The Weaponization of Alcohol: Effectively Linking High-Risk Alcohol Use Prevention to Campus Title IX Efforts

Peter F. Lake

Professor of Law, Charles A. Dana Chair, and Director of the Center for Excellence in Higher Education Law and Policy
Stetson University College of Law

© Peter Lake, 2015
Alcohol and Sexual Assault from the Policy-Maker Point of View

- “One in five women is sexually assaulted while in college.”
- “Many are survivors of what’s called ‘incapacitated assault’: they are sexually abused while drugged, drunk, passed out, or otherwise incapacitated.”
- Note: Not all studies agree on data
- Sub-population statistics vary
- More work needed on highest-risk drinkers
- Interactions of alcohol with other drugs

*The White House Task Force to Protect Students from Sexual Assault, Not Alone (April 2014), pg. 7.*
Alcohol-related sexual assault is a common occurrence on college campuses. Although estimates of the incidence and prevalence vary dramatically because different sources use different definitions and many victims are unwilling to report sexual assaults to the police or other authorities, at least 50 percent of college student sexual assaults are associated with alcohol use. Further, when alcohol is involved, acts meeting the legal definition of rape appear more likely to occur.”

*High-Risk Drinking in College: What We Know and What We Need To Learn, http://www.collegedrinkingprevention.gov/NIAAACollegeMaterials/Panel01/HighRisk_04.aspx* (emphasis added, internal citations omitted).
“Typically, if either the victim or the perpetrator is drinking alcohol, then both are. In one study, both the victim and the perpetrator had been drinking in 97 percent of sexual assaults involving alcohol. In another study the rate was 81 percent. Because rates of alcohol consumption are higher among White college students than among their African-American peers, it is not surprising that alcohol-related sexual assaults appear to be more common among White college students than among African-American college students.”

*High-Risk Drinking in College: What We Know and What We Need To Learn, http://www.collegedrinkingprevention.gov/NIAAACollegeMaterials/Panel01/HighRisk_04.aspx (emphasis added, internal citations omitted).
How predators use alcohol to facilitate sexual assault and attack...

- Camouflage: Sweet drinks, etc.
- Pre-selection of victims
  - Target younger and/or inexperienced drinkers
- Isolate victims from friends/group
- Weaponization of alcohol
- Staging attacks
  - The “Undetected Rapist” video (David Lisak) [https://www.youtube.com/watch?v=CnUQoRYiXkI](https://www.youtube.com/watch?v=CnUQoRYiXkI)
  - Note: There is some debate on “predators” in college → Nick DeSantis, *Study Challenges Idea That Many Campus Rapists Are Serial Offenders*, The Chron. of Higher Ed. (July 13, 2015).
How to identify weaponization of alcohol in Title IX investigations...

- Title IX Coordinators, investigators, adjudicators, appeal bodies and all decision-makers should be trained on the link between alcohol and sexual assault.
- Coordinated attack?
- Incapacitated victim
  - Trauma-informed training
- Self-medication to complete the crime
- Camouflage of the attack itself
- Reduce detection and prosecution (48 hour rule)
- Lack of empathy
  - Language, tone
  - Victim-blaming
- Clues in social media
Amnesty/Good Samaritan Policies

Any individual, including the Reporting Party, a witness, or a third party, who makes a report will not be subject to disciplinary action by the University for their own personal consumption of alcohol or other drugs at or near the time of the incident, provided that any such violations did not harm or place the health or safety of any other person at risk. The Office of the Dean of Students may require a follow up meeting in which support, resources, and educational counseling options may be mandated for an individual who has engaged in the illegal or prohibited use of alcohol or drugs.

UNC Chapel Hill, Procedures for Reporting and Responding to Complaints of Discrimination, Harassment, and related Misconduct Involving a Student as the Reporting Party (August 2014), pg. 8.
How to Integrate Prevention Efforts into Title IX Systems: Primary Prevention without Victim Blaming

- Keep in mind that sexual assault prevention and awareness programs are required under the Clery Act.
- Use a comprehensive, public health-oriented strategy
  - Consider the following model from the CDC, *Preventing Sexual Violence on College Campuses: Lessons from Research and Practice* (April 2014).
Figure 1. Example of a Comprehensive Campus-Based Primary Prevention Strategy for Sexual Violence Perpetration

- **Individual**
  - Build bystander intervention and healthy relationship skills and establish positive norms about gender, sexuality and violence with evidence-informed interactive, multi-session intervention for incoming students

- **Peer/Partner**
  - Coach-implemented intervention for male athletes addressing hyper-masculine peer norms that support or facilitate sexual violence
  - Dorm-based intervention that reinforces positive norms and skills related to bystander behavior and healthy sexuality

- **Organization**
  - Engage campus leadership to promote culture of safety and respect
  - Social marketing campaign to address norms related to sexual violence, gender, sexuality
  - Hot spot mapping to identify and monitor unsafe areas on campus

- **Community**
  - Community initiatives to implement/enforce alcohol policy efforts to reduce excessive alcohol use or problem outlets
  - Strengthen/support enforcement, response, and reporting policies on- and off-campus

---

**Consistent Messages Across Campus Policies and Programs**
Prevention

- Alcohol and drug prevention → balancing AODV work with a no-victim-blaming-approach (i.e. the weaponization of alcohol)
- Social norming on violence
- Enlist men in prevention efforts → Men Can Stop Rape, No More Campaign
  - Males are victims, too!
- Community efficacy work (Chicago Project, Dr. Felton Earls)
- Bystander intervention training:
  - NotAlone.gov – Bystander intervention factsheet: Bystander–Focused Prevention of Sexual Violence
  - Remember who developed bystander training... College staff and students, not the federal government!
Prevention Cont’d

- Do not push primary prevention without good grievance responses.
- Emphasize that risk-reduction programs are not tacit or implicit blaming → Be careful with language, linguistics, and symbols
Bystander Intervention Resources—a Minor Literature Review

- The University of New Hampshire, *Bringing in the Bystander*,

- Virginia Tech, *Be an Active Bystander*,

- The University of Arizona, *Step Up Program*,

- The *Green Dot Program*,

- The *Red Flag Campaign*,
AODV Prevention and Title IX are Deeply Interrelated

- AODV prevention is no longer permitted to be a “hobby” under Title IX
- Relationships among measurable rates of AOD use and Title IX issues
- Dept. of Justice recognizes the role of AOD in sexual violence
Increased Compliance Expectations and Linkages to Core Mission Delivery

- Links to mandated culture/climate work
- Role of Clery Teams and Title IX audits
- SDFSCA enforcement
- Links to enrollment management
- Links to accreditation
Recommendations

- Link trauma–informed training to prevention efforts
- Fund AODV prevention
- Cross–train on Title IX
- Quality longitudinal data on AODV
- Consider social norming exercises related to the weaponization of alcohol
- Look for links of AOD violations and predators
Thank you!