

Campuses as “Hunting Grounds”

Documenting the Sex Assault Crisis at American Universities

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The Sundance Film Festival is the most prestigious film festival in the United States. Actor Robert Redford had launched it in 1981 to foster independence, risk-taking, and new voices in American film. Every year, emerging filmmakers are invited to the Sundance Resort in the mountains of Utah, where they work with leading writers, directors, and actors to develop their original independent projects.ⁱ

On February 27, 2015, one of the films that premiered was *The Hunting Ground*, a documentary about sexual assaults at American universities and how these institutions failed to tackle the problem, to protect their reputations and economic interests, sometimes to the point of collaborating with campus police to hide cases and erase data.

The idea for the documentary came to its creators, Kirby Dick and Amy Ziering, from conversations with university students while screening their previous film, the 2012 documentary *The Invisible War*, about rape in the US military.ⁱⁱ

The Hunting Ground tells the story of Andrea Pino and Annie Clark, who were raped while they were students at the University of North Carolina (UNC). After reporting the rapes to the university, they were pressured to keep quiet about their experience, and said they felt like UNC was blaming them instead of providing help. This spurred them into speaking up.

This case was prepared by Paulina Guzik, professor in Pontifical University John Paul II (Cracow, Poland) and Professor Yago de la Cierva based on public information and papers by Gemma Viladomat and Isabel Villamor (MBA 2017), and Ryan Fritsch and Stephen Storey (MBA 2019) for the Crisis Management and Communications course at IESE, September 2022.

IESE cases are designed to promote class discussion rather than to illustrate effective or ineffective management of a given situation.

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After hearing from other victims, they realized that it was a long-standing national problem and decided to tackle it with other victims’ help. They filed a Title IX complaint¹ against UNC on January 16, 2013, and co-founded the group “End Rape on Campus.”

Andrea and Annie travelled around the nation to bring the problem to light and empower other victims to speak up and report their universities. They soon launched the *IXNetwork* movement to prevent it from happening again.

The film noted that many of these assailants were recidivists, meaning they committed the crime more than once, sometimes even after they were caught. Even so, several universities had taken no action against sexual assault complaints. In some cases, they had acted to sanction the aggressors with light punishments, e.g., \$25 fines or three- to six-month suspensions. Even professors who had spoken up endured retaliation.

The documentary attracted international attention during the 2016 Oscars ceremony, when Lady Gaga sang the main theme song, “Til It Happens to You” (a nominee for Best Song), with 50 rape survivors and received a standing ovation. CNN aired the documentary, and it was later picked up by *Netflix*.

The Roots of the Problem

American Higher Education was a free-market system, consisting of mainly of private universities and colleges operated as businesses (though usually registered as nonprofit organizations for legal purposes). Fees ranged from \$50,000 per academic year at the most prestigious universities to \$10,000 plus living expenses for public sector institutions.²

Competition to attract the best students, in terms of intelligence or social influence, was fierce. This was frequently manifested in scholarship programs and huge investments in all kinds of facilities to attract students. The need for extra funding multiplied exponentially if a university sought prestige in research as well as teaching.

Public funding of American universities had decreased since 1980, forcing colleges to increase fees and find other income sources. Fraternities and athletics played a crucial role in financing most universities.

¹ “Title IX” is the abbreviation for the US federal civil rights law passed as part of the Education Amendments of 1972 and signed into law by President Richard Nixon. It prohibits sex-based discrimination by any university, school, or any other education program that receives federal funding. In 2011 and 2014, the Obama administration expanded its scope and gave more weight to the accuser’s testimony. President Trump’s administration changed the norm in 2020 to ensure due process and limit it to biological sex only. On March 8, 2021, President Biden reversed Trump’s changes and included gender identity and sexual orientation.

² According to student support organization *College Board*, at top-tier US universities (most of which were private nonprofits), fees and living costs were around \$60,000 per year. State universities — public colleges within a state that shared some administrative aspects while operating as separate institutions — had two tuition fee rates: one for state residents (US \$10,230, in 2018) and one for everyone else (\$26,290 in the same year), applicable both to students from other US states and foreigners. The third and cheapest option were public-sector two-year colleges — also known as community, technical, or city colleges — where average fees in 2018 were \$3,660; cf. Laura Bridgestock, “How Much Does It Cost to Study in the US?,” *QS*, February 12, 2022.



Fraternities and sororities were powerful institutions that represented 60% of donations to universities on average. Although only 8.5% of US students were members of fraternities, their clout was remarkable.³

Fraternities (and sororities) were independent bodies, self-organized by students with little or no control from university staff. According to several studiesⁱⁱⁱ, alcohol-laden parties at fraternities and “internal honor codes” facilitated some of these sexual assaults within fraternities’ own facilities or at after parties.⁴ Certain fraternities were particularly prone to these kinds of complaints.

University athletics were another huge revenue source for universities, and a very important element in a university’s reputation. Sports stars were also likely to become generous benefactors after they graduated. As long as their team was winning games, elite college athletes were treated like demigods: Classmates defended them regardless of what they are accused of, and college administrators were willing to ignore whatever happened between games.

These biases toward fraternity members and sports stars had a remarkable impact on sexual assault cases. Any victim reporting an abuse by a fraternity member or sports star faced being insulted and discredited. If the accused was on a winning team for the university, both administrators and local police might fail to act on a complaint – at least until the season ended

Several studies have highlighted that athletes, a group representing 3.3% of the university population on average is accused of committing as much as 19% of sexual assaults on campus. These are prosecuted in only 38% of cases. Moreover, local and state police have no jurisdiction over college athletes when they are in sport facilities.

³ The world of fraternities was colloquially called “the Greek System,” as most had names comprising two or three Greek letters that are initials for words (e.g., Phi Beta Kappa translate to “philosophy is the guide of life”). Greek houses are as old as the United States. Many began as social and literary clubs and evolved into a complex archipelago of groups with different purposes and roots. By the time of writing 123 US fraternities existed, from academic support groups to exclusive societies reputed to be the “cradles of leaders.” Although only 8.5% of students in the United States were fraternity members, their influence was remarkable: 69% of US presidents since 1877 were members of a fraternity, as were 85% of Supreme Court judges since 1910 and 24% of CEOs on the Forbes 500 CEO list since 2003; cf. Maria Konnikova, “[18 US Presidents Were in College Fraternities](#),” *The Atlantic*, February 21, 2014.

⁴ The link between fraternities and alcohol seemed clear, but the link between alcohol and sexual assault was less obvious. John D. Foubert, an Oklahoma University professor and expert on sexual assault, said in a *New York Times* interview that he was sure fraternities were a major part of the problem. “Research has shown that fraternity men are three times more likely to commit sexual assault than other college men,” he said, “and it also happens to be the place where a great deal of the high-risk drinking tends (to) occur on a college campus. With unmonitored facilities and a lot of alcohol consumption, and with male control over the space, it can create a dangerous environment for women.” However, he clarified that alcohol was not the cause of abuse, but merely a tool: “Perpetrators intentionally use alcohol to lower the defenses of a potential victim.” Given this, he said campuses needed to pay serious attention to alcohol consumption. Wagatwe Wanjuki, a writer and activist for better sexual assault policies on college campuses, believes that fraternities can benefit certain students. “I think a lot of the conversations we’ve been having about frats have been about predominantly upper-class white male fraternities,” she said, but added, “It’s been shown that fraternities for men of color, especially at predominantly white institutions, have been really valuable social networks.” However, she added that colleges should be willing to regulate fraternities. “If they are going to allow fraternities on campus,” she said, “they’re going to have to really do their jobs to make sure they’re making the places as safe as possible.” She added, “They should also be willing to get rid of fraternities” if they believe they’re compromising student safety”; cf. Anna North, “[Is College Sexual Assault a Fraternity Problem?](#),” *New York Times*, January 29, 2015.