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Dorothy F. Marsil

Kennesaw State University, dmarsil@kennesaw.edu

Corinne McNamara

Kennesaw State University, cmcnama4@kennesaw.edu

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Brief Report

An examination of the disparity between self-identified versus legally-identified rape victimization: A pilot study

Dorothy F. Marsil and Corinne McNamara

Department of Psychology, Kennesaw State University, Kennesaw, Georgia, USA

CONTACT Dorothy F. Marsil. dmarsil@kennesaw.edu. Department of Psychology, Kennesaw State University, 1000 Chastain Road, Kennesaw, GA 30144, USA

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Abstract

Objective: Researchers compared rape victimization based on self-identification to the current, federal legal definition in a pilot study of college students. **Methods:** The sample was comprised of 1,648 (69.8% female; 30.2% male) college students who completed the SES-SFV online. **Results:** Based on the current, legal definition of rape, 9.4% (11.1% female; 5.2% male) of students had been raped since being enrolled, but only 2.9% of students self-identified as being raped. Moreover, 15.1% of students reported ever being raped, with females acknowledging higher rates (19.7%) than males (4.3%). **Conclusions:** Rape continues to be a major issue for colleges and universities. A serious concern is the disparity between the number of those who met the behavioral criteria for rape victimization based on the current, legal definition, but who did not self-identify as a victim. Universities must address this disparity by using multiple measures to assess the prevalence of sexual violence on campus.

Keywords

ACCEPTED MANUSCRIPT

college students, gender, rape, sexual assault

Introduction

The prevalence of unwanted sexual experiences, such as rape, among college students is a serious problem. Approximately, 20% of college students have acknowledged being raped.¹⁻⁴ Collectively, these prevalence rates demonstrate that sexual victimization, such as rape, poses a threat to many college students and their academic success.¹⁻⁵

According to a review by Rennison and Addington,⁶ the way in which rape is defined and measured is one of the issues confounding the prevalence rates for sexual violence victimization. The historical legal definition of rape, previously used by the FBI's Uniform Crime Reporting (UCR) Program, was the forcible or threat of forcible vaginal penetration of a female by a male.⁷ Consistent with the historical legal definition, the commonly cited researcher-identified rape prevalence rates¹⁻⁴ were limited to females who experienced the use of force and threat to attempt or complete the penetration of vaginal orifices, but also included oral and anal orifices. However, these rates still did not include males or those who had unwanted sex without their consent due to impairment or coercion.

As of 2012, the federal, legal definition of rape was rewritten to be more inclusive. The current federal, legal definition of rape, as noted in the FBI's UCR Program, was summarized as "penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim."⁸ The new definition has subsumed three previous sexual crimes of rape, sodomy (oral or anal), and sexual assault with an object. Moreover, this more inclusive definition now includes both genders as victims and perpetrators, recognizes victims' ability or inability to consent, and lacks the requirement of force. The issue of what constitutes legal consent will be for the courts to decide

over time. Although rape prevalence rates will change based on the new, more inclusive definition, it is important to understand how individuals identify rape and whether their definition matches the new federal, legal definition.

The primary purpose of this pilot study was to examine the disparity between self-identified versus legally-identified rape victimization among college students using questionnaires based on the current, federal, legal definition. As reviewed by Littleton and colleagues, it is possible that rapes go unacknowledged because there is a lack of education on and understanding of the various tactics that are used to perpetrate rape.⁹ This misunderstanding may prevent victims from labeling their experience as rape and, thus not seeking resources they need. Based on previous research, we hypothesized that there would be a difference between self-identified rape victimization rates and current legally-identified victimization rates.

Methods

A convenience sample of students who were 18 years of age or older, from a comprehensive, large public university in the Southeast participated in the online pilot study. Students could receive course credit or extra credit for their participation. Respondents were provided with contact information for counseling services. The IRB-approved study included a demographics survey and the widely accepted Sexual Experiences Survey-Short Form Victimization (SES-SFV)¹⁰⁻¹² that measures rape based on oral sex (Oral), vaginal penetration (Vaginal), and/or anal penetration (Anal) without consent. The SES-SFV¹⁰⁻¹² also assessed the tactics used by perpetrators to have sex with a victim without their consent, including incapacitation, two types of coercion, threat of force, and force. These items directly map onto

the current, federal, legal definition, which does not require the use of force and emphasizes that rape occurs when a male or female victim does not consent.

The SES-SFV,¹⁰⁻¹² was used to determine rape victimization since being enrolled in the university. Current, legally-identified rape victimization was determined by converting the measure to a binary scale (yes or no). Finally, respondents self-identified rape victimization with two items: 1) since being enrolled, has anyone had sex with you without your consent or against your will; and 2) have you ever been raped.

Results

Demographic Variables

The sample was comprised of 1,648 (69.8% female; 30.2% male) student respondents who were 18 years of age or older ($M = 25.7$, $SD = 8.2$). Sixty-five percent of our sample was 18 to 25-years-old. Respondents were primarily Caucasian (80.7%). Most of the students were in their first year (34%), followed by 24% in their second year, 18% in their third year, 12% in their fourth year, and 13% in their fifth+ years. In general, our sample approximates the population characteristics of the university.

Identifying Rape by Definition

First, self-identification of rape was assessed using two direct questions (have you ever been raped and since being enrolled has anyone had sex with you without your consent or against your will). Overall, 15.1% of students reported ever being raped, with females acknowledging higher rates (19.7%) than males (4.3%). In contrast, only 2.9% of students self-identified as having been raped since being enrolled (See Figure 1).

Second, legally-identified rape since being enrolled at the university was determined by an affirmative response to at least 1 of the 5 behavioral tactics (i.e., incapacitation, two types of coercion, physical threat, and/or force) survey items. Each of these tactics was assessed for oral, vaginal, and anal penetration without consent. Overall, 9.4% of students met the new federal, legal definition for being raped, with female participants indicating higher rates of rape (11.1%) than male participants (5.2%).

Logistic Regression of Definitions

We performed a binary logistic regression to compare various definitions used to classify rape on the likelihood that respondents would report having had sex against their will. The purpose of this regression was to determine whether respondents who indicated that they had had sex against their will would self-identify their experience as rape consistent with the current, legal definition. The model contained 3 independent variables (historical legal definition,⁷ historical researcher definition used by Tjaden and Thoennes,¹ and the current federal legal definition⁸). The full model containing these predictors was statistically significant, $\chi^2(3, N = 1,134) = 122.73, p < .001$, indicating that the model was able to distinguish between respondents who reported having had sex against their will and those who did not report having sex against their will but met the behavioral criteria for being raped based on the definitions in the model. The model as a whole explained between 10.3% (Cox and Snell R²) and 39% (Nagelkerke R²) of the variance of having sex against their will and correctly classified 97% of cases. Only one of the three independent variables, the current federal legal definition, made a statistically significant contribution to the model. This independent variable was the strongest predictor of respondents self-identifying their experience as sex against their will. This model suggests that

students who report having had sex against their will (2.9%) are not more likely to be accurately identified as a rape victim when using the historical researcher definition (3.1%) or the historical legal definition (3.39%), but are significantly more likely to be accurately identified using the current federal definition of rape (9.4%).

Regression of Tactics on Self-Identification of Rape Victimization

The purpose of this regression was to determine whether respondents who indicated that they had had sex against their will self-identify their experience as rape based on the tactics the perpetrators used, (e.g., force, threat, incapacitation, coercion). A binary logistic regression containing the 15 behavioral predictors of rape was statistically significant, $\chi^2(15, N = 1,100) = 114.39, p < .001$, indicating that the model was able to distinguish between respondents who reported being raped and those who did not report being raped. The model as a whole explained between 9.90% (Cox and Snell R²) and 38.1% (Nagelkerke R²) of the variance in being raped and correctly classified 97.2% of cases. The following 2 factors made a significant contribution to the model: vaginal penetration without consent by using incapacitation and vaginal penetration without consent using force. Based on the odds ratios, compared to individuals who did not report having had sex against their will, individuals who self-identified their experience as rape were 9.63 times more likely to acknowledge that a male had taken advantage of them when they were too incapacitated to stop what was happening and were 18.90 times more likely to report that a man had vaginally penetrated them without their consent using force such as holding them down or using a weapon.

Comment

In this pilot study, we examined the disparity between self-identified versus legally-identified rape victimization among our sample of college students using multiple measures. Notably, we found that about three times as many rape victims were identified using the current legal definition⁸ compared to those who were self-identifying or who were identified using the historical legal⁷ or historical researcher definitions¹; thus, supporting our hypothesis. Our pilot study highlights the discrepancy between self-identified and legally-identified rape victims.

Similar to Krebs et al., our findings indicate that victims are more likely to label their experience as rape when there was unwanted, vaginal penetration without consent by using tactics such as force or when the victim was too impaired to stop what was happening.¹³ Conversely, victims were less likely to label their experience as rape if the perpetrator used coercion or physical threat to penetrate vaginally or if the perpetrator used any tactic to penetrate anally or orally for men or women without their consent.

Because of the variability in the way in which rape is defined, it is important to use multiple measures, such as police reports, legal definition, behaviorally specific criteria, and self-reports, to determine which students have experienced rape, thus revealing the true magnitude of the problem. According to Sinozich and Langton, 80% of female college students do not report sexual victimization, including rape.³ Thus, universities should not rely solely on police reports to determine the prevalence of rape. By adopting the more inclusive, federal legal definition of rape in their student code of conduct, universities recognize that having sex without consent is rape regardless of gender or the tactics used. Furthermore, assessing rape victimization using behaviorally specific criteria¹³ allows for more accurate prevalence rates without forcing students to adopt the term rape to label their experience. Using these convergent measures, in addition to

self-reports, will allow universities to demonstrate a critical need for resources to more effectively address sexual victimization on campus.

Limitations and Future Directions

Given that this is a pilot study, caution must be used when interpreting these results. A convenience sample from one university was used; as such generalizability is limited. However, our sample was representative with 10% of the student population responding to the survey. This pilot study also includes methodological limitations that are typical of online survey research with anonymous student volunteers.

Our exploratory study may warrant additional research to confirm our findings. If our results are supported, researchers could examine the reasons for the discrepancy between the legally-identified and self-identified definitions of rape among college students. Researchers could extend the study of acknowledged and unacknowledged rapes¹⁴ to include data on the understanding and application of the current, legal definition in a variety of samples, including non-victims. Studies that further examine these and other reasons for the discrepancy could inform university rape prevention and intervention programs in their efforts to improve awareness and serve the needs of students.

Conclusions

This pilot study is the first to compare the definitions used by victims to the new, legal definition rape. It is relevant because our findings demonstrate that the new legal definition is more inclusive and revealed prevalence rates about three times greater than those from self-identification, historical researcher definitions, or the historical legal definition. Notably, students who are raped do not identify their experience as such when the perpetrator uses tactics

other than force and incapacitation. Universities who adopt the new federal, legal definition of will be able to provide more accurate prevalence rates and to better identify the resources needed to address rape on campus. These programs should raise awareness of the new definition and the tactics used to perpetrate rape to decrease the discrepancy between self-identified and legally identified rape prevalence rates. Taking these actions could catalyze a shift in campus social norms to a campus climate that does not tolerate any form of sexual violence.

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Table 1

Prevalence of Type of Rape Using the Federal Legal Definition by Tactic and Gender since Being Enrolled at the University

Type of Rape		Type of Tactic	
Threat	Force	No Consent	
Oral			
Female	0.4	1.3	2.9
Male	0.3	0.3	1.3
Anal			
Female	0.2	0.6	0.8
Male	0.1	0.1	0.3
Vaginal			
Female	0.9	3.3	6.3

Note: The researcher/federal legal definition used is as of 2012. The percentages provided are not mutually exclusive, as a victim may have had multiple experiences where more than one tactic was used.

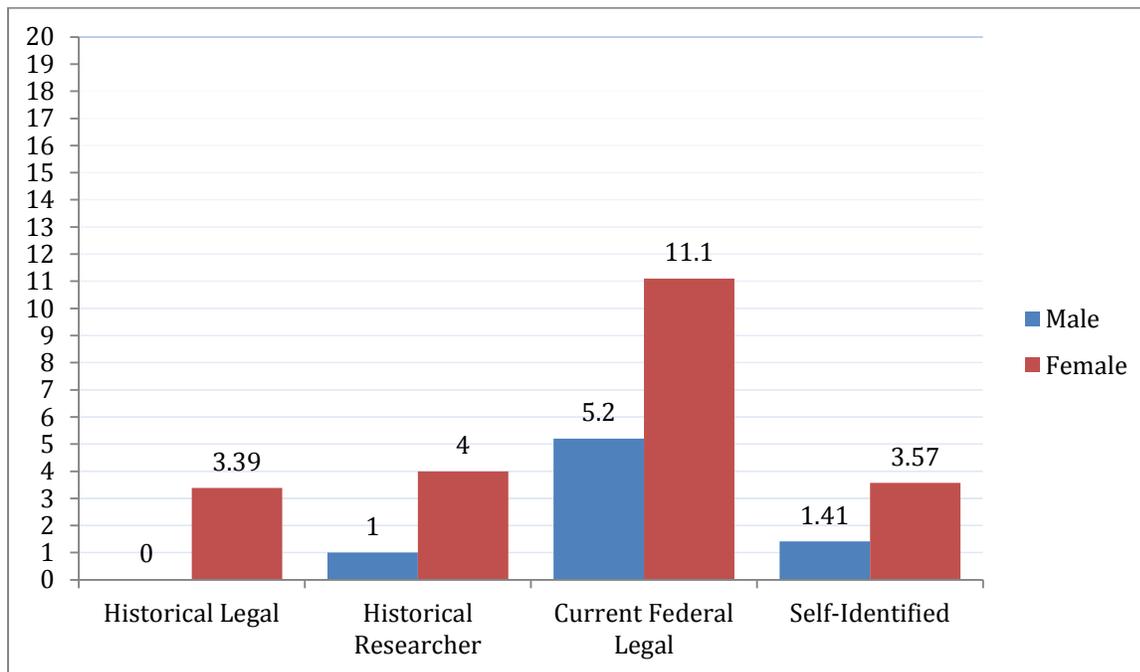


Figure 1: Prevalence of Rape by Definition and Gender