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RESEARCH ARTICLE

Sexual Misconduct on Campus: Compliance Problems with a Sexual Conduct Code for College Students and Potential Solutions

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Abstract:

Background:

The prevalence of unwanted sexual contact on college campuses is a well-documented problem. Sexual conduct codes have been adopted at most institutions, but very little empirical research has examined the content or effectiveness of these codes in relation to student behavior.

Objective:

We assessed compliance with the sexual conduct code at a large state university to evaluate the correspondence of sexual behavior and the requirements of the code.

Methods:

Two surveys were conducted to obtain information from students on their behavior in relation to each aspect of the sexual conduct code. The code at the target university requires that students verbally request and receive permission before initiating sexual conduct and eschew sexual conduct with persons who are under the influence of alcohol, prescription medications, or illegal drugs.

Results:

In both studies, majorities of sexually active men and women reported engaging in sexual conduct that violates the code, as well as having been the target of such behavior. Sexual activity under the influence of alcohol and without prior verbal consent were most prevalent. Men and women did not differ in the likelihood of violating the code or being a target of such violations.

Conclusion:

Our results identify problems in conduct codes in defining consent and sexual misconduct, and raise serious doubts about the efficacy of such conduct codes in influencing behavior or protecting students. We present potential solutions based on our results and information from conduct codes of other institutions.

Keywords: Sexual Misconduct, Sexual Assault, College, Conduct Code, Compliance, Consent.

1. INTRODUCTION

The problem of unwanted sexual contact on college campuses is well-documented. In one study in the U.S. 26% of college males acknowledged perpetrating some form of sexual assault, with 9% meeting the legal definition of rape and 14% judged as having sexually coerced another person [1]. Several studies have found that 18 to 20% of women reported having experienced some form of rape or sexual assault during their college years and over 50% of women

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reported being sexually victimized [2]. Although crime statistics tend to be much lower than they should be given the self-reported prevalence of sexual victimization, some studies have found that more than 90% of sexual assault victims on college campuses do not report the assault [3, 4]. Both sexes report experiencing unwanted sexual contact in addition to committing these acts [5], and implementation of sexual conduct codes has been recommended as an important step in dealing with sexual misconduct and acquaintance rape on campus [6].

Although most institutions address sexual behavior in a student conduct code, there is no widespread agreement on defining sexual assault/misconduct on college campuses. Unfortunately, the U.S. government itself is not consistent in defining sexual assault [7]. In a review of student conduct codes at 8 private and 24 public institutions in the U.S., definitions of sexual misconduct were evenly split between those that are very broad and those that are very specific [8]. Broad definitions typically use a variation of the statement that sexual activity must only occur among consenting adults, while specific misconduct policies describe sexual assault and misconduct in detail. In addition to variation in specificity of defining misconduct, the definition of consent to engage in sexual activity also varies across institutions. Conduct codes that define consent typically describe it as “a person freely agreeing to the sexual act, that the person is conscious and able to communicate, that the person is of legal age to consent...” [8, p.81]. Some conduct codes note that alcohol and drug use or intoxication make a person incapable of consent and note that ignorance of intoxication of the alleged offender or complainant cannot be used as a defense [8].

Interviews with 27 judicial officers (individuals who have the responsibility of applying the code of conduct to the behavior of individual students) revealed that most felt that a key weakness in sexual misconduct codes was the definition of sexual misconduct/assault itself, regardless of whether it was broad or specific. Overall, there was uncertainty about the most effective way to define this subject. When asked to recommend ways to strengthen or improve the policies in place at their institutions, most judicial officers indicated a need to revisit or restructure policies and definitions of sexual assault/misconduct, regardless of the breadth or specificity in their current conduct codes [8]. In 1991, Antioch College was a pioneer in introducing a specific sexual conduct code that several institutions have since modeled after. The “Infamous Sexual Assault Policy” of Antioch College [9] provides a very clear and appropriate definition of consent, but other provisions of the code seem to go beyond statutory requirements for establishing consent. For example, the Antioch College code defines sexual advances as coercive unless prior verbal consent to that behavior is requested and given at each level of sexual intimacy.

Other than the information from 32 institutions provided in the only available review of conduct codes [8], we were unable to find any empirical studies that described the prevalence of different types of sexual misconduct codes, their influence on behavior, or levels of attitudinal support for such codes. Most surprising, we were unable to find any empirical studies that evaluated student awareness of sexual conduct codes or compliance with them, or that assessed the impact of conduct codes on behavior. In an effort to assess awareness and compliance, we attempted to determine whether student sexual conduct on the campus of one large state university in the Southeast U.S. was consistent with the dictates of that school’s conduct code. The target university has a specific sexual conduct code with the following definition of sexual misconduct and consent:

“Rape is defined as un-consenting sexual penetration, coercion, or penetration against the victim’s will. Any sexual conduct which occurs between members of the university community on or off the university campus shall be consensual, meaning that willing and verbal agreement shall be clearly given in advance by all persons involved at each new level of such conduct. A person shall not knowingly take advantage of another person who is under 18 years of age, mentally defective, under the influence of prescribed medication (e.g., oral contraceptives), alcohol or other chemical drugs, or who is not conscious or awake, and thus is not able to give consent as defined above. Further, a person shall not physically or verbally coerce another person to engage in any form of sexual conduct, to the end that consent as defined above is not given.”

We conducted two surveys of students to assess their level of compliance with the various requirements of the code. Both surveys contained questions about sexual contacts that closely tracked the requirements of the sexual conduct code as defined in the student handbook and taught in student orientation sessions. The two studies are in some ways replications of each other, but they also differed in several ways. Somewhat different approaches were used in sampling and in questions about sexual activity. Study 2 also focused more on assessment of variables seen as potential moderators of compliance with the code. Finally, the questions about sexual conduct contained in the two surveys assumed different interpretations of the meaning of the code. The language of the code requires that sexual conduct “which occurs between members of the university community” must be consensual. Members of the university community include any student, faculty or staff member, and consent is required for every sexual encounter. The code

does not specify sexual orientation, therefore, “sexual conduct” in the code and in our surveys includes any sexual activity. In Study 1, we asked our respondents about sexual contacts they had since enrolling as students, and we did not specify whether such contacts involved other members of the university community. Study 2 assumed a literal interpretation of the code and respondents were asked only about sexual contacts that they had with other members of the university community since their enrollment.

The two surveys were designed to address several questions. Are students aware that a sexual conduct code exists? What is the level of compliance with the code and what requirements of the code are most likely to be violated? Are there sex differences in compliance and what are the correlates of compliance with the code? Both surveys provided answers through somewhat different sampling and measurement strategies. Based on discussions we had with classes that did not participate in data collection, we hypothesized that a substantial number of students would be unaware of the sexual conduct code, and that the step-by-step verbal permission required by the code would result in large noncompliance rates. Based on the prevalence of the use of prescription drugs, alcohol, and illicit drugs among college students, we hypothesized substantial noncompliance with the requirement that participants involved in any sexual activity cannot have consumed prescription medication, alcohol, or illicit drugs.

2. METHOD STUDY 1

2.1. Participants

In Study 1 we recruited participants outside large psychology classes. Those who agreed to participate in completing a “short survey” were taken to a classroom reserved for data collection and had the opportunity to seat themselves a comfortable distance from other participants to maintain privacy. Students provided informed consent verified with their signature, completed the anonymous questionnaire, and read a debriefing form. All respondents were at least 18 years of age and received extra credit for their participation.

2.2. Questionnaire

We constructed a 34-item questionnaire to examine awareness of the sexual conduct code and prevalence of behaviors in violation of the code. The first section assessed basic demographic information including age, sex, ethnicity, and class standing. The next section contained questions about the respondent’s sexual conduct preceded by the phrase, “During the time you have been a student at the university....” These questions appeared in pairs with the first question referring to conduct initiated by a student that might represent a violation of the code by the respondent and the second question referring to the parallel situation in which the respondent might have been the target of a violation of the code. The first three pairs of questions dealt with prior verbal permission to engage in breast fondling, genital fondling and sexual intercourse. The remaining questions dealt only with sexual intercourse, and several addressed sexual intercourse between persons whose ability to consent was impaired because they were under the age of 18, or under the influence of alcohol, prescription medications, or illegal drugs. Three pairs of questions assessed whether the respondent had ever had sexual intercourse under conditions where consent was clearly absent for them or their sexual partner. These questions dealt with sexual intercourse while they or their partner were asleep, physically restrained, or “talked into sex.” The last two questions addressed the respondent’s awareness of the code and whether they believed they have ever violated the code. Although physical restraint could be voluntary, the code does not make this distinction and we did not collect data on this aspect of restraint.

We obtained IRB approval from our institution for both studies and a copy can be provided upon request. All participants provided written informed consent and understood that they could withdraw from either study at any time without penalty.

3. RESULTS STUDY 1

A total of 304 students completed surveys. There were 221 females (73%) and 83 males (27%) and their mean age was 21.26 (SD = 3.56) years. The majority of respondents were white ($n = 216$, 71%), 35 (11.5%) described themselves as Hispanic/Latino, 29 (9.5%) Black/African American, 12 (3.9%) Asian, and 12 (3.9%) described themselves as “other.” Nine (3%) respondents were freshmen, 58 (19.1%) were sophomores, 98 (32.2%) were juniors, 102 (33.6%) were seniors, and 37 (12.2%) were graduate students or post-baccalaureate.

3.1. Step-by-Step Verbal Permission

Responses to questions about having engaged in sexual activity without verbal permission and being the target of such behavior are presented in Table 1. The only significant sex difference found is that women were significantly less likely to report that they had fondled their partner's breasts without permission ($\chi^2(1)=75.396, p<.001$).

Table 1. Percentages of male and female respondents in study 1 who reported sexual activity without prior verbal permission.

Item	Female %	Male %	χ^2	<i>p</i>
Your breasts touched	59.3	45.8	2.889	ns
You touched other's breasts	9.5	55.4	75.396	<.001
Your genitals fondled	46.2	51.8	.883	ns
You fondled other's genitals	37.1	40.0	.481	ns
You had sexual intercourse w/o asking	29.4	31.3	.150	ns
You had sexual intercourse w/o being asked	34.8	28.9	.836	ns

To assess overall levels of sexual conduct without verbal permission, we counted the number of students who responded affirmatively to at least one of the three questions involving their initiating or being the target of sexual activity without verbal permission (see Table 2). There was no significant sex difference in being a target with regard to lack of verbal consent. Males, however, were more likely to report violating this aspect of the code [$\chi^2(1) = 12.184, p < .001$].

Table 2. Percentages of students in study 1 who either violated the code, or were a target of a violation according to the sexual conduct code (female *n* = 221, male *n* = 83).

Item	Female Violator	Female Target	Male Violator	Male Target
Sexual activity without verbal consent	42.1	67.4	64.6	60.3
Sexual intercourse under influence of alcohol	61.4	65.1	64.7	62.0
Sexual activity under influence prescription medications including oral contraceptives	36.7	49.8	33.7	25.3
Sexual activity under influence illegal drugs	41.6	37.6	42.2	41.0
Any of the above violations	77.4	86.4	86.7	81.9

3.2. Sexual Activity Under the Age of 18, or Under the Influence of Alcohol or Drugs

Thirty-one males (37.3%) and 31 females (14%) reported having sexual intercourse with a person who was under age 18, and 40 males (48.2%) and 102 females (46.2%) reported that they had engaged in sexual intercourse when they were under 18 while a member of the university community. Numbers of students who reported that they had engaged in sexual intercourse with someone who was under the influence of alcohol or other drugs, or when they themselves were under the influence are presented in Table 3. None of the sex differences were statistically significant.

Table 3. Percentages of respondents in study 1 who reported sexual intercourse when they or their partner were under the influence of alcohol, prescription medication, or illegal drugs.

Item	Females – Yes %	Males – Yes %	χ^2	<i>p</i>
Self				
Alcohol	65.1	62.0	.383	ns
Prescription Medication	49.8	25.3	14.468	<.001
Oral Contraceptives	60.9	1.2	86.097	<.001
Rohypnol (roofies)	6.3	2.4	1.815	ns
Heroin	1.8	0	1.504	ns
Pain Killers (opiates)	18.6	14.6	.636	ns
GHB	4.5	8.5	1.818	ns
MDMA (ecstasy, molly)	24.4	11.0	6.578	<.05
Partner				
Alcohol	61.4	64.7	.164	ns
Prescription Medication	36.7	33.7	.208	ns

(Table 3) *contd....*

Item	Females – Yes %	Males – Yes %	χ^2	<i>p</i>
Oral Contraceptives	2.3	39.0	75.050	<.001
Rohypnol (roofies)	5.0	0	4.235	<.05
Heroin	1.4	0	1.124	ns
Pain Killers (opiates)	17.6	12.2	1.311	ns
GHB	8.1	4.9	.948	ns
MDMA (ecstasy, molly)	24.9	14.6	3.650	ns

The survey contained two pairs of questions that addressed sexual conduct under the influence of prescription medications. The first pair was intended to be consistent with the language of the code and asked about any prescription drug usage, including use of oral contraceptives. The second pair of questions addressed sexual conduct specifically under the influence of oral contraceptives. We distinguished use of oral contraceptives because we doubted that oral contraceptives affect the ability to consent. It would seem unwise for the code to discourage use of oral contraception, however, a literal reading of the language of the code would seem to do so. Unfortunately, results suggest that some of our respondents did not respond accurately to these questions. Among males, only 28 (33.7%) reported that they had had sexual intercourse with someone who was under the influence of any prescription medication including oral contraceptives, but 32 (38.6%) reported that they had engaged in sexual intercourse with a partner who had been using oral contraceptives alone. This is a logical contradiction. We believe the most likely interpretation of these results is that some respondents treated the first question as one referring to prescription medications other than oral contraceptives. Clearly, these results should be interpreted cautiously.

Similar to males, it appears that some female respondents misinterpreted questions about prescription drug use. While 134 (60.6%) reported engaging in sexual intercourse while using oral contraceptives, only 110 (49.8%) of the female sample reported being under the influence of some prescription medication (including oral contraceptives) during sexual intercourse. Again, we suspect that many of these respondents did not consider their use of oral contraceptives when answering the more inclusive question. The apparent confusion about the meaning of the questions may not be as prominent in the sex differences presented in Table 3. More females than males reported being under the influence of prescription drugs, which appears logical due to the higher frequency of oral contraceptive use by females.

The proportion of males and females who had engaged in sexual intercourse with someone who was under the influence of illegal drugs was almost identical, 42.2% of males and 41.6% of females. Likewise, similar proportions of males and females had used illegal drugs prior to engaging in sexual intercourse, 41% of males and 37.6% of females. Relatively few respondents reported use of specific illegal drugs for themselves or their partner, however, there were significantly more females who reported engaging in sexual intercourse while under the influence of MDMA. There also were significantly more females who reported that their sexual partner had been under the influence of Rohypnol (see Table 3).

3.3. Sexual Intercourse with Someone Asleep and Coercion

Only one male (1.2%) reported engaging in sexual intercourse with someone who was asleep, and three males (3.6%) reported that someone had engaged in intercourse with them while they were asleep. Similarly, two females (1%) reported having sexual intercourse with someone who was asleep, and 10 females (4.5%) reported being targeted while sleeping. Two survey items referred to “talking someone into” having sexual intercourse and physically restraining someone to have intercourse. Twenty-two females (10%) and 19 males (22.9%) reported having talked someone into sexual intercourse, and 74 females (33.5%) and 25 males (30.1%) reported having been talked into sexual intercourse themselves. Additionally, one male and one female (1.2% and 0.5% respectively) reported having been physically restrained, while two males and fourteen females (2.4% and 6.3% respectively) reported having physically restrained someone else to have sexual intercourse.

3.4. Overall Levels of Noncompliance

To determine whether respondents had committed violations or been targets of violations in at least one of four domains (sexual activity without verbal permission, or sexual activity under the influence of alcohol, prescription medications, or illegal drugs), a count was made of the number of respondents who reported any of these violations. Reports of verbal or physical coercion were not used in computing this index. Nor were reports of having sex with someone under the age of 18 or someone asleep. We excluded these responses because these acts are likely to be deemed sexual coercion under state statutes and we wanted to compute an index of code violations that did not include

violations of existing laws. We found that 171 females (77.4%) and 72 males (86.7%) reported having been initiators of sexual activity that violated at least one provision of the code, and 191 females (86.4%) and 68 males (81.9%) reported having been targets of sexual activity that violated at least one provision of the code. There were no significant sex differences in reports of being a target, but males were more likely to report violating aspects of the code [$\chi^2(1) = 5.717$, $p < .05$].

3.5. Awareness of the Code

Although all students are presented with information about the code during orientation and in the student handbook, less than half reported being aware of the existence of a sexual conduct code (41 males, 49.4%; 93 females, 42.1%). Though many respondents were unaware of the code, the overwhelming majority did not think they had ever violated the code (68 males, 81.9%; & 205 females, 92.8%). Their responses to questions about their sexual conduct, however, is in marked contrast to these opinions. Of the 68 males who believed they had not violated the code, 56 (82.4%) endorsed one or more behaviors that represented a violation. Of the 205 females who believed they had never violated the code, 151 (73.7%) had done so based on their responses. Overall, the proportion of respondents who violated the code did not significantly differ based on awareness of the code.

4. DISCUSSION STUDY 1

The results of Study 1 raise important questions about the effectiveness of the type of sexual conduct code in use at this university. It is noteworthy that more than half of our respondents were unaware of the existence of the code. Clearly, it is unlikely that the code has impact on the behavior of people who are unaware of its existence. While less than half the respondents reported being aware of the sexual conduct code, the majority did not believe that any of their past behaviors constituted a violation of the code. Among those who stated that they were aware of the code, more than three-quarters reported that they did not believe they had committed a violation. Our results, however, indicate that the majority of them had violated the code. Overall, the proportion of those who reported violating the code was virtually the same whether they were aware of the code or not.

Responses to our questions regarding sexual conduct should be interpreted cautiously. It is possible that some respondents gave affirmative responses to sexual conduct questions that overstate the degree to which they violated the code. In particular, some affirmative responses regarding sexual activity with persons under 18 may have been based on behaviors that occurred prior to enrollment at the university, and thus were not covered by the code and are not violations. Another issue relates to the wording of questions. With the exception of questions in the section concerned with step-by-step verbal permission, our questions consistently referred to the behavior having occurred without requiring identification of the initiator of the behavior. For example, a respondent who answered that they had engaged in sexual intercourse while they were under the influence of alcohol may have been the one who initiated the intercourse, rather than their partner. While it is not clear whether this is an important distinction under the wording of the code, opinions are likely to vary on whether a person who initiates sexual activity while intoxicated is a "target." Additionally, our results suggest that respondents may have misinterpreted items referring to prescription medication and oral contraceptives. Because "oral contraceptives" were included as an example of prescription medications in the more inclusive item, it is illogical that more respondents could report engaging in sexual activity while using oral contraceptives than the use of any prescription medication including oral contraceptives. It is likely that some respondents chose not to include oral contraceptives when responding to the item referring to prescription medications in general. Finally, respondents were a convenience sample selected from large psychology classes and may not be representative of the student population.

While there are limitations to the data collected in Study 1, results suggest that most students at this university do not comply with the requirements of the sexual conduct code whether they are aware of it or not. It also appears that the proportion of respondents who engaged in behavior in violation of the code is comparable to the proportion that was the target of similar violations of the code. The high proportion of violators and targets indicates substantial overlap in these groups. In other words, many violators have been targets and vice versa, regardless of sex.

5. METHOD STUDY 2

5.1. Participants

All respondents were volunteers who were approached with a request to complete an anonymous survey and

received no extra credit or other incentive. To obtain a diverse sample students were approached in a variety of locations on campus (two buildings containing large classrooms, the student union, dining hall, library, fitness center, and several other sites on campus). All respondents were at least 18 years of age and provided informed consent before completing the anonymous survey and receiving a debriefing form. A total of 292 students (139 men, 47.6%; 153 women, 52.4%) completed the survey. They were younger on average than the Study 1 sample ($M=20.5$ years) and represented great diversity in college, class standing, and ethnic background. One hundred fifteen (39.4%) were enrolled in the College of Arts and Sciences, 54 (18.5%) in Health and Public Affairs, 43 (14.7%) in Business, 37 (12.7%) in Engineering, 18 (6.2%) in Education, and 24 (8.2%) had not chosen a major. One hundred seven (36.6%) described themselves as freshmen, 59 (20.2%) as sophomores, 62 (21.2%) as juniors, 70 (24%) as seniors, and 10 (3.4%) as graduate students or post-baccalaureate. One hundred seventy-two (58.9%) described themselves as white, 35 (12%) as Black/African-American, 31 (10.6%) as Hispanic/Latino, 11 (3.8%) as Asian, 8 (2.7%) as Native American, and 35 (11%) described themselves as 'Other.' The representation of sex, college, class standing, and ethnic background is consistent with the population of the university.

5.2. Questionnaire

The survey included questions on demographics (sex, age, class standing, college of major, self-rated religiousness, and ethnic background) and sexual activity. The first sexual activity question assessed whether the respondents had engaged in any sexual contact with a member of the university community since enrolling at the University. Those who responded negatively were instructed to skip to the final section of the questionnaire that dealt with awareness of the sexual conduct code. Those who answered affirmatively were instructed to answer more specific questions about this sexual contact. These questions assessed whether the respondents had initiated fondling, oral sex, or sexual intercourse with another member of the university community under each of four conditions: without prior verbal permission, or when the other person was under the influence of alcohol, prescription medications, or illegal drugs. Parallel questions dealt with whether another member of the university community had initiated fondling, oral sex, or sexual intercourse with them under any of the same conditions. At the conclusion of this section, respondents were asked "Have you ever physically forced someone to have sex with you?" The parallel question, whether the respondent had been forced to have sex with someone was also included. The final section of the survey was concerned with awareness of the university sexual conduct code. The last question asked each participant: "Do you believe you have ever violated the university sexual conduct code?" The debriefing form contained an explanation of the purpose of the survey and a copy of the conduct code.

6. RESULTS STUDY 2

Slightly more than half of our respondents (51.6%) indicated they had engaged in sexual activity with another member of the university community. A literal interpretation of the code suggests that it is relevant only to sexual interactions in which all respondents are members of the university community. Accordingly, we had Study 2 respondents who reported no sexual contact with other members of the university community skip questions about their sexual experiences. The results below focus only on those respondents who indicated that they had engaged in sexual activity with other members of the university community.

6.1. Measures of Noncompliance with the Code

An index of noncompliance was computed by counting affirmative responses in four domains: asking for and receiving verbal permission, being under the influence of alcohol, being under the influence of prescription medications, and being under the influence of illegal drugs. A similar index was computed by counting affirmative responses to questions about whether another member of the university community had initiated sexual activity with them under the same conditions (see Table 4). To examine sex differences, we compared male and female distributions in each row of Table 4 using Phi coefficients and none were significant. Thus, the proportion of females initiating sexual activity in each domain did not differ from the proportion of males initiating sexual activity in that domain. Similarly, there were no significant differences in the proportion of males and females who were targets of such initiations.

6.2. Correlates of Noncompliance

We computed an index of overall noncompliance to explore correlates. This index was the sum of the number of domains in which a respondent reported initiation of sexual activity in violation of the code. Scores on the index could

range from zero, indicating total compliance, to four, which would have indicated noncompliance in all four domains. Scores on this index did not differ significantly by sex, location of data collection, marital status, or ethnicity.

We computed Spearman correlations between our index of noncompliance and several predictor variables (student demographics, factors related to their sexual activity, and their awareness of, and perceived compliance with the code; see Table 5). Age was significantly correlated with noncompliance for both males and females, class standing was significantly related for females and nearly so for males. Religiousness was negatively correlated with noncompliance for females but not for males.

Table 4. Percentages of sexually active students in study 2 who either initiated or were targets of sexual advances that violate the sexual conduct code (female $n = 78$, male $n = 79$).

Item	Female Initiator	Female Target	Male Initiator	Male Target
Sexual activity without verbal consent	51.3	57.7	46.8	67.1
Sexual intercourse under influence of alcohol	51.3	59.0	64.6	64.6
Sexual activity under influence of prescription medications	14.1	32.1	10.1	22.8
Sexual activity under influence illegal drugs	41.0	34.6	29.1	34.2
Any of the above violations	66.7	73.1	72.2	77.2

Note. Tests of significance (Phi Coefficients) comparing male initiators with female initiators and male targets with female targets within each row failed to reveal any significant differences.

Table 5. Spearman r correlations between noncompliance with the university sexual conduct code and predictor variables among sexually active male and female students in study 2 (female $n=78$, male $n=79$).

Predictor Variables	Females	Males
Age	.27*	.27*
Class Standing	.23*	.22
Self-rated religiousness (not at all=1, very=4)	-.31*	-.14
Are you aware of the code? (no=1, yes=2)	.09	.05
Do you believe you ever violated code? (no=1, yes=2)	.38*	.25*
Ever forced someone to have sex? (no=1, yes=2)	.13	.12
Ever been forced to have sex? (no=1, yes=2)	.34*	.13*
Degree to which respondent has been 'target' of code violations (low=0, high=4)	.84*	.74*
* $p < .05$		

Awareness of the code was not correlated with noncompliance, however, believing that they had violated the code was significantly correlated with noncompliance for both sexes. Having forced another student to have sex was not correlated with noncompliance, but this may be due to the infrequency of this behavior. Having been forced to engage in unwanted sexual activity was significantly correlated with noncompliance for females, but not for males.

The best predictor of noncompliance with the code was whether the respondent had been a target of violations of the code. This index consisted of a count of the number of domains in which respondents had been targets of sexual advances in violation of the code and scores on this index could range from zero to four. There was a significant correlation between this index and our measure of noncompliance for both sexes. Respondents, whether male or female, who were initiators of sexual activity in violation of the code were also likely to have been targets of sexual advances that violate the code.

7. DISCUSSION STUDY 2

Among students who have been sexually active with another member of the university community, nearly three-quarters of the males and two-thirds of the females reported behavior that violates the sexual conduct code. Respondents were particularly likely to have initiated sexual activity with persons who were under the influence of alcohol or without asking for and receiving prior verbal permission. Smaller proportions reported that they had initiated sexual activity with persons who had used illegal drugs or who were taking prescription medications. We suspect that the latter numbers, however, may be underestimates because some respondents may have initiated sexual activity with persons who were taking prescription medications without being aware of that fact.

Though most respondents reported some form of noncompliance, the levels of noncompliance were somewhat lower

than those observed in Study 1. This may be due in part to differences in sampling procedures. The respondents in Study 1 were older and had higher levels of class standing than respondents in Study 2. Therefore, Study 1 participants had a longer period of time in which to engage in sexual conduct and more opportunities to violate the code. Also, the levels of noncompliance observed in Study 1 may have been inflated by respondents reporting some behaviors that occurred prior to their enrollment. In addition, the survey in Study 2 explicitly identified sexual activity with other members of the university community as the focus and students may have been less likely to include sexual activity with those outside the university. Despite differences between Study 1 and Study 2, it is clear that many students at this university fail to comply with the dictates of the code.

Male and female respondents in both studies reported that they were a target about as often as they were the perpetrator of code violations. Solid majorities of sexually active men and women reported having engaged in sexual conduct without having granted their verbal permission, or while they were under the influence of prescription medications, illegal drugs, or alcohol. Unfortunately, the questions we asked did not reveal whether respondents were simultaneously violators and targets, or whether their violations of the code and their being a target under the code occurred in different sexual encounters. We suspect that many of our respondents had sexual encounters in which both parties might have been considered violators of the code and targets of such violations (e.g., both persons being intoxicated).

Consistent with the results of Study 1, examination of the correlates of noncompliance in Study 2 indicates that awareness of the code is not associated with levels of compliance. This finding certainly raises questions about the effectiveness of the code in influencing behavior. If the code had an impact on sexual behavior, one would expect that students aware of the code would be more likely to comply with its requirements. However, it should be acknowledged that our assessment of awareness of the code was limited to a single question. An affirmative answer to this question indicates only awareness of the code's existence and does not establish that the respondent had any knowledge of its content. Future investigations in this area should include a more comprehensive assessment of knowledge of the content of the code. In addition, inquiring about students' reactions to such codes would be helpful for determining if perceptions of the need for a code and the reasonableness of requirements may serve as moderators of compliance.

Respondents who admitted they had forced another to engage in sexual activity were not more likely to report other violations of the code, and there was no significant relationship between admissions of the use of force and overall compliance with the code. On the other hand, our results did show that women who reported that they were forced to engage in sexual activity also reported higher levels of noncompliance. This may be because students who violate the code are also placing themselves at greater risk of being targets of behaviors forbidden by the code.

Age, class standing for females, and religiousness for females were related to noncompliance. It is possible that age and class standing may simply be opportunity variables. Older and more advanced students have had more time to engage in sexual activity and may have had more opportunities to violate the code. Religiousness may serve to reduce opportunities for females by inhibiting sexual activity. These findings suggest a methodological refinement for future research. Opportunity variables should be assessed and their effects accounted for if the focus is on the effectiveness of sexual conduct codes.

The most powerful correlate of violations of the code is having been a target of violations of the code. In other words, those students who are more likely to report initiating sexual activity in violation of the code are overwhelmingly the same students who report that their partners have initiated sexual activity with them in violation of the code. One interpretation of this result might see these sexual interactions as coercive. However, despite the fact that these sexual interactions are nonconsensual according to the code, respondents may perceive them as mutual and consensual. With an unstated and unmistakable understanding, two people might choose to become intoxicated together before engaging in sexual activity. According to the conduct code, both are violators who have engaged in sexual activity with someone under the influence of alcohol, and they have violated another requirement of the code if neither of them requested and received verbal permission to engage in sexual activity. The questions asked in the present study did not assess perceptions of consent, and future investigations would benefit from examining this aspect of sexual behavior in relation to conduct codes.

8. GENERAL DISCUSSION AND CONCLUSIONS

These studies strongly support several conclusions. First, sexually active students are very likely to report engaging in sexual activity that does not conform to the requirements of the sexual conduct code. Among sexually active students

in Study 2, nearly two-thirds of the females and three-quarters of the males report violating the code in at least one way in one of their sexual encounters. Second, both studies suggest that likelihood of being a target is virtually the same as the likelihood of violating the code oneself, and prevalence is nearly the same for both sexes. Finally, the results of Study 2 reveal that the number of ways one has been a target is highly correlated with the number of different types of violations. In short, the respondents most likely to report being the target of one or more violations of the code are the same ones most likely to report that they committed one or more violations of the code.

Perhaps most importantly, both studies found that awareness of the code was unrelated to the likelihood of violating the code. It is possible, given our single item assessment of awareness of the code, that many respondents were aware of the existence of a code, but largely ignorant of the content. This conclusion is suggested by another finding in both studies. Substantial majorities of respondents who believed they had never violated the code nonetheless reported sexual behaviors that represented violations of the code, particularly in the area of consent. One way to interpret these findings is to suggest that students have a strong personal sense of what constitutes consensual sexual relations, and that this sense is quite different from that stated by the requirements of the code. Whether students were aware of the content of the code or not, they may have responded to our question about whether they had ever violated the code by asking themselves instead whether they had violated their personal sense of consensual sexual relations. In any event, it seems clear that the standards for consent in the code have not become the standards applied by most students at this university. Whether this is because students are not sufficiently aware of the code, or they are unwilling to accept its definitions of consent, is a question for further research.

Requiring verbal consent for each level of sexual contact offers a very specific definition of consent that might be ideal, but it may not fit a substantial proportion of consensual sexual activity, a conclusion supported by the prevalence of noncompliance for this aspect of the code found in our results. In fact, a study of students' indicators of sexual consent found that men and women frequently use nonverbal methods to indicate consent, although men report more use of nonverbal strategies than women for providing and interpreting consent [10]. After studying detailed information on the codes from 32 schools provided in the only available review [8], and our own review of the codes of 10 large state universities representing each region of the U.S., we concluded that the University of Washington (UW) conduct code [11] provides an ideal example of a comprehensive and clear description of sexual misconduct, and a definition of consent that can include nonverbal behavior. The UW code states that "Consent means that at the time of and throughout the sexual contact, there are actual words or conduct indicating freely given agreement between the parties to engage in the sexual contact." In addition to this statement, their code describes numerous important aspects of consent in detail, including examples of indicators that a person may be incapacitated by drugs or alcohol.

Several limitations of this research should be noted. First, the wording of the sexual conduct code at this university complicated efforts to translate its requirements into clear questions. For example, the code does not provide a definition of "under the influence" of alcohol or drugs which may lead to individuals using their own interpretation of this phrase. The role of alcohol and drugs in consent is addressed more specifically in conduct codes that state that consent cannot be given or granted by a person who is mentally or physically incapacitated by alcohol or drugs (UW Student Conduct Code).

Another source of difficulty is that sexual interactions are covered by the code only if all participants are members of the university community. We addressed this issue by using a more inclusive definition in Study 1 that included all sexual conduct since enrollment. In Study 2, we only asked about sexual behavior if students noted that they had engaged in sexual activity with other members of the university community. We made this choice because we did not want to co-mingle sexual behaviors that were covered by the code with those that were not. However, this choice did not allow us to compare sexual activity covered by the code with activity not covered by the code. Further, it meant that we obtained virtually no data on the sexual activity of nearly half (48.4%) of our respondents in Study 2.

One could argue that our focus in Study 2 on only the sexual conduct of those respondents who reported that they had engaged in sexual activity with other members of the university community served to inflate our estimates of noncompliance. We must acknowledge that only a minority of the entire sample of 292 students reported any violation of the code. However, this is because nearly half of our respondents never had any sexual contacts that were covered by the code. These respondents had no opportunities to violate the code, or to engage in sexual activity that was fully in compliance with the code. It is clear that the intent of the code is to promote consensual sexual interactions among the sexually active. Thus, the appropriate population to study is students who are sexually active. To argue that a minority of respondents violated the code when half of the students under consideration did not engage in any sexual activity with other members of the community is akin to including persons who do not drive in estimates of the proportion of

drivers who exceed the speed limit. One could argue that the code is successful in preventing risky sexual activity to the extent that it discourages some students from engaging in sexual activity altogether, but there is no evidence that it is the existence of the code that accounts for the lack of sexual activity.

Our measurement of several variables was relatively crude. Our measures of overall noncompliance with the code allow us to distinguish respondents who have violated different aspects of the code from those who have violated only one, but do not reveal the frequency of violations. Similarly, our single item measure of the use of force is somewhat narrow and may have failed to elicit affirmative responses from persons who have in fact used force in sexual encounters.

Overall, our results raise questions about the effectiveness and wisdom of the type of code used at this and many other universities. Can the code be judged to be effective if sizable majorities of sexually active male and female students violate its requirements? Can the code be effective if the sexually active students aware of it are no more likely to comply with its requirements than those students who are unaware? Can the code protect students if a majority of sexually active male and female students are both perpetrators and targets of code violations? Further research to answer these questions is essential for our efforts to make college campuses safe for all students.

ETHICS APPROVAL AND CONSENT TO PARTICIPATE

Not applicable.

HUMAN AND ANIMAL RIGHTS

No Animals/Humans were used for studies that are base of this research.

CONSENT FOR PUBLICATION

Not applicable.

CONFLICT OF INTEREST

The authors declare no conflict of interest, financial or otherwise.

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Declared none.

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