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2007

Violent Personal Crimes on Campus: The Influence of Size, Setting, and Police Presence

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Recommended Citation

McKinney, Chris, "Violent Personal Crimes on Campus: The Influence of Size, Setting, and Police Presence" (2007). *MPA/MPP/MPFM Capstone Projects*. 171.
https://uknowledge.uky.edu/mpampp_etds/171

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Executive Summary

Statement of the Problem

Violent campus crime, in particular rape and aggravated assault, has become more pronounced in the last several decades. The judicial and legislative branches have responded through court decisions and legal enactments that require most universities to collect and report campus crime data. Many concerns have arisen as to the effectiveness and implications associated with such mandates. Some believe current laws do little to improve campus safety. Some suggested solutions to address campus crime have involved safety initiatives/programs and potential staffing increases to their campus police force.

Research Questions

- Are universities a reflection of surrounding community levels on violent crime and police staffing?
- Are violent on campus crimes and police staffing impacted by university location and enrollment?
- Does a relationship exist between police staffing and violent levels of personal crime?

Methodology

This study used a population of all Kentucky state-sponsored universities and their surrounding communities. Study measures involved demographic characteristics, police presence and violent personal crime. The data were analyzed using SPSS descriptively, in terms of frequency and measures of central tendency, and inferentially to test hypotheses. Independent t-tests were used to test differences in dependent variables (police presence and prevalence of crime) between campus and community. Differences in dependent variables by institutional setting were computed using a series of one-way analysis of variance (ANOVA).

Findings

Steady growth in both enrollment and community population existed from 2002-2005. However, campus growth outpaced surrounding community growth. The staffing level for campus police was less than their host community counterparts, but proved statistically significant in only two study years. In spite of comparatively smaller campus police presence, the risk of aggravated assault was higher for community residents than students on campus. However, the prevalence of forcible rape did not differ between campuses and community for any of the years observed. While campus police officer to student ratios declined as campus enrollment increased, there were no statistically significant correlations between the prevalence of forcible rape and university enrollment. Limitations on the study include: the study's small sample, which impacts statistical testing unless strong correlations are identified; the lack of statistical significance for prevalence of forcible rape by both university and host community size should be interpreted cautiously because of the small cell sizes within each level; data reporting limitations, where discrepancies were identified and addressed; and other factors such as misreporting/underreporting also served as limitations but can not be fully properly measured.

Recommendations

The following recommendations are suggested: 1) further research needs to be conducted to measure factors not captured in this study, 2) an increase in campus police may result in potential on campus assault reduction, but have little impact reducing on campus rape –meaning additional and comparative program evaluations should be undertaken to measure the effectiveness of other campus safety initiatives, 3) to make campuses safer and to reduce institutional liability – administrators must continue to develop and test different programs rather than rely on campus mandated reporting requirements to satisfy their duties in this area.

Introduction

Many current campus safety requirements and reporting rules unnerve university administrators. In Kentucky, administrators are required to submit annual campus crime survey statistics as a result of existing laws.¹ In theory, the function is merely an informational reporting requirement. But the information's usefulness may have limited value in enhancing the protection of the campus population. To complicate the administrative requirement, many campus safety experts are convinced that some campus violence victims never report information and that other reported information is misrepresented.² While it appears a long-term disadvantage, both from a liability and public-relations perspective, for campuses to intentionally hide crime;³ there may be, however, some cases in which this has occurred,⁴ if only in limited cases. These and other limitations, on reported campus statistics, not only impair a potentially informed choice by consumers, but also jeopardize the very lives of our nation's future. Students want to receive an education in a safe environment, universities want to accommodate and nobody wants to get sued.

Most everyone wants America's colleges and universities to be safer environments for students, employees, and visitors to study, work, and visit. While safety may be the last thing on the minds of many students, some take stock in available campus safety programs or campus police presence; others rely on reported campus crime statistics gathered by campus police. All forms of safety reliance seem to involve campus police in one form or another. Thus, an increase to campus police staffing levels may present a solution to relieve campus safety concerns.

This study first examines aspects of campus violence and the associated media attention. Next is a brief review of existing federal and state requirements, as well as, their legal effects on campus safety. Existing reporting requirements should not simply espouse awareness, but

should prompt universities to develop solutions, programs and initiatives to impact behavior and alter university decision making to improve campus safety. It may be considered negligent to do anything less. Many questions exist in this area.⁵ While not all can be addressed in this study, one possible solution, however, involves campus police manning. Finally, the study discusses liability exposure.

Problem Statement

Campus violence is a systemic and nationwide issue. In the past several years, the matter has garnered significant public and media attention, which will likely continue until societal concerns are resolutely satisfied that problems are addressed. Federal and state campus violence laws, originally prompted by constituent and advocacy/lobbying group pressures, have been promulgated to address concerns of some college⁶ administrators, students and parents alike. The effectiveness of such legislation is, however, questionable and actual problem-solving/solutions are left to university discretion. The impacts of associated laws vary in scope, but are felt by all branches of government, individual university administrators and campus law enforcement officials, as well as students. All groups serve as impacted participants to this study.

Some institutions have opted to address violence issues through increased security and security measures, while others have developed campus safety programs. Other institutions of higher education have chosen to satisfy minimal legal requirements, risking reduced future enrollment if prospective students decide on safer schools, potential government sanctions or lawsuits championed under victim's rights. Campuses currently face Department of Education (DOE) fines of up to \$25,000⁷ if they are found to have violated the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (1998), originally known as the Student Right-To-Know and Campus Security Act, 20 U.S.C. § 1092 (f)(the Clery Act or Act).⁸

Such a potential financial and life-threatening gamble may heavily impact university staff, faculty and students for years to come. Mere satisfaction of reporting requirements or incremental increases to campus police staffing levels may not satisfy institutional obligations in light of new expectations and continuing trends in campus violence.

BACKGROUND

A 2004 study by *College Planning and Management Magazine*, indicated there were almost 4,200 degree granting institutions in the United States with 596 new institutions open in the past ten years. Together they serve more than 15.3 million students with a combined staff of over more than 2.4 million. Between 2003 and 2013, enrollment is projected to increase 19%, to approximately 18.2 million students.⁹ Universities must get a handle on campus security and develop solutions to campus crime before populations explode. A *Dickinson Law Review* article demonstrated that, "in recent years, numerous colleges have reported murders, and the incidence of violent crime, in general, has dramatically increased on university campuses across the country."¹⁰

In November 2005, ABC News' *Primetime* ran a special about violence on campus. Reporter Jim Avila revealed the heart-wrenching stories of such violence and highlighted some of the stories reported on as part of the 35,000 crimes reported on campuses in a recent year¹¹ to include stories about: Jessica Smith, a University of Tennessee freshman, who was not simply assaulted but was repeatedly hit in the head with a brick. Jessica had aspired and was working hard to become a pharmacist, now she has trouble spelling words at even a second grade level.¹² Katie Autry, who was brutally raped and tortured in her Western Kentucky University (WKU) dorm room; and two University of North Carolina Wilmington students (UNCW): One was Jessica Faulkner, an 18 year old freshman, who was stalked and, later according to the autopsy

report was hit in the back of the head, injected with a possible date-rape drug, sexually assaulted and strangled in her college dormitory;¹³ and another young student, Christen Naujoks, who attended classes on the same UNCW campus. Christen was stalked and shot eleven times with an assault style rifle. All were victims of violent campus crimes.

More recently, due in part to media attention and legislative efforts, awareness has grown regarding the ever-present potential victimization faced by students on modern U.S. college campuses. Some studies suggest that college women are almost at the same risk level for some violent crimes when compared to similarly aged counterparts in the general U.S. population.¹⁴

Exhibit 1. Violent victimization rates of college students and nonstudents, by type of crime.¹⁵ (1995-2002)

Rates per 1,000 persons ages 18-24

Year	Violent Crime		Rape/sexual assault		Aggravated Assault		Serious Violent Crime ^a	
	College Students	Non-Students	College Students	Non-Students	College Students	Non-Students	College Students	Non-Students
1995	87.7	101.6	4.3	4.4	14.5	22.2	27.3	38.8
2002	40.6	56.1	3.3	4.1	9.1	13.2	15.3	24.1
Average annual	60.7	75.3	3.8	4.1	13.5	17.7	22.3	31.3
Percent Change 1995-02	-53.7%**	-44.8%**	-23.3%	-7.0%	-37.1%‡	-40.5%**	-43.8%**	-37.9%**

*Based on 10 or fewer sample cases.
 **The difference from 1995 to 2002 is at the 95%-significance level.
 ‡The difference from 1995 to 2002 is at the 90%-significance level.
^aSerious violent crime includes rape/sexual assault, robbery, and aggravated assault.

One of the largest campus violence studies to date found an incident rate of 35.3 per 1,000 students for sexual assault, physical assault or stalking. If risk of victimization was projected across a college career, the percentage of completed or attempted rape might climb even higher.¹⁶ While national prevalence may be less pragmatic in Kentucky, the need for

specific and additional programs must be tailored in order to affect the comprehensive needs of students and administrators at Kentucky's state sponsored universities.

In 2001, the DOE revealed their first-ever report to Congress on the nature and extent of campus crime.¹⁷ The report described several factors that "affect the volume and type of crime" and that should be considered when making comparisons of crime reports from individual campuses.¹⁸ The comparisons made in the study are tricky based on a number of future discussed concerns, however, more important are the development of solutions. Especially since universities have been given a carrot or stick ultimatum involving, the Secretary of Education's need "to recognize institutions with exemplary security procedures and policies," which must be balanced against the implementation of a potential private right of action against institutions who fail to comply with the Act.¹⁹ The DOE report indicated that on a per student basis, the national rate of sex offenses was 14.8 per 100,000 students in 1999. This rate, however, is substantially below the overall national rate for sex offenses, where the rate for rapes alone in 1999 exceeded 32.7 per 100,000 persons.²⁰ The DOE study was in this respect somewhat contrary to the DOJ study previously discussed.

Why should universities be so concerned about safety? According to an article in *The Chronicle of Higher Education*, there was a 45.5% increase in violent crime in 2001, a major cause for concern.²¹ Two of the more commonly associated violent crimes are forcible rape and aggravated assault. Obviously universities are concerned, as the failure to properly address may result in the following: 1) students will continue to suffer injuries, possibly in increasing numbers; 2) university reputations, worked hard to achieve, can be damaged or destroyed; and 3) university revenues are needed for: infrastructure expansion/maintenance, salary increases to faculty/staff, hiring additional faculty, and to sustain university growth rates. Future university

discretionary funding may be potentially diverted by costly efforts to defend lawsuits, which could possibly have been prevented if remedial safety measures and programs were timely implemented.

To effectively improve safety and reduce institutional liability, university administrators cannot limit their focus only on awareness and attempts at voluntary behavior modifications. Implementation of these style programs may assist in the satisfaction of legal duties that universities have toward reducing campus violence but much work remains uncompleted and solutions/programs must be devised to truly reduce campus violence.

How Clery Act derived and its implications on crime reporting for to universities. April 5, 1986

was one of those days that changed everything, or at least, that is “how many in higher education have come to feel.”²² This was the day that Jeanne Clery was “tortured, raped, sodomized and murdered”²³ while asleep in her residence hall at Lehigh University in Pennsylvania.²⁴ This event and the crusade Jeanne Clery’s parents' have undertaken in response have made lasting impressions on campus safety.²⁵ Her parents set out on a quest to improve campus safety and university reporting systems. Their response to this tragedy resulted in the Clery Act.²⁶ Although many agree with the necessity of this legislation, many are at odds as to whether it has positively impacted campus safety or provided any tangible solutions. Few studies evaluating the effectiveness of Clery have documented actual attitude changes among program participants, and even fewer studies have assessed changes in student behaviors, i.e., a reduction in sexual assault.²⁷ The Senior Vice President of the *American Council on Education* (ACE) appeared in a 2001 *The Chronicle of Higher Education* article and opined, “The law does little to improve safety on campuses or to influence student behavior.”²⁸ Security on Campus, Inc., replied by stating that the Act “‘could be a useful tool’ for parents and students choosing what college to

attend." However, it stressed that "[the act] should not be your only [tool] You can always make numbers say what you want them to say."²⁹ Indeed, it appears that many on both sides of the argument are doing just that. Nonetheless, most do agree that the Clery Act has increased awareness of crime on American college campuses.³⁰

The Act requires all public and private post-secondary institutions that participate in federal student aid programs to disclose certain crime information and security policies. Furthermore, all colleges and universities are to report campus crime statistics in a consistent manner on an annual basis. Schools must make timely warnings to the campus community about crimes that pose an ongoing threat to students and employees. It also requires campuses to describe their crime prevention programs and strategies designed to increase awareness about the issues and behavioral change among students.³¹ However the Act itself offers no solutions.

What solutions have been considered? While numerous laws have been designed to help prevent violence against students, several are particularly important in their application to campus safety, including Clery. Although the Act requires universities to publish annual campus crime statistics, doubts about the reliability and validity of these statistics are commonplace. Each law seems to create a plethora of separate university duties and liability concerns. Several Kentucky laws also exist to help prohibit and prevent violence against students including the sexual offender registry, KRS §17.500; the Kentucky State Police requirement to notify universities when a person required to register is residing on campus; and the Kentucky Post Secondary Education Campus Security Act (Michael Minger or Minger Act), KRS §§'s 164.99 - 164.990, which provides, *inter alia*, Clery Act similar crime reporting and fire prevention requirements.³² The Minger Act³³ largely codifies Clery in Kentucky. As such, the Minger Act requires maintenance of a public crime log recording incidents *known* to campus police and other

campus officials. Minger also requires that special reports be issued if there are ongoing threats to the campus.

In compliance with such federal and state law, Kentucky campus police departments publish yearly campus safety and security reports on crimes, which occur on campus and on campus-owned property. These legislative protections can also impact universities, which don't take campus security, such that they may stand at risk for significant government sanctions and civil liability verdicts.

LITERATURE REVIEW

The commentary about the Clery Act in education and other media suggests that the Act has not created a uniform or easily understood process of reporting campus crime, and that disagreement over the Act's implementation still exists. Early thoughts on campus crime came in the 1989 *Journal of College and University Law*.³⁴ That article revealed a significant growth and increase in the seriousness of campus crime beginning in the 1980s. It also provided a review of the student-institutional relationship with regard to crime and a description of how the courts have responded regarding institutional liability and described state legislation intended to address the issue of campus crime.³⁵ Various court views have been modified regarding liability.

Acts of violence have continued to force U.S. colleges and universities to address the dangerous and alarming violent events that send shockwaves throughout many campuses and compromise student's and employee's health and safety.³⁶ Campus crimes require fresh analyses and create new paradigms for preventing and decreasing all forms of campus violence.³⁷ Approximately fifteen to twenty percent of female college students have experienced forced intercourse (rape);³⁸ campus assault accounted for about two-thirds of college student violent crimes (sixty-three percent), while rape accounted for around six percent.³⁹

Staff, faculty and paraprofessional student staff may also be harassed and intimidated by violence-prone students in or outside of the classroom, impinging on academic freedom, policy enforcement, and their own safety and welfare. Angry students may disrupt the classroom-learning environment and threaten or assault faculty if they do not like their grades, do not get accepted into a program, or get dismissed from a program.⁴⁰

Further, it is even more disconcerting that only approximately five percent of completed and attempted rapes committed against students were reported to police.⁴¹ Rape was the only violent crime against students more likely to be committed by a person the victim knew. Non-strangers committed seventy-nine percent of the rape against students,⁴² while strangers committed fifty-eight percent of all violent crimes of students.

Sexual assault on campus is believed to be far more extensive than reported in official statistics, and the large majority of rapists are never apprehended.⁴³ The American College Health Association-National College Health Assessment (ACHA-NCHA) found that the incidence of rape and attempted rape in female college students within the 2004 academic year was almost six percent, with nearly twelve percent reporting unwanted sexual touching.⁴⁴ Colleges with 10,000 college women could experience more than 350 rapes per academic year with the vast majority of rapes occurring in dormitory living quarters.⁴⁵

Several crimes reported by the University of Kentucky (UK) Center for Research on Violence Against Women were analyzed from 2001 to 2004 in a study, which showed increased assaults in UK reports over the years, but reported a decrease in forcible rape.⁴⁶ The UK study also reported over thirty percent of female UK students face some form of victimization while attending the university.⁴⁷ Data showed the rates of victimization at UK were comparable to those of other similarly sized universities.⁴⁸ The major findings in the UK 2004 study addressed,

among several areas, prevalence, prevention/education, police staffing, training and physical safety on campus. The study revealed an unacceptable rate of victimization among female students.⁴⁹ These type studies create more challenges to the effectiveness of Clery, as one of the main purposes was to change institutional behavior.⁵⁰

Has Clery changed behavior? The UK study found that most UK female students felt safe on campus with only fifteen percent of women reported feeling afraid. While this appears positive at first glance, this perception among female students is disconcerting given that national and Kentucky trends indicate over one-third will likely experience some form of victimization while a university student.⁵¹ A 2001 article described a DOJ study showing that approximately "three percent of female college students were the victims of rape or attempted rape during the 1996-97 academic year."⁵² UK's survey revealed that 36.5% of female students at UK experienced at least one type of related victimization while at UK (20.8% sexual victimization and 10.4% physical victimization). All this may indicate that many women hold an unrealistically low appraisal of their potential risk of harm.⁵³ This again illustrates a need for law enforcement assistance and education whereas almost three fourths reported fearing strangers more.

One publication revealed ninety-four percent of female respondents indicated that the crime-report summary had not influenced their enrollment decision while ninety-nine percent of the men reported no influence.⁵⁴ Men were significantly more likely to be aware of the Act (Chi-square = 4.92, df = 1, p = 0.27) and to have read an institution's annual crime report (Chi-square = 7.49, df = 1, p = .006).⁵⁵ Women, on the other hand, were significantly more likely than their male counterparts to have read other campus material such as flyers or newspaper articles relating to crime and safety (Chi-square = 14.41, df = 1, p = .001) or to have attended a crime-

prevention or crime-awareness program (Chi-square = 44.79, df = 1, p = .001).⁵⁶ Most of the discussed programs were provided through campus law enforcement.

Campus law-enforcement officials are perhaps one of the most unsung groups directly affected by the Clery Act, but may be key to tangible solutions. The International Association of Campus Law Enforcement Administrators (IACLEA) is the professional association that represents this group.⁵⁷ IACLEA has published numerous articles on topics about the Clery Act and related issues in the *Campus Law Enforcement Journal*. For example, articles have addressed ways that campus police and student affairs personnel may work together to decrease campus crime, and ways to improve the Clery Act.⁵⁸ These are just the type of solutions and other programs that students seem to more strongly favor. IACLEA also has been quite supportive of the research on campus law-enforcement administrators and the Act.⁵⁹

A survey was conducted involving 944 IACLEA members where all respondents reported Clery Act awareness and were involved in developing or assisting with the development of the annual reports.⁶⁰ More than forty-three percent of respondents indicated that the Act stimulated some improvement of campus law-enforcement procedures and policies.⁶¹ This undoubtedly helps to relieve some of the liability stress on universities. Thirty seven percent of respondents stated “[t]hat the Act was effective or very effective in improving the quality and increasing the number of campus safety programs.”⁶² This was significant considering previously discussed student behavioral responses to similar questions.

However, fifteen percent reported that crime rates have increased since passage of the Act.⁶³ When asked whether the information contained in the mandated annual reports helped to change student behavior, an astounding *ninety percent* believed that it had not.⁶⁴ On the other hand, when asked if other campus-crime-related information, programs, and services had

changed the way students viewed their own personal protection, thirty-six percent of respondents thought it had.⁶⁵ Thirty percent of law-enforcement officers believed that this type of information changed the manner in which students moved around their campuses.⁶⁶ Suggesting a heightened level of importance for the role of law enforcement.

An ACHA committee recently endorsed an approach to campus violence entitled *Understanding and Preventing Violence on Our Campuses* and discussed among other concerns, a lack of campus police officers.⁶⁷ The ACHA approach also calls for collaboration by all campus constituents, not just student health services or police.⁶⁸ These sentiments also more directly address a duty that universities may have to their students.

For example, the administration of any institution should feel confident enough to know when to increase police staffing and when to use their campus police department as opposed to utilizing external law enforcement personnel with joint jurisdiction. While one might believe that smaller campus police only complement larger community forces, this is rarely the case. An example is that some questioned the primary use of the WKU Police Department in the Autry murder investigation. Complications in the investigation arose, largely in part, due to WKU Police Department's small size and their associated lack of training in handling such a complex matter.

Unfortunately, all law enforcement have very territorial mindsets. If crime occurs in their jurisdiction they are reluctant to ask for or use outside assistance. This point underscores potential arguments for additional campus police officers to provide security to increasing campus populations and to develop violence prevention programs to be incorporated into other campus programs. The programs exist on many campuses and include warning students about criminal activity at orientation, continued and even bolstered efforts in campus newspapers,

programs in residence halls and developing other programs that have the added effect of screening out students who pose a real threat.⁶⁹ This type of forward thought may help reduce violence and, if nothing else, virtually eliminates the potential breach of duty arguments. But are arguments for increased campus police really going to impact prevalence of campus violence issues.

Research Questions and Hypotheses

In light of recent media attention and high profile lawsuits, debate concerning campus safety has drawn continued and steady attention. Collateral topics to this study involve whether campus crime statistics are accurate in light of potential underreported or misrepresented occurrences; the effectiveness of topical legislative mandates on the behavior of students, staff and faculty, as well as, the evaluation of campus police as a possible solution, discussion of other campus programs and safety initiatives, and the legal implications that loom should university administrators fail to come up with other viable solutions to protect members of their campus community.

This study seeks to answer three broad questions: a) Do universities mirror their host communities in terms of police staffing levels and violent personal crime?; b) What impact, if any, does the population size and setting have on police staffing levels and violent personal crimes, which occur on campus?; and c) Is there a relationship between police staffing levels and violent personal crimes? To answer these questions, the following null hypotheses will be tested:

- HO₁₋₃: There will be no difference in 1) police presence, 2) prevalence of forcible rape, or 3) prevalence of aggravated assaults between universities and their host communities.
- HO₄₋₆: There will be no difference in 4) police presence, 5) prevalence of forcible rape, or 6) prevalence of aggravated assaults by the host community size/setting.

- HO₇₋₉: There will be no difference in 7) police presence, 8) prevalence of forcible rape, or 9) prevalence of aggravated assaults by the size of the university.
- HO₁₀₋₁₂: There will be no associations between population/enrollment and 10) police presence, 11) prevalence of forcible rape, or 12) prevalence of aggravated assaults.
- HO₁₃₋₁₄: There will be no associations between population police presence and 13) prevalence of forcible rape or 14) aggravated assaults.

METHODS

Study Population

A census of state-supported colleges and public universities in Kentucky, and the surrounding communities, in which the universities are located, was used as the study population. Kentucky state-supported public universities are listed and defined in KRS §§'s 164.945, 164.100, 164.290, 164.580 and 164.810. The state-supported public universities in Kentucky, and their respective host-communities, are: Murray State University in Murray; Northern Kentucky University in Highland Hills/Campbell County; University of Kentucky in Lexington/Fayette County; Kentucky State University in Frankfort; University of Louisville in Louisville/Jefferson County; Eastern Kentucky University in Richmond, Morehead State University in Morehead; and Western Kentucky University in Bowling Green.

Data Collection

Archival data were collected from multiple sources. Data on university enrollment figures were obtained through university published enrollment reports and fact sheets from each individual university website.⁷⁰ United States Bureau of Census data were used to abstract the reported mid-year population estimates by places in Kentucky.⁷¹ The estimates on this report varied slightly from the actual census data reported for the Commonwealth in 2004, but were available for each year of interest. As such, these data were used. There is however, a notable

caveat as Lexington and Louisville were not disaggregated from their larger metropolitan area (Fayette and Jefferson County) in the data set, but were in the 2004 Census data. A city-to-area proportion was computed using the 2004 Census data, and this proportion was applied to the population estimates from the mid-year population estimates in order to derive the city population estimate for each year from 2002 to 2005.

Crime statistics are required by Kentucky Revised Statutes, Chapter 17 to be reported annually through the Kentucky State Police Commissioner. The Kentucky crime statistics information is subsequently reported to the Federal Bureau of Investigation for inclusion in the Department of Justice's Uniform Crime Report. Crime occurring on campus must be reported under the Clery and Minger Acts for all postsecondary institutions that participate in the Title IV student financial aid program.

All of Kentucky's state-sponsored universities used in the project are bound by such reporting requirements and therefore must disclose campus crime statistics and security information on a yearly basis. Not only is this information provide to the Kentucky State Police for inclusion in the annual *Kentucky Crime Report*, but the information must also be published and made readily available and accessible to all members of the public.

Some reported campus crime statistics are flawed due to a significant underreporting among victims.⁷² Some publications have alleged impact on hiding campus crime.⁷³ One study of randomly selected students from twelve colleges and universities determined that only twenty five percent of campus crimes were reported to *any* authority across all offenses. Only twenty two percent of rapes, eighteen percent of sexual assaults, and fifty percent of aggravated assaults were reported.⁷⁴ Underreporting or misreporting, whether intentional or not, serves as a limitation to any study in this area.

In the data collection process, several discrepancies were identified between the information reported by the Kentucky State Police in the annual *Crime Report* and the information listed and published by each Kentucky state-sponsored school. For example, in one of the most extreme occurrences in different numbers reported, the Kentucky State Police *Crime Report* listed nine assaults on the University of Kentucky campus in 2002, whereas the UK Police revealed reports that showed a total of forty-one assaults. No clear explanation was ascertainable for such discrepancies between the Kentucky State Police and all state-sponsored university reports. Both groups used the same definition of crimes for forcible rape and assault. As such, it was determined that this study would use the data reported by each of the state-sponsored universities under the assumption that those numbers were the most accurate of the two, particularly, in light of the fact that each university is required under the Clery and Minger Acts to report their campus crime information in an annual crime survey.

The misinterpretation and misuses of crime statistics are problematic, particularly as students and parents wrongly interpret statistics and compare campus statistics with each other.⁷⁵ The use of campus crime statistics, like the use of statistical evidence in tort litigation, is replete with opportunities for misconstruction, misinterpretation, and misrepresentation. While university administrators have little incentive to "improve" the safety of their campuses by intentionally distorting campus crime statistics, it may exist, but that does not however appear to be the case with Kentucky schools. The potential litigation from discovery of this fact, the resultant liability for student victimization, and the ensuing negative publicity will cause more damage to a college's reputation and recruitment efforts than a candid reporting. An unintended distortion of campus safety may transpire, however, as students and their families misperceive and misinterpret an institution's campus crime statistics.⁷⁶

Data on campus and community law enforcement staffing levels were obtained from the Kentucky State Police *Crime Report*, however, this information was also cross-referenced with information reported by each state-sponsored university for campus police. There were no identifiable discrepancies in this information.

Measures

Demographic Characteristics. University size was based on annual enrollment data. Universities with enrollments of less than 10,000 students were classified as “small;” 10,000 – 19,999 students were classified as “mid-sized;” and, enrollments of 20,000 or more were classified as “large.” Campus setting was based on the size of the larger community in which the university is housed. Communities within a major metropolitan population area (MMPA) were coded as “urban” regardless of population estimates. Communities outside of MMPAs were classified by population estimates: less than 25,000 residents were classified as “rural” 25,000 – 100,000 as a “large town/small city.”⁷⁷

Police Presence. To determine the level of police presence per 1000 students on campus, the number of full-time equivalent police officers employed on campus was divided by enrollment figures; this quotient was then multiplied by 1000. Similarly, to determine the coverage of the police force in the host communities, the number of full-time equivalent police officers employed was divided by census population estimates then multiplied by 1000. These variables were computed on an annual basis for years inclusive of 2002-2005. Additionally, the average police presence per 1000 was similarly computed for the total four-year period for campuses and surrounding communities.

Violent Personal Crimes. Data were collected on two primary types of violence against persons: a) forcible rape and b) aggravated assault. The Federal Bureau of Investigation’s

Uniform Crime Report and the Clery Act define forcible rape as the “carnal knowledge of a person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).”⁷⁸ Aggravated assault is defined as the “unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault is usually accompanied by the use of a weapon or by means likely to produce death or great bodily harm.”⁷⁹ Abstracted data for each of these variables were divided, annually, by the a) campus enrollment and b) community population estimates then multiplied by 1000 to determine prevalence per 1000 people. Further, a four-year average prevalence per 1000 was computed.

Data Analysis

SPSS was used to analyze the data descriptively, in terms of frequency and measures of central tendency, and inferentially to test hypotheses. Independent t-tests were used to test for differences in dependent variables of police presence, prevalence of forcible rape and prevalence of aggravated assault between campuses and communities. To test for differences in these dependent variables by institutional setting, as well as by institutional size, a series of one-way analysis of variance (ANOVA) were computed; least significant differences (LSD) post-hoc tests were used to determine between group differences when within-group effects were observed. Correlations were computed to determine associations between campus and community police presence and prevalence of crime. A 95 percent confidence level was used for all inferential analyses.

RESULTS

Descriptive Results

Demographic Characteristics. Both enrollment data and census population estimates show steady growth across the four-year period assessed, as shown in Table 1. The growth in enrollment, however, was double that of the larger community: 3.9 percent to 1.9 percent. Three of the institutions (37.5 percent) were located in designated MMPAs; two (25 percent) were classified as rural. This designation remained stable over the observed time period.

Table 1. Demographics, 2002-2005

<u>Variable</u>	<u>2002</u>		<u>2003</u>		<u>2004</u>		<u>2005</u>	
	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>n</u>	<u>%</u>	<u>n</u>	<u>%</u>
University Enrollment								
<10,000	3	37.5	2	25.0	2	25.0	2	25.0
10,000-19,999	3	37.5	4	50.0	4	50.0	4	50.0
≥20,000	2	25.0	2	25.0	2	25.0	2	25.0
	<u>M=13,395</u>		<u>M=13,722</u>		<u>M=13,839</u>		<u>M=13,911</u>	
	<u>SD=6814</u>		<u>SD=6959</u>		<u>SD=7065</u>		<u>SD=7109</u>	
Community Size/Setting								
Urban	3	37.5	3	37.5	3	37.5	3	37.5
Large Town/Small City	3	37.5	3	37.5	3	37.5	3	37.5
Rural	2	25.0	2	25.0	2	25.0	2	25.0
	<u>M=72,903</u>		<u>M=73,430</u>		<u>M=73,810</u>		<u>M=74,265</u>	
	<u>SD=95379</u>		<u>SD=95903</u>		<u>SD=96062</u>		<u>SD=96324</u>	

Police Presence. Campus and surrounding community police had largely consistent staffing levels from 2002 to 2005, further identified in Table 2. Louisville had double the number of community police officers in 2003 most likely attributable to the initial merger phases of city/county police departments.

In 2002 and 2003, most Kentucky state sponsored universities (87.5 percent) reflected a ratio of one campus police officer for every 1,000 students compared with the surrounding community police department reporting one community officer for every 1000 citizens in only three surrounding communities (37.5%). In four other communities (fifty percent), there were two officers for every 1000 in all measured years except 2003.

From 2002 to 2005, one campus had at least three officers to protect every 1000 students. For years 2003 to 2005 another community police force also reflected community protection (twenty-five percent) of at least four or more officers for every 1000. Staffing at a majority of state-sponsored campus police forces (62.5%) had at least one officer for every 1000 in 2005, with two schools (twenty five percent) revealing an increase in available officers in 2005.

Table 2. Police Presence per 1000 People, 2002-2005

<u>Variable</u>	<u>2002</u>		<u>2003</u>		<u>2004</u>		<u>2005</u>	
	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>n</u>	<u>%</u>	<u>n</u>	<u>%</u>
Campus Police								
> 1	0	--	0	--	0	--	0	--
1 – 1.99	7	87.5	7	87.5	7	87.5	6	62.5
2 – 2.99	0	--	0	--	0	--	1	12.5
3 – 3.99	1	12.5	1	12.5	0	--	1	12.5
≤ 4	0	--	0	--	1	12.5	0	--
		<u>M=1.54</u>		<u>M=1.57</u>		<u>M=1.73</u>		<u>M=1.80</u>
		<u>SD=.691</u>		<u>SD=.786</u>		<u>SD=1.06</u>		<u>SD=.850</u>
Community Police								
> 1	0	--	0	--	0	--	0	--
1 – 1.99	3	37.5	3	37.5	2	25.0	2	25.0
2 – 2.99	4	50.0	3	37.5	4	50.0	4	50.0
3 – 3.99	0	--	0	--	0	--	0	--
≤ 4	1	12.5	2	25.0	2	25.0	2	25.0
		<u>M=2.47</u>		<u>M=2.87</u>		<u>M=2.87</u>		<u>M=2.88</u>
		<u>SD=.923</u>		<u>SD=1.33</u>		<u>SD=1.28</u>		<u>SD=1.28</u>

Violent Personal Crimes. In 2003, the campus prevalence rate for forcible rape in a majority of Kentucky state-sponsored universities (62.5%) revealed that at least one out of every 1000 students would be involved with such a violent crime. The odds of the same event grew in 2005 to 87.5% of the measured institutions. Morehead State University had nine reported rapes in 2005. Six campus communities (75%) reported that one resident out of 1000 stood at risk to become a rape victim. Louisville residents had the single highest prevalence rate for rape and assault.

Other Kentucky communities (fifty percent) in this study also demonstrated an increased likelihood of assault in 2005. Whereas, the on-campus assault rate was lower than their

surrounding communities in most (62.5%) of the measured schools. While not all on campus violent crime is reported, nonetheless, this shows Kentucky students are significantly safer from assault on campus.

Table 3. Prevalence per 1000 of Violent Personal Crimes , 2002-2005

<u>Variable</u>	<u>2002</u>		<u>2003</u>		<u>2004</u>		<u>2005</u>	
	<u>n</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>n</u>	<u>%</u>	<u>n</u>	<u>%</u>
Campus, Forcible Rape								
0	3	37.5	2	25.0	3	37.5	1	12.5
>1	5	62.5	6	75.0	5	62.5	7	87.5
1 – 1.99	0	--	0	--	0	--	0	--
2 – 2.99	0	--	0	--	0	--	0	--
3 – 3.99	0	--	0	--	0	--	0	--
≤ 4	0	--	0	--	0	--	0	--
	<u>M=0.15</u>		<u>M=0.10</u>		<u>M=0.10</u>		<u>M=0.34</u>	
	<u>SD=.197</u>		<u>SD=.081</u>		<u>SD=.113</u>		<u>SD=.345</u>	
Campus, Aggravated Assault								
0	5	62.5	2	25.0	1	12.5	1	12.5
>1	2	25.0	4	50.0	6	75.0	5	62.5
1 – 1.99	1	12.5	2	25.0	1	12.5	2	25.0
2 – 2.99	0	--	0	--	0	--	0	--
3 – 3.99	0	--	0	--	0	--	0	--
≤ 4	0	--	0	--	0	--	0	--
	<u>M=0.24</u>		<u>M=0.42</u>		<u>M=0.52</u>		<u>M=0.59</u>	
	<u>SD=.637</u>		<u>SD=.554</u>		<u>SD=.560</u>		<u>SD=.718</u>	
Comm., Forcible Rape								
0	1	12.5	0	--	0	--	1	12.5
>1	6	75.0	7	87.5	7	87.5	6	75.0
1 – 1.99	0	--	0	--	0	--	0	--
2 – 2.99	0	--	0	--	0	--	0	--
3 – 3.99	1	12.5	1	12.5	0	--	0	--
≤ 4	0	--	0	--	1	12.5	1	12.5
	<u>M=0.71</u>		<u>M=0.86</u>		<u>M=0.98</u>		<u>M=0.99</u>	
	<u>SD=1.14</u>		<u>SD=1.28</u>		<u>SD=1.33</u>		<u>SD=1.32</u>	
Comm., Aggravated Assault								
0	0	--	0	--	0	--	0	--
>1	4	50.0	1	12.5	1	12.5	0	--
1 – 1.99	0	--	3	37.5	2	25.0	4	50.0
2 – 2.99	1	12.5	2	25.0	3	37.5	1	12.5
3 – 3.99	2	25.0	0	--	1	12.5	2	25.0
≤ 4	1	12.5	2	25.0	1	12.5	1	12.5
	<u>M=2.14</u>		<u>M=2.75</u>		<u>M=2.62</u>		<u>M=2.87</u>	
	<u>SD = 2.04</u>		<u>SD=2.41</u>		<u>SD=1.67</u>		<u>SD=2.01</u>	

Inferential Results

Campus versus Community. A series of independent t-tests were computed to determine if differences existed between campuses and their host communities with respect to police

presence and violent personal crimes. As shown in Table 4, the average police presence per 1000 people was significantly lower on campus than within the host community ($t=-2.162$, $df=14$, $p<.05$). Although police presence was significantly lower on campus during each year observed, this difference was only statistically significant during 2002 ($t=-2.270$, $df=14$, $p<.05$) and 2003 ($t=-2.369$, $df=14$, $p<.05$), but not during 2004 ($t=-1.943$, $df=14$, $p=.072$) or 2005 ($t=-1.974$, $df=14$, $p=.068$). Overall, during the four-year observational period, the staffing level for the campus police force was 40 percent lower than within the host community ($t=-2.162$, $df=14$, $p<.05$). Thus, we reject H_{01} .

Table 4. Independent t-Test of Police Presence and Violent Personal Crimes by Setting

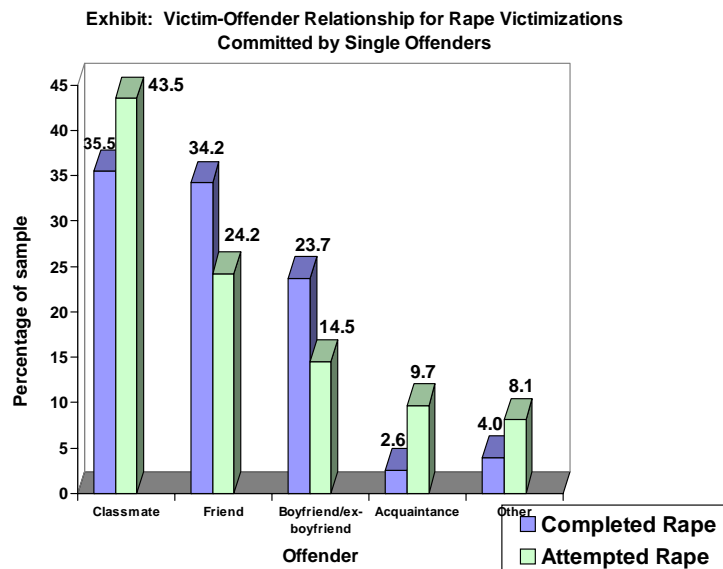
<u>Variable</u>	<u>Campus</u>		<u>Community</u>		<u>t</u>
	<u>M</u>	<u>SD</u>	<u>M</u>	<u>SD</u>	
Police Presence					
2002	1.54	.691	2.47	.923	-2.270*
2003	1.57	.786	2.87	1.331	-2.369*
2004	1.73	1.056	2.87	1.285	-1.943
2005	1.81	.851	2.89	1.280	-1.974
Four-Year Average	1.66	.839	2.77	1.183	-2.162*
Forcible Rape					
2002	.145	.196	.715	1.140	-1.392
2003	.103	.082	.861	1.276	-1.677
2004	.105	.113	.982	1.329	-1.861
2005	.335	.345	.990	1.321	-1.357
Four-Year Average	.172	.119	.887	1.260	-1.598
Aggravated Assault					
2002	.240	.637	2.141	2.041	-2.515*
2003	.419	.554	2.749	2.412	-2.664*
2004	.515	.560	2.625	1.673	-3.382**
2005	.587	.718	2.867	2.005	-3.027**
Four-Year Average	.440	.527	2.596	1.701	-3.433**

* $p < .05$ ** $p < .01$

Despite the lower police presence, the prevalence of aggravated assault was significantly lower on campuses, as compared to the host communities, allowing us to reject H_{03} . Overall, the risk of being a victim of aggravated assault was nearly six times higher within the community as

compared to on campus ($t=-3.433$, $df=14$, $p<.01$). In contrast, the prevalence of forcible rape did not differ between campuses and communities for any of the years observed nor for the observation period in total. As such, we fail to reject H_0 . This implies that an increase in campus police staffing would potentially have little impact on preventing rapes or in lowering the prevalence of rape if an additional campus police presence were added. This may be attributable to the hesitancy in reporting a rape event because of the victim's relationship with offender.

In a somewhat disturbing finding in research, UK's survey indicated that only 1.5% of female victims for all types of sexual offenses reported their experience to the police, while 22.8% of physical assault were reported to a law enforcement agency. Notably, when a case was reported, over 80% of all types of victimizations were reported within 24 hours of the incident, revealing a pattern of cases either being reported immediately or virtually not at all. While not entirely clear, some is likely attributable to the victim-offender relationship. Victim-offender relationships have been reported in other states and may be part of the underreporting



problem.⁸⁰

The individual student may be too ashamed to report interpersonal violence or to get help for her/his victimization. Students who are victimized can feel overwhelmed and need a great deal of support. If they do not sense that this support is there, they will be less likely to report and seek help. This failure by universities to create programs, not only to protect but also to assist, may be a breach of the universities' legal duty.

Community Size/Setting. A series of one-way ANOVAs were computed to determine if police presence and violent personal crimes differed by the community's size/settings. Overall, as shown in Table 5, the police presence per 1000 was highest in urban settings as might be expected, then in rural settings, with large towns/small cities having the lowest proportion, though this finding was not statistically significant ($F_{2,5}=4.12, p=.08$). A similar pattern was found during each of the years observed, again with no statistically significant differences. As such, we fail to reject H_{O4} .

The prevalence of forcible rape within the community was lowest in rural settings and highest in urban settings for each year of observation, as well as overall. Although the risk of forcible rape overall in an urban area was nearly seven times higher than rural areas and four times as great in large towns/small cities ($F_{2,5}=1.175, p=.38$), these findings were not statistically significant, possibly due to the small numbers of reported rapes within each group. As such, we fail to reject H_{O5} .

As with forcible rape, the prevalence of aggravated assault within the community was lowest in rural settings and highest in urban settings for each year of observation and overall. In 2002, this difference was statistically significant ($F_{2,5}=9.430, p<.05$) with urban communities reporting a nearly four and seven-times higher prevalence than large town/small city and rural

areas respectively. Thus, we reject HO_6 although no other years, nor the overall observational period, yielded statistically significant differences.

Table 5. One-way ANOVA of Police Presence and Violent Personal Crimes by Community Size/Setting

Variable	Urban		Lg Town/Sm. City/		Rural		F	
	M	SD	M	SD	M	SD		
Police Presence								
2002	3.2686	1.07496	1.7724	.13531	2.3158	.44703	3.357	
2003	4.0977	1.52281	2.0101	.28564	2.3019	.45939	3.684	
2004	4.0811	1.39708	1.9818	.27896	2.3961	.52831	4.158	
2005	4.0911	1.41734	2.0735	.37749	2.2811	.31337	4.016	
Four-Year Average	3.8846	1.2989	1.9594	.26185	2.3237	.43702	4.120	
Forcible Rape								
2002	1.4137	1.77659	.4699	.32728	.0333	.04713	.986	
2003	1.7089	1.93483	.4564	.43103	.1975	.09353	1.121	
2004	1.9271	1.99409	.4505	.20639	.3602	.13642	1.334	
2005	1.9105	1.96393	.4712	.45113	.3892	.17779	1.248	
Four-Year Average	1.7400	1.91414	.4620	.32683	.2450	.11372	1.175	
Aggravated Assault								
2002	4.3006	1.23960	1.1434	1.22509	.3982	.19097	9.430*	u>t/c, r
2003	4.1170	2.26916	2.7970	2.76448	.6258	.69933	1.403	
2004	3.8686	1.94867	2.2990	1.23165	1.2481	.47325	2.016	
2005	4.1211	2.91391	2.5462	1.04829	1.4661	.16199	1.165	
Four-Year Average	4.1018	1.64030	2.1964	1.01894	.9345	.06376	4.289	

University Size. As shown in Table 6, a series of one-way ANOVAs were computed to determine if police presence and violent personal crimes differed by the size of the university, based on university reported enrollment data. With the exception of one year, the proportion of police per 1000 students was highest among small institutions and lowest among large institutions, with the overall police presence in small institutions being 42 percent and 47 percent higher than mid-sized and large universities respectively. In 2004, police presence was higher in small than large universities than in the mid-sized ($F_{2,5}=9.430$, $p=.556$). None of these findings, however, were statistically significant therefore we fail to reject HO_7 .

Although not statistically significant, the overall prevalence of forcible rape on campus was 31 percent and 40 percent higher at mid-sized universities than large and small universities respectively ($F_{2,5}=.165$, $p=.852$). A similar pattern was noted in 2002 as well ($F_{2,5}=2.413$, $p=.185$), though again, it was not statistically significant. In two of the years observed, 2003 and 2005, small universities had the highest prevalence of forcible rape ($F_{2,5}=.233$, $p=.800$ and $F_{2,5}=.006$, $p=.994$ respectively). Because there were no statistically significant differences in the prevalence of forcible rape by size of the university, we fail to reject H_{O8} .

Despite the campus prevalence of aggravated assault being consistently highest at large universities, we fail to reject H_{O9} because none of the differences noted were statistically significant.

Table 6. One-way ANOVA of Police Presence and Violent Personal Crimes by University Size

Variable	Small		Mid-Sized		Large		F	
	M	SD	M	SD	M	SD		
Police Presence								
2002	1.7657	1.16407	1.4563	.35851	1.3419	.35538	.204	
2003	1.9468	1.33093	1.3663	.10720	1.3160	.27984	.466	
2004	2.3128	1.71524	1.3497	.25464	1.4283	.39245	.663	
2005	2.1894	1.39453	1.6435	.40624	1.4880	.34961	.416	
Four-Year Average	2.0537	1.39993	1.4540	.27917	1.3936	.34432	.438	
Forcible Rape								
2002	.0000	.00000	.2978	.24805	.1343	.12294	2.413	
2003	.1179	.10746	.1146	.07458	.0649	.09176	.233	
2004	.1077	.10775	.0987	.17102	.1083	.08807	.004	
2005	.3548	.55397	.3178	.32842	.3320	.05048	.006	
Four-Year Average	.1451	.16708	.2072	.13007	.1599	.06307	.165	
Aggravated Assault								
2002	.0000	.00000	.0187	.03240	.9309	1.24950	2.038	$u>t/c, r$
2003	.0351	.06702	.5431	.54046	.8069	.87755	1.449	
2004	.2145	.21413	.5161	.17591	.9646	1.16882	1.111	
2005	.6491	1.06310	.3296	.41133	.8803	.79004	.297	
Four-Year Average	.2247	.28448	.3519	.28658	.8957	1.02148	1.055	

Community Population Estimates and University Enrollment.

Bivariate correlations were computed to determine associations between population data, police presence and the prevalence of violent personal crimes. As shown on Table 7, police presence on campus shows a moderate, negative correlation, that approaches statistical significance ($r^2 = -.674$, $p=.06$), with campus enrollment; that is, the number of full-time police officers per 1000 declines as enrollment increases. The same tendency is not noted within host communities ($r^2 = .258$, $p=.537$) or when looking at the combined campus/community population ($r^2 = .355$, $p=.177$). With campus populations expected to increase, the incremental campus police increase may be insufficient. This suggests universities should continue to increase campus police staffing by larger increments just to maintain the current levels of crime incidents. Additionally, if campus police fall too far behind in officer to student ratios, criminal activity could increase due to a lack of perceived police presence. However, as there are no statistically significant correlations between police presence per 1000 and population/enrollment, we cannot make a definitive assessment and thus fail to reject H_{O10} .

We also fail to reject H_{O11} as there are no statistically significant correlations between the prevalence of forcible rape and university enrollment ($r^2 = .028$, $p=.948$), community population ($r^2 = -.175$, $p=.658$), nor when looking at the overall population ($r^2 = .023$, $p=.932$).

When using a combined campus and community population, there are strong positive correlations between the population size and the prevalence of aggravated assault ($r^2 = .800$, $p<.01$ and $r^2 = .793$, $p=.019$ respectively). As such, we reject H_{O12} . This may simply be a factor of human nature, in that the more people there are in a particular location, the greater the chance for a dispute to arise.

A statistically-significant and moderately-strong positive correlation was detected between police presence and the overall prevalence of forcible rape within the community ($r^2 = .671$, $p=.004$) and the overall population ($r^2 = .759$, $p=.029$); thus, we reject H_{O13} .

Table 7. Correlations between Four-Year Average Population, Police Presence, Forcible Rape and Aggravated Assault.

<u>Variable</u>	<u>1.</u>	<u>2.</u>	<u>3.</u>	<u>4.</u>
<i>Overall</i>				
1. Average Population	--			
2. Police Presence	.355	--		
3. Forcible Rape Prevalence	.023	.671**	--	
4. Aggravated Assault Prevalence	.800**	.607*	.439	--
<i>University</i>				
1. Average Population	--			
2. Police Presence	-.674	--		
3. Forcible Rape Prevalence	.028	-.376	--	
4. Aggravated Assault Prevalence	.579	-.139	.173	--
<i>Community</i>				
1. Average Population	--			
2. Police Presence	.258	--		
3. Forcible Rape Prevalence	-.175	.759*	--	
4. Aggravated Assault Prevalence	.793*	.572	.265	--

* $p < .05$; ** $p < .01$

DISCUSSION

The study focuses on one possible solution to campus safety, as well as discussion on actual victimizations, and campus crime reporting. Other campus safety programs will also be discussed. The study's resultant conclusion is that the effect on Kentucky's university administrators cannot be completely measured at this time but that suggestions and speculation may be offered until future studies can be made. Long term effects on overall campus security and the impact of potential legal liability remain undetermined. The information evaluated in this study can be, however, utilized in future evaluations of current university safety policies and programs. Subsequently, other programs and solutions must be balanced alongside potential

legal pitfalls to address campus safety. Some surveys have addressed various aspects of these concerns.

The purpose of this study was to evaluate one possible solution, which involves student to law enforcement ratios, to specific campus violence issues. Many have found student awareness, and the use of the data found in the required crime reports, to be low or inaccurate.⁸¹ This suggesting increases to campus law enforcement staffing levels. However, a more visible police presence presents a formidable challenge for many state universities. For example, UK has only three officers on shift at any given time, a fairly low staffing in comparison to other state universities. For example, three officers is the same staffing managed by WKU, Morehead and the University of Louisville, all universities significantly smaller than UK. Three officers as a shift minimum is also maintained by Mississippi State University, which is located in Starkville, Mississippi, a community of approximately 21,869 residents compared to the combined Lexington/Fayette County community, which has a population of over 200,000.⁸² UK ranks last in the SEC when comparing per capita student spending for police and based on data from a 2003 US DOJ report. UK ranks second to last among benchmark and SEC universities with a student to officer ratio of one sworn officer to 918 students.⁸³

As might be expected, it appears that the largest majority of victims do not seek counseling, advocacy, support or police protection.⁸⁴ The current absence of a strong and well-staffed police force in many Kentucky state-sponsored universities may also contribute to the inadequate response and victimization of campus students.⁸⁵ Based on published US DOJ data, UK ranks last in the southeast collegiate arena when comparing per capita student spending for police.⁸⁶ Additionally, it ranks last among benchmarks in southeast conference universities in student to officer ratio. Thus, suggesting *additional* personnel and continuous training is

necessary for available campus front line responders including police, advocates, therapists, physicians and nurses as well as for the broader university community as a whole.⁸⁷

Students general lack of awareness about Clery and low use rate, coupled with the confusing nature of the law's reporting requirements, has led some to conclude that the law itself does little to influence student behavior.⁸⁸ Student and campus-law-enforcement officer surveyed responses tend to support this conclusion.⁸⁹ As such, university administrators must continue to research and develop solutions such as the effects of police presence on crime levels and police assistance in other campus safety initiatives. A fundamental contradiction built into campus life contrasts the *necessity* of recruiting students, winning over parents, attracting donors, etc., versus the *reality* of various forms of violence on campus. Parents or guardians may be less likely to send their children to a university known as a “party school” or to one that has high incidence of violent crime, including rape. Recent studies reveal many first-year students are particularly vulnerable to victimization, since they have new freedoms, lack parental control for the first time, may be inexperienced in self-protection and boundaries, and are thrust into residence halls where living density is high and social experimentation is common.⁹⁰ Katie Autry was a freshman at WKU when she was brutally raped and tortured in her own dorm room.

This survey revealed that police presence does impact certain crime prevalence rates more than others. While the results of this research do not provide a police presence panacea, it does reveal important information. As increased police presence may impact the prevalence of campus assaults, it may well be worth the increase in campus police staffing. The campus police presence may help deter assaults and help students keep their emotions under control.

Additionally, other research has shown that students and police have little reliance on the crime reports doing anything more than increasing everyone’s awareness. Even then, students

that actually review the campus reporting information or know of its existence put little credence in the information's ability to make them safer. However, increased police presence and other safety initiatives such as instruction in protection and stronger campus community based support may at least prevent certain crime levels from significant increases. Additional research is certainly needed to determine if the number of campus police efforts per shift is effective and whether the deployment location of officers is critical to crime reduction/deterrence.

Impacts of University Location Previously discussed research revealed that university aged students are approaching similar levels of rape and assault prevalence with their community non-student counterparts. However, and as expected, in our study of Kentucky communities/campuses--forcible rape was highest in urban communities. Additionally, in measured year 2002, the comparative population provided in an urban setting yielded almost a seven times higher rate of prevalence of forcible rape than rural areas. While not determined as a significant difference, this may be attributable to unevaluated sociological factors, values and heightened community awareness in rural areas, not typically observed in urban settings. Underreporting by campus sexual assault victims may stem from a combination of individual, institutional, and socio-cultural factors. Only thirty five percent of acts of violence against students were reported to the police in a survey conducted from 1995-2002.⁹¹ Rural communities have been traditionally been more attuned to their population's activities. The small numbers of reported rapes, however, do not allow for a statistically significant finding. Community police staffing operates at higher levels but with that said, it was unexpected to determine that in two measured years small universities had the highest prevalence of forcible rape, which suggest there may no true connection between university setting and crime levels.

Product of environment University police forces are much smaller than the community force in all areas of interest. However, campus environments do reflect a difference in the levels of assaults from their community. Perhaps this is attributable to the partial focus on academic undertakings on campus versus community, but in any event it is significantly lower. The same cannot be determined on prevalence of forcible rape. Perhaps this is because there may be an association between population and forcible rate prevalence. While H_{O11} could not be rejected the treatment and standards associated with sexuality in a certain community (liberal vs. conservative) may have an undetermined impact on the number of incidents.

Police Presence and Forcible Rape. On campus, there was a weak negative correlation between police presence and prevalence of forcible rape ($r^2 = -.376$, $p=.359$, see Table 7). While not statistically significant, the presence of more police officers on campus may have a protective effect against forcible rape that is not noted within the larger community. Though speculative, credence may be given to this notion given that there was no association between campus enrollment and forcible rape ($r^2 = .028$, $p=.948$) suggesting that the broader problem of under-reporting of rape on small campuses, which is that students in a smaller and more closely-knit community may feel more reluctant to report rape for fear or discovery or if perpetrated by an acquaintance – is not at play. However, as previously discussed the factor involved is illusive.

Limitations

In analyzing campus violence patterns and associated types of violence, a number of methodological problems were uncovered in this and other studies⁹² regarding the collection of campus crime data, underlying issues related to campus violence, promising prevention practices, and discussions on campus violence.

In 2001, the *Indianapolis Star* described the inaccuracy of crime statistics reported by many campuses across the country.⁹³ The article quoted an ACE spokesperson as saying, "It's not (colleges') intention to hold back information The way the law is set up now, it's almost always going to create inaccurate data."⁹⁴ The same article described the opinion of the Executive Director of the Student Press Law Center (SPLC), an advocacy-and-support group for campus media who noted "many schools misreport and underreport. Probably most schools misreport in one way or another The information just isn't systematically collected."⁹⁵

No inferences of cause and effect can be made from these study findings as the data are cross-sectional. Further, the four-year observational period is not long enough to determine trends in any of the variables of interest.

Data were archived from multiple sources. Specific references used for crime statistics were each university's annual campus crime reports and the Kentucky State Police *Crime Report*. Differences were noted between the information the university published about its own crime statistics as opposed to the information that Kentucky State Police reported for crime statistics. KSP derives their information directly from the university for report inclusion. However, this study discovered a number of discrepancies, whereby on a number of occasions, crime statistics were reported, for the most part, lower by KSP than by the university. Presumably, this may be the result of human error; however, at the time of this study no such conclusion can be supported. However, in an effort to minimize the reported data from impacting the results observed, all information used for the study was taken directly from published crime reports for each individual state-sponsored university. Results of this study, in general regarding the low prevalence of forcible rape and aggravated assault, may also be the result, or at least affected by, currently non-measurable factors such as underreporting by

students or possibly even misreporting by universities. The lack of statistical significance for prevalence of forcible rape by both the size of the university and the host community should be interpreted cautiously because of the small cell sizes within each level.

The level at which crime is reported is a significant safety and liability concern to university administrators. Overall campus police presence may be a significant and important factor related to crime reporting. For a significant number of women in UK's study, there was a belief that the police would not be able to help them and a hesitancy to get involved with law enforcement likely precluded many reports.⁹⁶ This information appears contrary to arguments for increased police. However, a strong physical presence of campus police, both in residence halls and surrounding environs, may in some instances, as discussed, possibly communicate a strong intolerable message regarding particular violence. Increasing campus police and campus police programs appears to be a good solution for increasing campus crime. However, clearly more research is needed.

On top of all this, universities must still think about liability concerns. The legal theories under which courts consider institutional liability for violent crime committed on students by third parties originated in the theory of *in loco parentis* before 1960, and included cases decided upon the landlord-business invitee theory, the landlord-tenant theory, and the special relationship theory. To mitigate liability some universities have attempted to reduce campus crime by increasing security measures in and around campus facilities and increasing crime-awareness programs.⁹⁷ These programs appear helpful in some respects, but not all universities have them. Foreseeability of campus criminal activity has become one of the most important issues in determining institutional liability. Some have asserted that even if campus officials try to hide or misrepresent campus crime, doing so will only increase their liability in civil lawsuits, in

particular for negligence actions, if it was deemed foreseeable that hiding such crime was the cause of injury to an invitee under several available legal theories.⁹⁸

If the crime was in fact foreseeable but the university put forth its best effort to *avoid* the occurrence, it stands a much better chance of defending its case than if it simply pleads ignorance, or denies foreseeability.⁹⁹

The recent “judicial approach to college liability for personal injuries to students indicates a limited return to *in loco parentis*.”¹⁰⁰ Several theories under which courts may find institutional liability for violent crime committed against students are: negligence per se, which would apply as a result of the intentional collection of false crime data and the reporting of that data to campus constituencies; negligent misrepresentation, which would occur from an injury resulting from incorrect crime statistics upon which the injured party relied; and breach of duty to protect students from foreseeable criminal activity on campus, which arises when an institution *fails* to take *proper steps* to prevent foreseeable crime, based upon past crime statistics.¹⁰¹ Additional theories of institutional liability have been judicially espoused through the years. Three duties incumbent upon institutions seeking to avoid liability are the “duty to be forthcoming about risks . . . the duty to warn” and the “duty to provide adequate security.”¹⁰² Unfortunately, as with many legal terms the phraseology “best efforts” and “proper steps” are not clearly defined.

Some advocate for increased campus police forces, while others argue for increased reporting requirements to mitigate both victimization and litigation. The release of crime statistics and campus security policies were designed to serve as a “sword for student-victims or their families to attack institutions, which fail to respond adequately to campus crime.”¹⁰³ General categories used for duty satisfaction in most states include: data collection procedures,

notice and information dissemination requirements and increased security along with security policies and procedures.¹⁰⁴ A strong emphasis must be placed on increasing staff and student awareness of policies and procedures so that any currently untrained personnel can minimize risk.¹⁰⁵ Too much variation currently exists, regarding what defines duty satisfaction and a more thorough and consistent approach is needed in all states.

In recent Kentucky litigation, Melissa Kay Autry was assaulted and fatally injured in her WKU dormitory room. The Autry¹⁰⁶ matter involves liabilities of both students and administrators, arising out of the operation of a residence hall. Several renewed concerns for university administrators have come to light, which affects all university officials from staff to faculty. The determinative issues still being resolved are whether a duty to protect the student existed because of foreseeability issues and whether immunity will protect WKU. The university won the first round on the immunity argument. However, the mere fact that the Supreme Court conducted a discretionary review on the immunity issue signals they are contemplating a change in current legal policy. This foreseeability/responsibility factor involved is critical. The Plaintiffs in Autry,¹⁰⁷ attempted to avoid WKU's early arguments on governmental immunity by counter-arguments that the operation of a dormitory is not a governmental function but a proprietary (i.e., private) function to which sovereign immunity does not apply.¹⁰⁸ The Court may very well chip away at university immunity and determine a duty of protection existed.

Campus crime and the associated concerns resulted in the consumer-based Clery and Minger legislation. This continued concerns may also lead to other modifications in duty and foreseeability factors for universities.¹⁰⁹ These factors have already been, at least partially, responsible for a change in the way courts view the need for institutions to share responsibility for foreseeable criminal acts committed against students.¹¹⁰ The Clery Act offers "little guidance

as to what constitutes a foreseeable level of campus crime"¹¹¹ and again universities must determine solutions to their concerns.

While most universities continue to wrestle with issues of campus police to student ratios, reporting requirements and other campus security matters, they appear to have made only modest changes in effectuating a positive behavioral change in staff, faculty and students. While Congress and state legislators may not be done with campus security mandates, all levels of the judicial branch have seemingly become impatient in legislative reforms and have begun making legal modifications through court rulings. Should university administrators continue to fail in adequately addressing campus safety issues, then it may be inevitable that universities will find themselves involved in litigation with victim plaintiff groups comprising: students and parents, who are supported or even funded by campus security advocacy groups.

Protecting students from violence has not always been the role of the university but several duties, short of a student-university relationship, may now exist. Previous duties on point had historically fallen upon the community and local law enforcement. Universities, however, have established their own police forces, published required crime statistics and developed or failed to develop other safety programs. With certain campus police programs, the question may now exist as to whether universities are being assigned new duties or have undertaken responsibilities by their actions to try to protect students.¹¹² Some federal and state court jurisdictions have stated that “parents, students, and the general community still have a reasonable expectation fostered in part by colleges themselves, that reasonable care will be exercised to protect resident students from foreseeable harm.”¹¹³ These efforts may now have effectively created a duty with resultant liability for their failure to actually protect their “citizens.” Courts have ruled that colleges do have a duty to provide “reasonable supervision of

students” and “take reasonable steps to protect students.”¹¹⁴ The potential immunity chipping actions by the court can be seen when compared to decisions of as little as a decade ago.

In Withers v. University of Kentucky,¹¹⁵ the Kentucky Supreme Court shifted dismissed the case based on sovereign immunity. Minger¹¹⁶ also addressed sovereign-immunity head-on in a case again arising from a dormitory fire at Murray State University. In Minger, the mother of a student killed in a dormitory fire filed suit against the university’s administrator of housing and its safety officer alleging, *inter alia*, that their negligence led to her son’s death.¹¹⁷ The Minger court cloaked the university with governmental immunity, which precluded the negligence claims. However, the Kentucky legislature in a clear and immediate response, enacted the Minger Act. Kentucky law recognizes that any extension or waiver of sovereign immunity is within the exclusive province of the legislature. Such legislative reaction should signal concern for university administrators about future legislative or judicial modifications. In particular, when other state courts have emphasized the importance of university duties in campus safety.¹¹⁸ Other states have also modified immunity protections, it may be a matter of time before Kentucky follows the persuasive arguments and follows suit.¹¹⁹

The existence of a special relationship imposes upon a defendant the duty to prevent foreseeable harm to the plaintiff.¹²⁰ While some in the university context may attempt to argue that harm caused to students are typically an intervening or superseding act to avoid liability. Some courts have noted that it “would be ironic to consider a superseding cause excusing a grade school for negligent breach of its supervisory duties when assault is the very risk the supervision is designed to prevent.”¹²¹ While a university is certainly not a grade school, the *Jain* case used this language in suit against the university. Courts have ruled that colleges do have a duty to provide “reasonable supervision of students” and “take reasonable steps to protect students”.¹²²

While no duty necessarily arises merely because of the school-student relationship, at least not yet, but “when a college or university knows of the danger to its students, it has a duty to aid or protect them.”¹²³ Such a special relationship was found to have existed that gave rise to a duty to protect a student from a hazing injury.¹²⁴ In this regard, the courts will place a particular emphasis on the foreseeability of the harm.¹²⁵ The continued development of security programs and decisions to increase campus law enforcement will be pertinent factors.

Conclusions

Whether campus crime will decrease, or remain relatively stable, comparative studies have indicated that both students and campus law enforcement administrators believe students are not particularly aware of the crime around them and do not seem to have changed their behaviors to make themselves safer.¹²⁶ Campus-safety programs and specific campus-safety information appear to be more effective than campus-crime reports in raising awareness about crime among students.¹²⁷ No definitive research is currently available to show whether students and parents are affected by campus crime reports when making college choices. However, anecdotal information seems to indicate that it does have a small impact and certainly indicates that crime reports, if nothing else, have increased awareness of the issue of campus crime to some extent. Only about ten percent of students reported using crime statistics as part of choosing their college.¹²⁸

Increasing campus police may help curb the prevalence of violence but more study is needed on the prevalence of forcible rape and other campus violence issues. The effectiveness of increased police and other campus reforms will be evaluated through continued research after a period of years. Future surveys should be conducted to measure student awareness and violence against students after the implementations of new programs.¹²⁹

The findings of this study suggest that the energy and emphasis devoted to the reporting requirements of the Act are ineffective and misplaced. Reported student behavior changes related to reducing their risk of becoming crime victims were not attributable to information contained in these mandated reports.¹³⁰ Tangible solutions appear more practical and some overall increase in law enforcement staffing and increase to campus police involvement in university programs, appear both more generally effective measures in improving safety and reducing liability.

Best practices on campus security should continue to be flushed out and empirically tested. Campus officials should comply with the Clery Act to the best of their ability but should more importantly take proactive measures to protect their students. Research should continue on this important topic and financial support for research and campus-safety efforts should be sought. Relatively safe is not good enough for American campuses. Efforts must continue in other areas such as campus security program development and initiatives, if campuses are truly interested in safer campuses. While increased police may help with the crime prevalence in certain areas, it may also send a message to those that would commit other crimes. To avoid potential liabilities, university administrators must perform all addressed duties to student and staff to mitigate high profile lawsuits with potentially high verdicts. University funds are better spent correcting campus safety concerns than spent defending why actions were not taken.

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⁵ Have Clery and Minger Act requirements been effective in deterring or preventing campus violence? Do existing postsecondary students feel safer as a result of these reporting requirements? Have crime reports, along with their requirements and other educational programs, changed student and university employee on campus behavior? Have prospective students based their selection for higher education on the required and tabulated university crime statistics? Are mandatory reporting requirements being accurately reported by administrators? If not, what potential ramifications exist to college administrators, students and parents? What incentives or sanctions exist for higher education administrators to gather and accurately report information under these acts? Does this have an impact on campus violence toward faculty, staff and students? If campus violence increases, will the continued failure by university administrators to alter staff and student behaviors lead to legislative and judicial agendas that might pave the road for future legal modifications to mandate behavior change; or will the continued level of issue oversight be deemed negligent with the result being the future erosion of college immunity and major liability implications for institutions of higher learning? Are there modifications that universities can perform that will assist in altering student behavior? Can universities ignore possible behavior changing mechanisms and opt to comply with minimal requirements? What is the resulting liability?

⁶ For the purposes of this study any reference to college or university, such reference is intended to be generic in nature regarding any post secondary institution of higher education that complies with Clery Act.

⁷ 34 C.F.R. at § 668.84.

⁸ Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, 20 USC 1092(f), which requires colleges and universities to disclose certain timely and annual information about campus crime and security policies; the Jacob Wetterling

Crimes Against Children and Sexually Violent Offenders Registration Act, which requires states to implement sexual offender registries and the notification of communities of any release from incarceration of convicted sexual offenders; Title IX of the higher education amendments of 1972, 20 USC 1681, prohibits sex discrimination in educational programs at any institutions which receive federal funding; Civil Action for Deprivation of Right, 42 USC 1983, prevents any state official from depriving any individual of the right, privileges or immunities which are set forth by the Constitution or any other laws; Title VI of the Civil Rights Act, 42 USC §200(d), prohibits discrimination on the basis of race, color or national origin; Title VII of the Civil Rights Act, 42 USA § 1981(a), prohibits discrimination in employment practices.

⁹ Sylvester, Dave, "Integration Unifies Campus Security", Commercial Building Products, Vol. 3, No. 5, June 2005, pg. 7.

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¹¹ ABC News Primetime, November 17, 2005, Transcripts pg. 10

¹² Primetime Transcript, pg. 11.

¹³ Primetime, pg. 18.

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¹⁷ U.S. Dept. Educ., Off. Postsecondary Educ., The Incidence of Crime on the Campuses of U.S. Postsecondary Education Institutions: A Report to Congress (Jan. 18, 2001) (available in pdf at <http://www.ed.gov/offices/OPE/PPI/ReportToCongress.pdf>). See also, Gregory, D. E., & Janosik, S. M. (2002) The Clery Act: How effective is it? Perceptions from the field-The current state of the research and recommendations for improvement of the Act and campus safety. *Stetson Law Review*, 32(1), 7-59

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²³ *Id.* See also, Gregory, D. E., & Janosik, S. M. (2002) The Clery Act: How effective is it? Perceptions from the field-The current state of the research and recommendations for improvement of the Act and campus safety. *Stetson Law Review*, 32(1), 7-59

²⁴ *Id.*; Lehigh U., *Home* <http://www3.lehigh.edu/default.asp> (accessed Aug. 12, 2002).

²⁵ See Clery & Clery7, *supra* n. 1 (describing the aftermath of Jeanne Clery's death).

²⁶ 20 U.S.C. § 1092(f) (2000).

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- ²⁷ For an in-depth review and discussion of promising or innovative sexual violence prevention programs, see Wolfe and Jaffe (2003), Söchting et al., Katz (1995), Kilmartin (2001), Foubert (2000), Banyard, Plante, and Moynihan (2004), Schewe (2002), and Lonsway (1996).
- ²⁸ Terry Hartle, Toward a Better Law on Campus Crime, 47 Chron. Higher Educ. B10 (Jan. 12, 2001). *See also*, Gregory, D. E., & Janosik, S. M. (2002) The Clery Act: How effective is it? Perceptions from the field-The current state of the research and recommendations for improvement of the Act and campus safety. *Stetson Law Review*, 32(1), 7-59
- ²⁹ Scott W. Wright, Campus Crime Survey Angers HBCU Officials, Black Issues in Higher Educ. 14-15 (Mar. 2, 2000). *See also*, Gregory, D. E., & Janosik, S. M. (2002) The Clery Act: How effective is it? Perceptions from the field-The current state of the research and recommendations for improvement of the Act and campus safety. *Stetson Law Review*, 32(1), 7-59
- ³⁰ *See* Higher Educ. Ctr. for Alcohol & Other Drug Pervention, *Catalyst, Understanding the Jeanne Clery Disclosure Act* <http://www.edu.org/hec/pubs/catalyst/17.html> (accessed May 2, 2002) (describing the possible use of information collected based on the Clery Act). *See also*, Gregory, D. E., & Janosik, S. M. (2002) The Clery Act: How effective is it? Perceptions from the field-The current state of the research and recommendations for improvement of the Act and campus safety. *Stetson Law Review*, 32(1), 7-59
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- ³² Domestic Violence and Abuse Act, KRS 403, which provides civil protective orders for victims of domestic violence (intimate partners or family members as defined by law); the Civil Right of Action for Stalking Victims, KRS 411, which provides that a victim of stalking may sue a stalker for actual damages caused by the violation, punitive damages, court costs, and reasonable attorney fees; and other criminal laws through the Penal Code of Kentucky including KRS 500 – Statutory Definitions for the Penal Code, KRS 506 – Criminal Attempt, Conspiracy to Commit, KRS 507 – Criminal Homicide (murder, manslaughter, reckless homicide, 507A – Fetal Homicide); KRS 508 – Assault and Related Offenses (terroristic threatening, harassment, stalking, etc.).
- ³³ *See* Kentucky Revised Statute 164.900-164.990
- ³⁴ Kelly W. Bhirdo, The Liability and Responsibility of Institutions of Higher Education for the On-Campus Victimization of Students, 16 J.C. & U.L. 119 (1989). *See also*, Gregory, D. E., & Janosik, S. M. (2002) The Clery Act: How effective is it? Perceptions from the field-The current state of the research and recommendations for improvement of the Act and campus safety. *Stetson Law Review*, 32(1), 7-59
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- ⁶⁹ See *Nero v. Kansas State University* (1993). The university permitted a known rapist to reside in the sole summer residence hall. When the rapist re-offended while living in the hall, the university faced a damaging case from the rape victim (Epstein, 2000).
- ⁷⁰ The Kentucky Council on Postsecondary Education website was accessed at <http://cpe.ky.gov/institutions/state/> and was utilized to connect directly to individually posted university websites and information.
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⁷⁸ Federal Bureau of Investigation Uniform Crime Reporting/National Incident-Based Reporting System Crime Definitions. See also <http://www.securityoncampus.org/schools/cleryact/definitions.html>

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¹⁰⁷ Autry v. Western Kentucky University, No. 2004-CA-000216-MR.

¹⁰⁸ KRS §164.300.

¹⁰⁹ Dennis E. Gregory, Crime on Campus: Compliance, Liability and Safety, 31 *Campus L. Enforcement J.* 27, 28 (July-Aug. 2001). Gregory cited one study that indicated that "46% of all college students surveyed, and 54% of women students, worry about becoming victims of violent crime." *Id.* at 27. See also, Gregory, D. E., & Janosik, S. M. (2002) The Clery Act: How effective is it? Perceptions from the field-The current state of the research and recommendations for improvement of the Act and campus safety. *Stetson Law Review*, 32(1), 7-59

¹¹⁰ Dennis E. Gregory, Crime on Campus: Compliance, Liability and Safety, 31 *Campus L. Enforcement J.* 28 (July-Aug. 2001) (citing Robert D. Bickel & Peter F. Lake, *The Rights and Responsibilities of the Modern University: Who Assumes the Risk of College Life?* 175-179 (Carolina Academic Press 1999)). See also, Gregory, D. E., & Janosik, S. M. (2002) The Clery Act: How effective is it? Perceptions from the field-The current state of the research and recommendations for improvement of the Act and campus safety. *Stetson Law Review*, 32(1), 7-59

¹¹¹ Michael C. Griffaton, Forewarned Is Forearmed: The Crime Awareness and Campus Security Act of 1990 and the Future of Institutional Liability for Student Victimization, 43 *Case W. Res. L. Rev.* 579 (1993). See also, Gregory, D. E., & Janosik, S. M. (2002) The Clery Act: How effective is it? Perceptions from the field-The current state of the research and recommendations for improvement of the Act and campus safety. *Stetson Law Review*, 32(1), 7-59

¹¹² See Kentucky Ctr. for the Arts Corp. v. Berns, 801 S.W.2d 327, 331 (Ky. 1991).

¹¹³ Mullins v. Pine Manor College, 449 N.E.2d 331, (Mass. 1983). See also

¹¹⁴ Jain v. State of Iowa, 617 N.W.2d 293, (Supreme Court of Iowa, 2000).

¹¹⁵ Withers v. University of Kentucky, 939 S.W.2d 340 (Ky. 1997).

¹¹⁶ Minger v. Green, No. 5:99-CV-142-R, 1999 WL 33603139 (W.D. Ky. Sept. 3, 1999), rev'd in part on other grounds, 239 F.3d 793 (2001).

¹¹⁷ Minger v. Green, No. 5:99-CV-142-R, 1999 WL 33603139 (W.D. Ky. Sept. 3, 1999), rev'd in part on other grounds, 239 F.3d 793 (2001).

¹¹⁸ See also *The Restatement (Second) of Torts* § 323 states that "One who undertakes, gratuitously or for other consideration, to render services to another which he should recognize as necessary for the protection of the other's persons or things, is subject to liability to the other for physical harm resulting from his failure to exercise reasonable care to perform his undertaking, if his failure to exercise such care increases the risk of such harm, or the harm is suffered because of the other's reliance upon the undertaking."

¹¹⁹ In Miller v. New York, and in other similarly styled cases, many plaintiffs find grounds to continue litigation in spite of immunity where "[t]he court made clear, however, that the state, when acting as a landlord of the university dorms, was engaged

in a proprietary function and was not entitled to immunity.” Further stating “when the State acts in a proprietary capacity as a landlord, it is subject to the same principles of tort law as is a private landlord.” Courts have begun, more and more, to entertain such persuasive arguments and allow various forms of liability litigation to continue. In Weiner v. Metropolitan Transp. Auth., the court stated “[w]hen the liability of a governmental entity is at issue, “[i]t is the specific act or omission out of which the injury is claimed to have risen and the capacity in which that act or failure to act occurred which governs liability.” More individual university employees are being charged with negligence in the performance of their duties without immunity protections.

¹²⁰ Cutler, 473 N.W.2d at 182

¹²¹ Stevens by Stevens v. Des Moines Indep. Community Sch. Dist. 528 N.W. 2d 117, 119 (Iowa 1995).

¹²² Jain v. State of Iowa, 617 N.W.2d 293, (Supreme Court of Iowa, 2000).

¹²³ Furek v. University of Delaware, 594 A.2d 506, 519-520 (Del. 1991).

¹²⁴ Beach v. University of Utah, 726 P.2d 413, 416 (Utah 1986).

¹²⁵ Schieszler v. Ferrum College, 236 F.Supp. 2d 602, (W.D. Va. 2002).

¹²⁶ Steven M. Janosik & Dennis E. Gregory, The Clery Act and Changes in Campus Law Enforcement Practices, NASPA J.

¹²⁷ Steven M. Janosik & Dennis E. Gregory, The Clery Act and Changes in Campus Law Enforcement Practices, NASPA J.

¹²⁸ Steven M. Janosik & Dennis E. Gregory, The Clery Act and Changes in Campus Law Enforcement Practices, NASPA J.

¹²⁹ Jordan (2005). Presidents Women’s Safety Advisory Council, University of Kentucky Report to President, pg. 5.

¹³⁰ Steven M. Janosik & Dennis E. Gregory, The Clery Act and Changes in Campus Law Enforcement Practices, NASPA J.