

**A Case Study of the Intersection between Policy, Law and Science:
Sex, Alcohol and Athletic Recruiting on Campus**

The Scientific Perspective

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INTRODUCTION

While scandals involving the behavior of college athletes are not new, the year 2004 was marked by numerous high-profile reports of excesses and misconduct in athletic recruiting. At the University of Colorado (CU), these complaints contended that alcohol and sex were used to lure football recruits to the university. These charges were amplified by the fact that at least nine women had alleged sexual assault by University of Colorado football recruits or players dating back to 1997 and three had filed federal Title IX lawsuits against the university. In response, the CU Board of Regents appointed an independent commission to investigate whether alcohol, drugs and sex were used as recruiting tools and to examine existing policies and programs in the athletic department and campuswide. In May 2004, the Commission issued a report (the “Colorado Report”)¹ detailing numerous specific problems along with recommendations to address these issues.

The events at CU, along with reports of recruiting misconduct on other campuses, stimulated others to action. Also in February, National Collegiate Athletic Association (NCAA) President Myles Brand appointed a special Recruiting Task Force that reviewed NCAA rules and practices related to official campus visits and expedited the passage of new recruiting rules in August 2004.² In March, the U.S. Congress convened a hearing to examine issues of athletic recruiting, questioning whether the commercialization of college athletics is harming both the athletes and the female students who come in contact with these athletes.³ These hearings included testimony from CU’s president, an NCAA representative, and others.

These developments, taken together, provide important lessons for other campus administrators in their efforts to respond to problem behavior and create safe and secure campus environments. While the University of Colorado is certainly not alone in facing these issues,

their problems and responses have been the most visible. Their experience represents a cautionary tale for campuses that have not addressed proactively potential problems related to athletic recruiting, the conduct of their athletes, and student problem behavior more generally. The toll for CU has been high, including time and resources spent in crisis response and legal defense, damage to the athletic department's and university's reputations, and, above all, harm to students who have been victimized.

Student conduct issues of this nature are serious and difficult problems that will not be solved overnight. However, research from the public health and community prevention fields provides lessons that campus officials can use to design, implement, and evaluate effective programs and policies on their campuses. Despite the challenges of addressing these issues, it is possible for campus administrators to make progress. CU's experience provides an instructive case study for administrators grappling with the complex issues of sexual assault and alcohol on their own campuses, not just among athletes, but campuswide.

Before discussing problem behavior among college athletes and the Colorado Report specifically, I will begin with an overview of a scientific approach to preventing and addressing problem behavior on college campuses.

A SCIENTIFIC APPROACH TO PROBLEM BEHAVIOR

Effective Solutions Must Consider Science as well as Law

Understandably, high-profile cases of student misconduct raise concerns among campus administrators regarding legal compliance and liability avoidance at their own institutions. Approaching behavioral issues from a legal perspective, however, can lead to a narrow focus on laws and regulations. While it is essential to ensure that campus policies and programs comply with legal guidelines, these mandates stipulate only what is *required*. In recent years, legal scholars have begun to argue that an important defense against liability (as well as the right thing to do) is for institutions to take proactive steps to implement reasonable protective measures designed to foster student responsibility and reduce foreseeable hazards and risks in the school environment.^{4,5} To succeed in this approach, attorneys and policy-makers also must examine what is *effective* in achieving these outcomes. The question of effectiveness is answered not by law, but by science. For the purposes of this paper, "prevention initiatives" refer to all campus programs, policies, procedures, and systems designed to prevent or reduce an array of potential

health and safety issues including sexual assault, sexual harassment, and high-risk alcohol and other drug (AOD) use. For simplicity, the term “program” will be used to refer to these efforts.

What Works?

From a scientific perspective, programs are considered to be effective if they succeed in reducing or preventing campus health and safety problems. So, what works to prevent such problems? Unfortunately, there is no simple answer to this question. Many campus-based programs and policies have not been evaluated, and the existing studies often lack rigor, limiting definitive conclusions. In addition, while more research is clearly needed to help shape effective approaches to problem behavior, every campus is unique and therefore even the best research studies will not yield a simple or “one-size-fits-all” solution. Campus officials will need to tailor promising approaches to their local problems, structures, and culture.

Despite the sparse research literature on campus programs, however, decades of prevention research from community settings suggests a set of best practices for developing, implementing, and evaluating interventions designed to reduce health and safety problems. These lessons, informed by a public health approach, have been applied to the campus environment to create a set of program design principles and a strategic planning process that can guide efforts to address proactively student problem behavior.^{6,7}

A Public Health Approach

While application of the public health model to substance use is not new, only recently have federal agencies and experts have called for the application of this model to problems such as violence, injury, and suicide.⁸⁻¹² A public health approach suggests that, like infectious diseases, health and safety problems including violence have multiple determinants that can be identified and reduced, thereby preventing the targeted problems. The public health approach consists of a series of steps that includes defining the extent and nature of the problem of interest; studying the individual, group, and environmental factors that cause and contribute to these problems, both generally and in a local context; creating and implementing interventions to address these factors; and evaluating outcomes to determine whether problems were reduced and to improve interventions.¹³ Prevention approaches are intended to supplement rather than replace criminal justice, mental health, and other responses to violence.

Models from other disciplines are consistent with this process. For example, in 1998, the U.S. Department of Education established a set of “Principles of Effectiveness” to guide the development of school-based alcohol, drug, and violence prevention programs:

1. Base programs on a thorough assessment of objective data about the drug and violence problems in the schools and communities served;
2. Establish a set of measurable goals and objectives and design programs to meet those goals and objectives;
3. Design and implement programs based on research or evaluation that provides evidence that the programs used prevent or reduce drug use, violence, or disruptive behavior among the target audience;
4. Evaluate programs periodically to assess progress toward achieving goals and objectives, and use evaluation results to refine, improve, and strengthen programs.¹⁴

Planning Successful Programs

As illustrated by these models, program design and evaluation are integrally connected, and the likelihood of program effectiveness depends on careful and systematic program planning. In recent years a consensus has emerged from community-based prevention research about the best practices for developing, implementing, and evaluating interventions designed to reduce health and safety problems. Taken together, these lessons suggest several recommendations that can guide efforts to prevent and address student conduct problems.

Program planners should:

- A. Design programs using a systematic strategic planning and evaluation process involving multiple stakeholders;
- B. Base their programs on a thorough analysis and understanding of the problems to be solved, including developing a broad understanding of the underlying causes, by consulting the scientific literature and conducting a thorough review of local problems and conditions;
- C. Examine existing research, supplemented with theory and logic about what might work to solve the specified problems, and avoid approaches that have been ineffective;

- D. Use multiple, coordinated, and sustained strategies designed to achieve synergy among program components;
- E. Build infrastructure and systems in support of specific strategies, and ensure efforts are supported by senior leadership;
- F. Evaluate program process and outcomes, and use the results for improvement.

Each of these recommendations is described briefly below:

(A.) Strategic Planning and Evaluation Process

Decades of prevention research and practice informed by the public health model support the importance of following a systematic strategic planning process. The following planning and evaluation process can be used to plan interventions to address campus violence and AOD use as well as an array of other campus problems:

1. Conduct a problem analysis, including gathering data, examining resources and assets, and analyzing and summarizing the data.
2. Establish long-term goals
3. Consult research, theory, and logical assumptions to select strategies likely to achieve the specified goals
4. Create a strategic plan
 - a. Choose strategies most likely to lead to desired outcomes; translate these into activities.
 - b. Create a program “logic model”
 - c. Create a work plan and monitor implementation
5. Evaluate programs and policies and use results for improvement

While presented as a linear process, in practice planners will often rework earlier steps as more information is gathered and assessed. In addition, planning processes are most effective when conducted as a collaborative effort, allowing key stakeholders to contribute information and work in partnership on program design, implementation, and evaluation. The best mechanism to ensure broad participation is formation of a coalition that includes campus officials and members of the surrounding community. However, some campuses initially create a campus-based task force and later expand the group to include community representatives. While experience has shown that successful efforts to create systematic change in the campus

and community environment will eventually need to engage many constituencies, there are numerous possible models for developing these partnerships and alliances.

While a description of the general principles underpinning the strategic planning process is presented below, a more detailed explanation of each step in the planning process can be found elsewhere.^{15,16}

(B.) Problem Analysis

Conducting a problem analysis is an important first step to help program planners understand thoroughly the extent and nature of the problem behavior and its contributors before creating solutions. While often referred to as “needs assessment,” the term “problem analysis” is more accurate in capturing the goal of this process, which is to create a shared understanding of the common problem that all stakeholders are trying to solve. The rationale is simple: equipped with a detailed understanding of the problems, planners are more likely to choose appropriate solutions. Implementing prevention programs without first analyzing the problem is analogous to a doctor prescribing a treatment plan without obtaining the patient’s history, asking about the complaint, and conducting a physical examination.

No one factor causes complex problems such as violence or substance use, and therefore the problem analysis must examine the broad array of factors that cause and contribute to the behaviors of concern. These factors can be organized according to a “social ecological framework,” a commonly used public health model that recognizes that health- and safety-related behaviors are shaped through multiple levels of influence—individual, group, institutional, and community as well as public policy and societal factors.^{6,17,18} The nature and strength of these factors will vary across settings and by type of violence.¹⁹

A comprehensive analysis of the problem should include a review of the research literature to become familiar with the available empirical evidence about the extent and nature of the identified problem and its causes. In addition, the planning team must conduct a thorough analysis of their campus-specific problems and conditions. In addition to pinpointing problems and needs, this review will identify existing assets, current initiatives, and available resources that can be mobilized as part of a coordinated and comprehensive effort. The information gathered during the problem analysis serves as the basis for program development.

(C.) Literature Review and Identification of Promising Approaches

The planning team should also review the research literature to identify programs with empirical evidence of success in solving the identified problems. The key is to remain problem-focused, rather than adopting programs that seem generally promising but do not address the identified campus problems. Programs will be more effective if planners seek solutions that address the specific contributing factors identified in the problem analysis and design efforts to address these deficits. In the absence of research, planners can also develop strategies by considering how the identified problems logically might be changed. For example, if an existing protocol requires notification of a supervisor when a report of sexual assault is received, yet notification is not occurring because the chain of command is not clear, program planners do not need a research study to recommend interventions that clarify the chain of command and reinforce the reporting requirements.

In addition, research findings may help planners avoid adopting programs that have been proven ineffective. For example, research demonstrates that brief, one-time programs are not effective in changing deeply-held attitudes associated with sexual aggression, suggesting that multiple sessions will be needed to achieve results.²⁰

(D.) Multiple, Coordinated, and Sustained Strategies

As noted above, campuses must seek to minimize the broad spectrum of factors that contribute to violence by addressing the full range of underlying contributors. A comprehensive program will use multiple strategies to address these factors, including the following:⁶

- Addressing attitudes, beliefs, perceptions, and skills that contribute to problem behaviors through education, skill building, curriculum infusion, and other efforts.
- Supporting healthy group norms and promoting bystander intervention.
- Conveying clear expectations for conduct among students, faculty, staff, and visitors.
- Creating and disseminating comprehensive policies and procedures addressing problem behaviors, and instituting training programs to ensure that policies are followed and enforced.
- Providing a range of support services for students, including mental health services, crisis management, and comprehensive and compassionate services for victims.
- Implementing changes to the campus and community environment designed to reduce the availability and promotion of alcohol and other drugs.

Prevention science finds that programs are more effective when multiple strategies are coordinated and synergistic. For example, new policies must be supported by campuswide education about the policy, training of those charged with its implementation, and rigorous enforcement of its provisions.

(E.) Infrastructure, Systems, and Leadership

In order to succeed, programs require supportive infrastructure, which includes the broad range of resources, systems, and processes needed to develop, implement, and evaluate interventions. Important types of infrastructure for such efforts include partnerships and collaborations, institutional support, and communication systems. In addition, senior administrators must exercise leadership and oversight in order to ensure successful efforts.

(F.) Evaluation

Given scarce resources, it is imperative to use them both efficiently and effectively. Key to successful prevention is evaluating whether programs are achieving their intended outcomes. Because most program planners associate evaluation with measuring results, they often delay thinking about it until after a program is up and running. To be most effective and useful, however, the evaluation should be planned as the program is being developed. Building measurement of both process (implementation) and outcomes (results) into the program plan from the outset will sharpen everyone's thinking about the program—its mission, goals, objectives, and tactics. Additionally, planning teams can use evaluation results to revise and improve their programs to maximize their effectiveness.

As described above, the success of the strategic planning process rests on a thorough understanding of the problem and the identification of targeted solutions. A comprehensive problem analysis includes a review of the research literature to learn about the extent and nature of the identified problem and its contributing factors. In addition, campus officials must conduct a detailed analysis of local problems and conditions. I will first review the research literature on athletes and problem behavior, and then describe the Colorado Report as an example of a local problem analysis.

COLLEGE ATHLETES AND PROBLEM BEHAVIOR: RESEARCH LITERATURE

While it is clear that athletes are not solely responsible for problem behaviors on college campuses, it is commonly believed that athletes perpetrate sexual aggression at higher rates than non-athletes. Some studies support this finding, for example, one survey of undergraduate women at a large Midwestern university regarding “sexually stressful events” found that, while male athletes represented less than 2 percent of the total male population on campus, they made up 22.6 percent of the attackers in sexual assaults and 13.7 percent in attempted sexual assaults.²¹ At another university, a survey found that men’s involvement with collegiate athletics was positively associated with sexual aggression severity.²² A third investigation studied judicial affairs records (without identifying information) at ten Division I institutions over a three-year period and found that, while student-athletes comprised 3.0% of the male student population, they represented 35% of the perpetrators reported for battering and sexual assault.²³

Other studies, however, have found that athletic status is not significantly associated with higher rates of aggression.²⁴⁻²⁷ In a 1996 review, Koss concluded that most of the studies to date had significant methodological flaws, and the research was not yet definitive on the question of whether collegiate athletes as a group are more sexually aggressive.²⁸ Whether or not athletes offend at higher rates, however, these studies demonstrate clearly that athletes are involved in problematic levels of sexual violence.

In addition, research has found higher levels of attitudinal and behavioral risk factors associated with sexual aggression among athletes compared with other students. For example, male athletes report substantially higher levels of agreement with “rape-supportive” statements such as “drunk women at a party are fair game” and “any woman can resist rape if she really wants to.”²⁹

Athletes also participate more in problem behaviors associated with sexual aggression. For example, athletes engage in heavy drinking at higher levels than non-athletes. One national study found that 57% of male college athletes report heavy episodic drinking (defined as five or more drinks in a row for men) compared to 49% of non-athletes.³⁰ Another study found that male athletes drink greater quantities of alcohol — an average of 9.66 drinks per week — compared to 6.37 drinks among non-athletic team members.³¹ In a study of college males including athletes and fraternity members, Koss found that the most serious levels of sexual aggression occurred among men who usually drank until they got drunk.²²

Another study found that college athletes engaged in sexual intercourse under the influence of alcohol more than non-athletes (7.9% and 7.4% of college and former high-school athletes, respectively, compared to 4.4% of non-athletes.)³² Alcohol use in the context of sexual interactions may increase the risk of sexual assault through several means, for example, men may be using alcohol as a coercive tactic to obtain sex, or intoxication may result in misperceptions of the women's sexual intent, a decrease in concern about her experience, or a decreased ability to evaluate accurately whether consent has been obtained.³³

Although the link between alcohol and sexual violence is well-documented,³³⁻³⁵ there is no simple cause-effect relationship. Recent conceptual models of the alcohol-violence relationship underscore the need to consider alcohol as one factor in the complex interplay of individual, situational, and environmental factors that lead to violence. As suggested above, alcohol can contribute to violence through multiple pathways, including effects on inhibition, information processing, attention, behavioral constraints, and social and cultural expectations of behavior.^{34,36}

Other research has examined the group and peer factors associated with sexual aggression. One researcher began by asking a group of students to rate all campus athletic teams and fraternities on the extent to which the group's parties "create an atmosphere conducive to sexual offenses" and then studied the highest- and lowest-risk groups as well as a group of non-members. They found that the high-risk group members scored higher on measures of sexual aggression, hostility toward women, and male peer support endorsing sexual aggression compared to low-risk groups and nonmembers.³⁷ This finding offers a possible explanation for the mixed prevalence findings by suggesting that it is not group membership per se that leads to sexual aggression, but more likely a combination of group norms and individual attitudes in particular subgroups.

Additionally, scholars have hypothesized that the dynamics of all-male groups can contribute to sexual assault among athletes by creating a "groupthink" environment that reinforces rape-supportive attitudes and fosters conformity.^{38,39} Some researchers have identified peer pressure to perform sexually and fear of "losing face" as factors encouraging participation in gang rapes.^{38,40}

In addition to individual and group-level variables, a comprehensive review of the problem must examine the array of environmental influences that may facilitate or hinder

problem behaviors, including physical, social, cultural, economic, legal, institutional, and community characteristics.⁶ While little empirical work has explored systematically either institutional or community responses to athlete misconduct, qualitative studies and case reports document many instances in which athletic officials become personally involved in these cases with the goal of reducing the consequences to the athlete and minimizing publicity.^{39,40} These actions are particularly problematic, as a lax response by the institution to instances of misconduct may signal to athletes that they will not be held accountable to commonly accepted standards of behavior. In addition, these cases may send a message to the campus community that the institution lacks a commitment to addressing violence against women generally.

Many people gauge the community's seriousness about cases involving athletes by examining criminal justice system responses. Acknowledging that sexual assault cases can be difficult to prosecute, especially those involving acquaintances, one investigation by a news outlet found that sexual assault cases involving professional and collegiate athletes were less likely to be prosecuted than sexual assault cases not involving athletes.⁴¹ Possible factors cited for these outcomes included pressure by the institution or athletic department on the criminal justice system to drop or reduce the charges; public or institutional pressure on the victim not to go forward with the case; greater financial means of the athlete allowing them more experienced legal representation; a predisposition of jurors to favor the athlete's story; reluctance of the athlete to agree to a plea bargain due to possible repercussions on playing status or future civil suits; and greater perceived credibility of the celebrity athlete compared to the unknown accuser by the institution and the public at large. Some sexual assault victims do not wish to testify in court, and sometimes women who are initially willing to press charges abandon the case when they realize the toll it will take on them to bring a case against a well-known athlete. Benedict (1997) documents in detail the extensive lengths to which defense attorneys will go to undermine the credibility, motives, and reputation of an accuser.⁴⁰

In terms of social and cultural contributors, many researchers note the high levels of violence against women in the culture as a whole, locating the roots of this violence in patriarchal and profit-driven structures.⁴²⁻⁴⁴ These scholars contend that the sports culture contributes to this general environment by defining success through aggression, celebrating masculinity, and fostering male privilege.^{39,40,45}

In summary, the research is equivocal on whether collegiate athletes as a group perpetrate more sexual aggression compared with other students; however, it is important to note that these studies consistently document unacceptably high rates of sexual violence perpetrated by male collegiate athletes. Athletes have generally higher levels of risk factors and behaviors associated with sexual assault, and certain subgroup environments and group dynamics appear to increase the potential for sexual assault. The privilege and power conferred on collegiate athletes may serve to shield them from the consequences of their actions more than other students, and given their visibility and status on campus, an institution's responses to athlete sexual misconduct sends a message to the broader campus community about the extent to which these behaviors are tolerated. Given these findings, it is critical for administrators to implement proactive measures to address these risks in the athletic culture and campuswide.

These studies also underscore the importance of considering multiple determinants of complex problem behaviors. Berkowitz (1992) proposed an integrated conceptual model of sexual assault which suggests that these incidents result from a combination of perpetrator and victim socialization experiences, beliefs, and attitudes towards sexuality, the situational characteristics of the situation, and the perpetrator's misperceptions of the victim's intent.⁴⁶

While this information serves as critical background to understanding conduct problems among athletes, it does not provide administrators with a specific understanding of the ways in which these problems manifest themselves locally and the conditions that may be facilitating sexual assault and other problem behaviors on their own campuses. The value of the Colorado Report is in its analysis of local problems and institutional responses.

UNIVERSITY OF COLORADO REPORT OF THE INDEPENDENT COMMISSION

The Independent Investigative Commission Examining the University of Colorado's Athletic Recruitment Practices was formed on February 6, 2004 by the University's Board of Regents in the wake of allegations of rape, underage drinking, drug use, and other problem behavior, occurring both during and outside of football recruiting visits. The Commission's charge was to (1) Examine the University's and Boulder Campus' policies and programs, and their implementation in the areas of sexual misconduct, student conduct, and alcohol and substance abuse awareness; (2) Examine the Boulder Campus' athletic policies and programs and their implementation in the sexual conduct and alcohol use, including the question of

whether sex and alcohol are used as recruiting tools in the football recruiting program; and (3) Provide a report to the Board of Regents containing the findings and recommendations of the Committee.

The Commission focused on four questions:

1. How was football recruiting conducted?
2. Were sex and alcohol used as recruiting tools in the football program?
3. Who knew about misconduct, and what actions did they take?
4. What cultural influences were at play on campus and within the Athletic Department?

The investigation included the following activities: (1) fifteen meetings; (2) testimony from 56 witnesses; (3) review of more than 20,000 pages of documents; (3) review of policies and protocols, including University, NCAA, Big 12, student, and team policies; (4) hiring a private investigator who interviewed 85 individuals; (5) establishing a nationwide, toll-free tip line; (6) seeking additional information from a variety of sources.

On May 14, 2004, the Commission released their 50-page Final Report to the University of Colorado Board of Regents.¹ The Colorado Report's fifty findings and recommendations focused on both on the narrow questions asked of the Commission and on more sweeping related issues of campus and Athletic Department culture, personnel and compensation matters, admission and academic standards, sexual assault protocols, and alcohol abuse.

Overall Findings and Recommendations

The report's two-page Executive Summary presents findings in two major areas, (1) Sex, Alcohol, and Recruiting; and (2) Accountability, as well as some additional general recommendations (see Appendix A.) The body of the report presents extensive detail about the facts uncovered regarding each of the four guiding questions, including the history of conduct problems at CU; a description of specific incidents; the administration's responses; summary findings in each area; and detailed recommendations. While space limitations precludes a point-by-point description of the report's contents, the Commission's key conclusions in the two major areas are presented below along with selected facts from the report and a brief summary of the recommendations in that area, followed by an overview of the Commission's general recommendations. Given the focus of this paper, more detail is provided under the first category (sex, alcohol, and recruiting) than the second (accountability.) Additional detail on the events

leading up to the report and the facts uncovered by the Commission about these events can be found in the chronology of Colorado's crisis in Appendix B.

In the Executive Summary, Commissioners affirmed that the problems addressed by the report are not limited to CU, but faced by the culture at large. They also noted the negative effects on collegiate athletics of a "hyper-competitive recruiting 'arms race' that is complicated by the presence of big money, lucrative media, and easy access to alcohol and sex."(p. 5)¹ In addition, they acknowledged that the majority of CU student-athletes do not engage in problem behavior, and recognized the positive contributions of the sports program to the university.

Sex, Alcohol, and Recruiting

Key Finding:

The Commission concluded there was evidence demonstrating that sex, alcohol and drugs were used as football recruiting tools by some players who hosted recruits during visits and possibly a football recruiting assistant. They found no clear evidence of university officials knowingly sanctioning or having direct involvement with these actions. The Commissioners asserted, however, that given the widespread use of sex and alcohol in recruiting at CU and nationwide, that coaches and administrators "knew or should have known this and did not take sufficient corrective action until March 2004."(p.6)¹ Specifically, the Commission stated that these officials failed to adequately educate player-hosts, enforce the rules, or supervise the recruits.

Selected Facts – Sex, Alcohol, and Recruiting:

The facts presented in this section of the report cover a wide range of issues, including the context of athletic recruiting, the history of recruiting violations at CU, the structure of recruiting visits, supervision of recruits and hosts, rules and communication of rules to hosts, and extra-institutional policies. The following is a sampling of these facts.

Recruiting in a competitive environment

- Football programs nationwide have difficulty maintaining an uncorrupted recruiting process given the competitive pressures faced by Division I programs. The NCAA levies sanctions for recruiting abuses more than any other issue.

CU probation for recruiting violations

- CU had been placed on probation in October 2002 for 53 recruiting violations by the NCAA's Committee on Infractions, which at that time called the violations "pervasive and systematic." During the Commission hearings, University officials downplayed the severity of the infractions.

Hosting of recruits during campus visits

- During campus, recruits are typically paired with current players who serve as "hosts." One criterion used by coaching staff to match recruits and hosts on common interests included whether they "liked to party." CU hosts were often underclassman.
- Host responsibilities were outlined in various locations, but did not make clear that hosts should stop or report recruit misconduct. The head coach did not clearly spell out host responsibilities and expectations to the player-hosts.
- Hosts said they did not see it as their role to control recruit behavior and had not been told it was their responsibility to do so. One host said, "I feel that the position we're placed in is that we're supposed to take those recruits out, you know, show them a good time."(p. 10)¹
- Some campuses have "Ambassador programs," in which recruits are paired with female students who escort them around campus and answer questions.

Prior incidents at CU

- Several specific incidents were detailed in the report. Included were situations in which recruits allegedly:
 - Used alcohol and marijuana (in some cases provided by players), including a shot-drinking contest
 - Were taken to a strip club
 - Attended parties with hosts
 - Engaged in sex with a female student
 - Engaged in sex with call girls arranged by a recruiting assistant (the assistant denies this allegation)
 - Engaged in group sex at a party arranged by the hosts

Absence of institutional rules and oversight

- The athletic director was heard on more than one occasion saying that coaches had to maintain a façade of “plausible deniability,” which others understood to mean a lack of documentation or witnesses who could confirm that administrators knew of the partying by recruits and hosts. (Note: In his testimony, the athletic director categorically denied any knowledge of alcohol and sex being used as recruiting tools.)
- The Commission found that administrators and coaches failed to clearly explain rules, responsibilities and standards of behavior to player-hosts and failed to supervise hosts and recruits.

Absence of NCAA rules governing behavior

- While the NCAA has extensive rules governing recruiting that the Commission called “voluminous and cumbersome,” none address standards of behavior, leaving each institution to establish and enforce their own rules regarding misconduct. Specifically,
 - NCAA rules do not expressly forbid players or hosts from providing alcohol to underage recruits or from taking them to bars and strip clubs.
 - The report states, “The Commission observes that the NCAA has adopted rules governing the number of logos a player can wear, yet fails to adopt rules governing more substantial and potentially life threatening issues such as alcohol use, acquaintance rape and other inappropriate behavior.”(p. 8)¹
 - As of the date of the report (May 2004), proposed reforms from the NCAA’s recruiting task force did not address behavioral issues.

Summary of Recommendations: Sex, Alcohol, and Recruiting

The report contains numerous detailed recommendations suggesting specific solutions to the problems detailed in the report. While too numerous to list, they include such measures as increasing supervision of recruits, more careful selection of recruits, encouraging reforms to NCAA recruiting rules to address conduct issues, better oversight by administrators of disciplinary matters involving athletes, and increased sanctions for coaches who fail to discipline for infractions.

Implications

While not addressed by the report directly, the Commission's findings in this section form the basis for an enhanced understanding of the role of recruiting practices in increasing the risk of sexual assault by male athletes. Creating an expectation among recruits that sex will be provided can easily result in confusion about whether obtaining consent for sexual activity is necessary in that situation, especially when complicated by a context of heavy alcohol use. In addition, these actions may serve to create or foster a general sense of entitlement and expectation that women are sexually available to them, which again undermines the importance of sexual consent. These beliefs may contribute to misperceptions of sexual situations, for example, assuming that a woman who goes to your room is communicating her wish to have sex. Finally, the party context may contribute to a group dynamic where men feel pressured to perform sexually with women to impress their peers, whether or not the women involved is consenting.

Accountability

Key Finding:

The Report states "The University's leadership must be held accountable for systematic failings that jeopardized students' safety and allowed for ongoing misconduct in the football recruiting program."(p. 6)¹

Selected Facts:

- The Chancellor and the Athletic Director failed to effectively communicate and develop solutions to identified recruiting problems.
- Administrators at all levels minimized the importance of the recruiting problems.
- The head coach and his staff provided insufficient supervision of recruits.
- The head coach behaved with insensitivity towards issues of sexual assault and sexual harassment and did not follow protocols in these areas
- The President failed to exercise sufficient oversight until pressured to do so

Summary of Recommendations: Accountability

The Commission recommended that President Hoffman evaluate whether the Chancellor, Athletic Director, and Head Football coach are capable of and committed to providing the

leadership necessary to effect profound changes in culture, structure, and reporting systems. They also recommended that the regents evaluate whether Hoffman can provide the leadership and vision needed to restore the University's integrity and reputation. They further suggested that the regents examine what they have done to advance the principles of the Knight Foundation Commission on Intercollegiate Athletics since endorsing them in 1992.⁴⁷

Other Recommendations:

The Commission also urged adoption of the recommendations made by the Boulder Faculty Assembly's Special Committee on Athletics Reform regarding institutional control and accountability of the Athletic department within the university, admissions and academic standards, and faculty involvement with athletics. Suggested changes include changing the reporting structure so the athletic director reports to the provost instead of the chancellor to increase the level of supervision and oversight.

In addition, the Colorado Report presented findings about the adequacy of CU's sexual assault, harassment, and alcohol and other drug policies and procedures generally. They recommended that the vice chancellor for Student Affairs be required to develop, implement, and coordinate campus-wide (including athletic department) policies relating to sexual assault, sexual harassment, and alcohol abuse, and report directly to the president and chancellor on these matters.

ANALYSIS AND DISCUSSION

Prevention science suggests that effective responses to complex problems such as sexual assault, harassment and alcohol abuse must be based on an analysis of the broad array of causes and contributors to these behaviors. This review shows the importance of both consulting the scientific literature and conducting a thorough analysis of local problems and contributors.

The research literature demonstrates that male athletes are more likely to hold attitudes and beliefs and attitudes and to engage in behaviors associated with an increased risk of sexual assault. Group dynamics and norms may serve to support these attitudes and also confer additional risks. The privileged status of campus athletes may decrease the likelihood of strong institutional and community responses to their conduct, making the athletes feel immune to usual

standards of behavior and signaling the institution's lack of commitment to addressing these issues.

The findings of the Colorado Report extend the information available in the research literature in two ways. First, the report documents and describes the specific problems experienced at CU, which then forms the basis for an array of targeted recommendations to address these problems. In the report, each proposed action has a clearly stated rationale and goal, which is important in creating effective programs and can also form the basis for evaluating whether these changes achieve the stated purpose. Second, much of the scientific research focuses on individual and group factors that contribute to sexual aggression, while the report highlights the many institutional, community, and broader policy and culture factors that exert an effect on the conduct of students.

The CU report underscores the need for local and ongoing assessment of student behavioral issues, both among athletes and campuswide. Prior to the Commission, despite numerous reported incidents, CU had not conducted a systematic and broad-based review of problems or institutional responses related to recruiting, sexual assault, sexual harassment, or alcohol abuse among athletes. Because the vast majority of assaults and harassment are never reported,⁴⁸ campus personnel should conduct such a review periodically even in the absence of official reports. In addition, CU officials lacked a mechanism to communicate the institutional history of past problems to newly hired administrators, impeding the detection of problem behavior patterns and limiting the possibility of institutional solutions. Conducting a regularly scheduled analysis of student conduct issues can help overcome those communication problems.

The Colorado Report describes in detail the types of institutional failures and broader environmental factors that can contribute to student conduct problems. While the Commission began by focusing on recruiting, the investigation quickly led to a review of the campus environment as a whole and the wider cultural influences affecting college sports, alcohol and other drug use, and sexual aggression against women. Their analysis highlighted failures of the Colorado administration to consider seriously the potential for these problems; to acknowledge specific conduct problems among their athletes; to respond strongly; to implement proactive measures to prevent future problems in the athletic program; and to support these programs with campuswide efforts to prevent sexual violence and other problem behaviors.

Corresponding to their analysis, the Commission's recommendations are multi-faceted and involve many sectors of the campus and community. This approach is consistent with prevention research, which demonstrates that effective solutions must involve multiple strategies addressing the full array of identified contributors. Officials need to ensure that there are clearly communicated standards of behavior, strong policies that are uniform across all campus groups, and consistent and strong enforcement of sanctions. These standards must be communicated and institutionalized through multiple means including programs, policies, protocols, and systems.

The Colorado Report highlights the importance of leadership from the top. Clear statements about intolerance of violence can help to set a standard, but must be supported by action. CU's experience underscores the expectation that senior campus and system administrators will have hands-on involvement in creating a safe campus environment and will be held accountable for others who work in the system. This leadership role must include oversight and enforcement of campus policies and standards across campus groups, rather than allowing subgroups to operate autonomously.

The Colorado Report demonstrates that, to accomplish prevention goals, campuses will need systems of communication and accountability that fit the particular organizational culture and structure. The specific structural changes proposed by the CU commission may not be appropriate for every university. Each campus should consider which arrangement will best achieve the goals of effective oversight, communication, and management.

CONCLUSION

While press coverage of athletic misbehavior is not a new phenomenon, after the recent high-profile incidents, Colorado Report, NCAA reforms, and Congressional hearings, campus administrators will be hard-pressed to claim ignorance of the potential for conduct problems within their athletic programs. While it is too soon to know whether such reports might be used in court cases to assess whether campuses have taken appropriate steps to adopt effective prevention efforts, they will certainly be considered in the court of public opinion. The detailed incident descriptions in the Colorado Report underscore the fact that often athlete misbehavior is not hidden or subtle. Far too often, there is a long history of problems and little response by campus officials. The complex interplay of contributing factors detailed in these reports is useful background for administrators seeking to understand their own campus problems.

The intent of this discussion is not to single out the details of the CU case for either condemnation or praise; rather, the value of this case is in the broad outlines. The existence of numerous reports of problem behavior was met by insufficient institutional responses, which led to a crisis. The institution followed by conducting a detailed analysis of local conditions that began to lay the groundwork for change.

Of course, science is driven by outcomes, and this case analysis is an examination of process, not results. It is not yet clear whether CU's response to their problems will be effective. Successful reforms will depend on many factors, including the institution's commitment to change, concrete actions taken, improved accountability, and ongoing attention to these issues. Without a thorough analysis of the existing problems and the identification of specific recommendations, however, there would be little or no chance of successful change.

This case study supports the lessons learned from prevention science. To be effective, efforts to address problem behavior will require ongoing and systematic efforts that include developing a thorough understanding of the problem, understanding the multiplicity of contributing factors, including aspects of larger campus and social culture, conducting an analysis of local conditions and problems, and developing and implementing multiple, coordinated solutions. These efforts must involve multiple campus and community sectors, and must be supported by institutional commitment, leadership, and systems of accountability.

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