high value on status in groups) as individual-level risk factors for retaliatory behavior. These individual-level risk factors have particular relevance for sexual assault, which by its very nature is a form of power-based personal violence. Researchers such as Lisak, who have studied the behavior patterns of sexual assault perpetrators have found that individuals who cause this type of harm very often select targets who they perceive as having less power or status, or who may be easily coerced due to a power differential. Moreover, the perpetrators that Lisak and his colleagues studied possessed a great deal of self-entitlement (Lisak, 1994; Lisak, Hopper, & Song, 1996; Lisak & Roth, 1990). Therefore, colleges should be aware of these individual-level risk factors and offer proactive follow-up with and ongoing monitoring of respondents throughout their investigation.

At the individual level, experts have also identified extraversion and non-aggressive problem-solving skills as protective factors for retaliation. Although extraversion is a personality trait that may not be taught, colleges should consider embedding non-violent conflict resolution strategies into existing life skills programming. Such skills training may help students to identify emotions and address perceived injustice without causing harm to others.

Beyond individual-level risk factors, researchers have uncovered a number of contextual risk factors for retaliation within the workplace. For example, they have found that individuals are more likely to retaliate if: the accusation against them is very serious; it will negatively affect future relationships with colleagues; the accused believes that they are being judged; the accused believes that they may lose their job, or they perceive that the accusation will harm perceived employability. Many of these same contextual risk factors may be present within the college context. To start, accusations of rape and sexual assault are by their very nature serious offenses. Indeed, efforts to hold offenders accountable may result in losing honors such as scholarships, suspension, or expulsion. In the aftermath of an investigation, the campus community may struggle to reconcile a member of their community's behavior with their earlier perceptions of who they were. In doing so, relationships may alter. For these reasons, student respondents may worry about future college enrollment or employability. College officials should monitor these factors as they take measures to hold respondents accountable. They should also consider ways of helping the campus community to heal in the wake of sexual assault, so that feelings may be aired and processed without need for retaliation.

Lastly, much of the research reviewed for this report suggests that fostering positive norms such as trust, respect, support, and transparency may go a long way towards increasing reporting and preventing acts of retaliation from occurring after reports of sexual assault. Together, these findings suggest that a critical step in creating campus cultures that are intolerant of retaliation is for institutions to mitigate risk factors, bolster protective factors, and make a conscious effort to foster norms that are unsupportive of retaliation. To assist with this effort, we have mapped the risk and protective factors presented in this report onto the World Health Organization's Social Ecological Model and provided a list of considerations and action items for creating campus cultures that are intolerant of retaliation; this is included within the toolkit that accompanies this literature review.

Issue Area Two: Standardizing Definitions	
Proposed DOD Action Steps:	• Create a set of definitions for retaliation for use across military branches. • Create accompanying educational materials to inform military personnel about retaliation.
Themes from this Report:	• Retaliation is neither well-defined in written policy nor in the existing literature.
Implications for Prevention within the College Context:	• Create practical definitions and examples/case studies to increase understanding of what retaliation looks like. • Tailor these materials and fold them into existing trainings about retaliation.
Accompanying Tools:	• Practical Definitions of Retaliation with Case Studies

Although Retaliation is prohibited by Title IX and explored in official guidance about compliance, it is not clearly defined. We attempted to construct a practical definition within this paper using Title IX and guidance from Know Your IX. Although the Department of Justice offers a myriad of tools to help schools comply with Title IX, we were unable to find sample trainings that address retaliation. We also examined the different ways in which surveys have measured retaliation to glean a concrete definition. However, these sources did not offer much insight into the problem because they use a single, broad question to assess retaliation as a barrier to reporting. Additionally, we know from existing climate surveys that students are uncertain about how to define sexual assault. Although they were not asked about retaliation, we assume that they may be similarly uncertain about how to define it. Therefore, additional concerted effort is needed to create a practical definition of retaliation and provide examples of what it looks like for students, faculty, staff, and administrators. Once established, these materials should be tailored to reflect each campus community and incorporated into existing training about retaliation. To aid campuses in creating practical definitions and examples, we have included Practical Definitions of Retaliation with Case Studies in the companion toolkit to this literature review.

Issue Area Three: Closing the Gap in Knowledge	
Proposed DOD Action Steps:	• Revise existing behavior surveys to assess retaliatory behavior and outcomes. • Revise existing climate surveys to assess attitudes among leaders that may contribute to a retaliatory environment. • Track reports of retaliation. • Collect and compile data from reports of retaliation.
Themes from this Report:	• More research is needed to understand lived experiences of retaliation. • Campus Climate Surveys are a promising practice for assessing the ways in which campus norms and perceptions about campus climate influence rates of sexual victimization. • Students often do not report sexual assault experiences to law enforcement or campus officials, but they do report their experiences to friends and family members.
Implications for Prevention within the College Context:	• Ensure that existing behavior surveys assess retaliatory behavior and outcomes. • Regularly monitor reports of retaliation and outcomes. • Bolster data collection efforts with qualitative research to better understand retaliation. • Regularly assess campus climate. • Include recognizing retaliation warning signs within current bystander intervention programming and share resources to support survivors and those in whom they confide their experiences.
Accompanying Tools:	• Retaliation Training Behavioral Goals and Competencies • Data Monitoring Plan • Retaliation Indicator Matrix • Bystander Tips for Recognizing and Preventing Retaliation

To understand both the scope and magnitude of retaliation after sexual assault, colleges should carefully review existing data sources. They should monitor reports of retaliation and their outcomes. Colleges should also review behavioral survey instruments to ensure that they capture data about actual experiences of retaliation and how they were handled. To assist with this, we have included a Retaliation Data Monitoring Plan and Retaliation Indicator Matrix in the companion toolkit to this literature review. Because retaliation is not clearly defined within existing literature, additional research (e.g. surveys, key informant interviews, or focus groups) with administrators and students may be needed to understand how these populations define retaliation, their lived experiences of retaliation, and their ideas for how best to prevent it.

Across the college, workplace, and military contexts, assessing perceptions of institutional climate has been found to be a promising practice for fostering positive norms that may serve as protective factors for sexual assault and acts of retaliation after a report of sexual assault has been made. For this reason, we identify campus climate surveys as a promising practice for assessing perceptions of campus climate and setting benchmarks for improving it. The Department of Justice offers schools an abundance of resources for assessing campus climate, including detailed guidance documents and sample instruments. Colleges should use these resources to inform their own efforts to assess campus climate.

Finally, although only a small number of cases of sexual assault are ever reported to law enforcement or campus officials, students are talking to their friends and family members about what happened to them. This means that lots of people in a campus community have information about incidents of sexual assault and are thus bystanders to acts of harm that have occurred. If acts of retaliation do occur, such bystanders may also be in a position to witness or hear about acts of retaliation from their friends. These bystanders are in need of additional information and tools.

First, they may benefit from information about how to identify acts of retaliation (warning signs). Second, they may need space to consider the barriers they face when deciding whether or not to intervene to stop a potential act of retaliation. Third, having a set of strategies they can use to prevent or stop an act of retaliation would likely empower them to intervene in some way. Lastly, these bystanders may need additional resources for how to help a friend who has experienced sexual assault as well as resources should they need support in processing what happened to their friend. To assist with engaging bystanders, we have included Bystander Tips for Preventing Retaliation and Retaliation Training Behavioral Goals and Competencies within the toolkit that accompanies this literature review. Such information could be folded into existing bystander intervention programs, which are recommended in the Clery Act and widely considered to be an effective practice in sexual assault prevention.

Issue Area Four: Building Strong and Supportive Systems of Investigation and Accountability	
Proposed DOD Action Steps:	• Develop retaliation response processes to support complainants. • Develop accompanying educational materials for leaders to understand the processes.
Themes from this Report:	• There are institutional risk and protective factors that contribute to retaliatory behavior.
Implications for Prevention within the College Context:	• Mitigate risk factors and bolster protective factors to prevent retaliation from occurring after a student has disclosed an experience of sexual assault.
Accompanying Tools:	• Retaliation Response Process Considerations

Experts have identified a number of institutional risk factors that may contribute to retaliation. These include perceptions that the institution is not fair or that formal channels for solving problems are unavailable; rigid bureaucratic structures with authoritarian management; institutional climates that foster competition, bullying, or aggression; a lack of policies that discourage retaliation, a lack of leadership support for policies; erratic enforcement of policies; and the availability of spaces that allow the accused to isolate the accuser. Colleges are multifaceted institutions that are inherently bureaucratic in nature. Rather than changing institutional structures (which is unfeasible), institutions of higher education can place concerted effort on increasing institutional transparency and fostering a positive campus climate. A powerful tool in achieving these goals is a strong retaliation response process that is consistently implemented and improved over time. To aid institutions, we have included a list of Retaliation Response Process Considerations that can be used as a starting or comparison point for their retaliation response efforts.

Issue Area Five: Providing Comprehensive Support to Complainants	
Proposed DOD Action Steps:	• Provide complainants with personalized support, including a menu of reporting options.
Themes from this Report:	• Fear of repercussions for drinking alcohol may prevent victims of sexual violence from reporting their assaults.
Implications for Prevention within the College Context:	• Provide both confidential and anonymous reporting options. • Institute a Disciplinary Amnesty Policy, which withholds disciplinary action against student survivors who were under the influence of alcohol or other drugs at the time of their assault.
Accompanying Tools:	• Sample Disciplinary Amnesty Policy

Very often, alcohol is involved before and during incidents of sexual assault. Some studies found that students were less likely to report if they had been drinking before or during the incident. Researchers speculate that students' fear of getting in trouble for drinking may prevent them from reporting. This is echoed in the literature about sexual assault and retaliation within the U.S. military, in which survivors were often afraid to report because they were underage and drinking at the time of the assault. Or more commonly, military survivors were punished for minor infractions such as underage drinking as a form of professional retaliation after reporting their assault, even though these infractions only came to light due to their report of sexual assault.

Providing both confidential and anonymous reporting options to students may mitigate students' fears about getting into trouble while simultaneously allowing them to notify campus officials of their assaults. To further mitigate this fear, colleges should consider implementing disciplinary amnesty policies, which withhold disciplinary action against student survivors who were drinking at the time of their assault. To aid colleges in this effort, we have included a sample amnesty policy within the toolkit that accompanies this literature review.

Conclusions

In seeking to better understand incidents of retaliation that occur after a college student has reported experiencing sexual assault, we uncovered only a small number of sources that explored retaliation within the college context. Moreover, the majority of the sources we uncovered explored retaliation only as a barrier to reporting sexual assault. Thus, we were unable to fully define retaliation, understand lived experiences of retaliation, and identify best practices for prevention.

To fill in the gaps, we extended our search to other contexts that have done considerable work to understand and prevent acts of retaliation from occurring. In particular, we found information from the field of workplace ethics and from the military context to be extremely helpful in expanding our understanding of retaliation and how it might be prevented. Using a prevention and response framework from the Department of Defense, we identified five issue areas and mapped themes from our report onto each issue area. We then identified relevant implications for prevention as well as action steps that colleges can use for improving their response to retaliation in the wake of sexual assault and for preventing its future occurrence. In addition to these implications, we have listed various tools that accompany this report in a companion toolkit. It is our hope that colleges will use this toolkit to enhance their efforts to prevent acts of retaliation after sexual assault.

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